


Planning PD for Ethics

and the New PA Department of Education Chapter 49 Competencies

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Successful Leadership
Shaping your school's story




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About “the Fox”

- Bachelor of Fine Arts in Music (Viola) & Master of Fine Arts in Music Education from Carnegie-Mellon University


Currently:

- Five decades involvement in the field of music education
- State Coordinator of PMEA Retired Members (9+ years)
- Chair of PMEA State Council for Teacher Training, Recruitment, and Retention (8+ years)
- Trainer/Instructor for the Thomas W. Bailey PDE-approved Act 45 PIL and Act 48 PD classes on PA educator ethics
- Presenter, author, blogger, and publisher of more than a dozen articles and 20 workshops/webinars on educator ethics, most material archived at <https://paulfox.blog/category/ethics/>.






Retired:

- Performing Arts Curriculum Leader (7 years) & music teacher for the Upper St. Clair Schools (33 years) & Edgewood School District (2 years)
- Director/Producer of 29 Fall Plays, 30 Spring Musicals, & 5 Holiday Musicals
- School (USCSD) publications writer, editor, & photographer (25+ years)
- Secretary/Treasurer for PMEA District One (20 years)



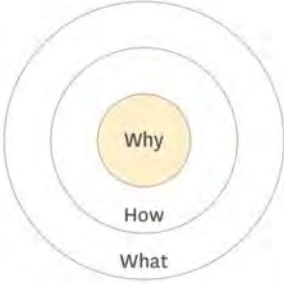
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Starting out with the “WHY”

- **Why** are we so concerned about professional development for PA educators on ethics?
- **How** should we train our staff?
- **What** should be introduced and reinforced over the long term?




Why - Your Purpose
What is your cause? What do you believe?


How - Your Process
Specific actions taken to realize your Why.

What - Your Process
What do you do? The result of Why. Proof.

<https://simonsinek.com/>



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Starting out with the “WHY”

Quick... Can YOU identify the *exact titles* or *acronyms* of:


- The Code of Conduct that governs all PA educators?
- The PA agency responsible for adjudicating these rules?
- The recently adopted Code of Ethics to which educators can turn for assistance in professional decision-making?



CPPC

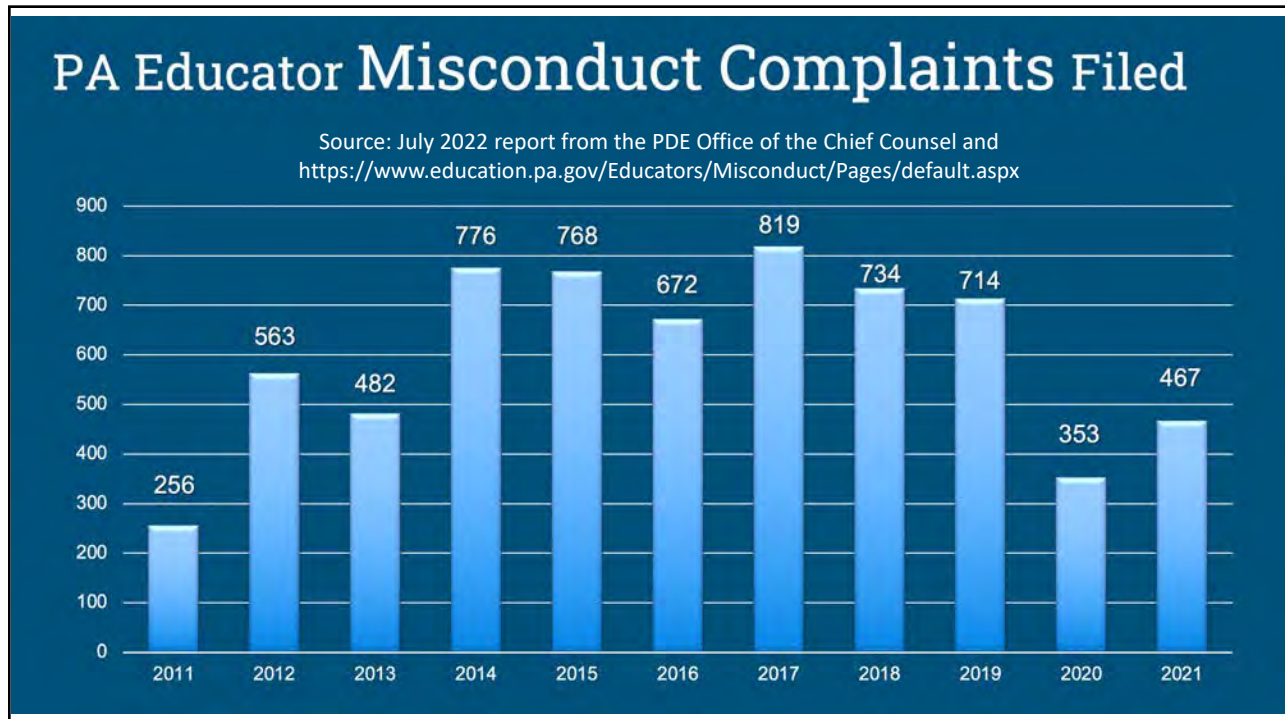
PSPC

MCEE

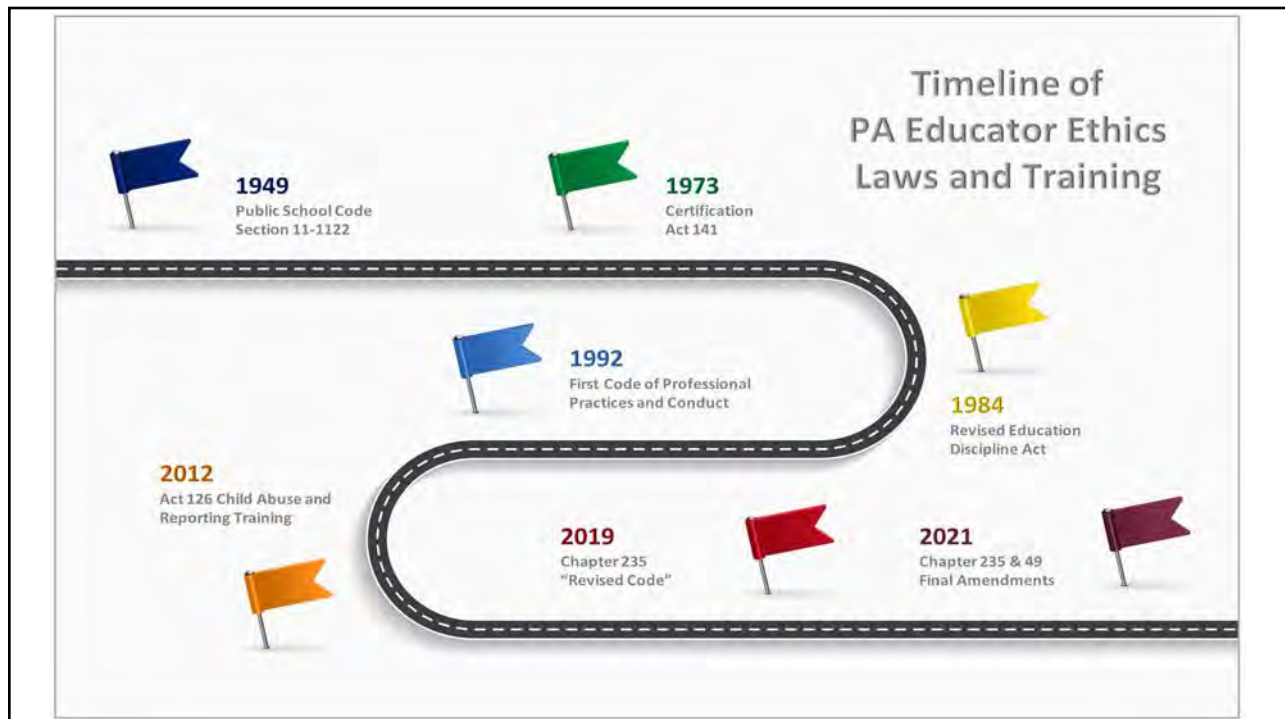


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PA House of Representatives & Senate make up our General Assembly; LEGISLATIVE BRANCH WRITES STATUTES	Governor Shapiro and Department of Education; EXECUTIVE BRANCH WRITES REGULATIONS	PA Commonwealth and PA Supreme Courts make up our Appellate Courts; JUDICIAL BRANCH WRITES CASE LAW
Public School Code of 1949: School Entity's Termination of Educator Contracts; Triggers Loudermill Hearings.	Terminated educators may appeal School Entity decision to PDE for review.	Terminated educators may appeal PDE affirmation to Commonwealth Court.
Educator Discipline Act (EDA); Requirements for Certification; Educator Misconduct Complaints and Mandatory Reporting Requirements. Professional Standards & Practices Commission (Commission) created 1973 to enforce EDA.	Educator Misconduct Complaint filed with PDE; PDE discretion to file Notice of Charges with Commission for adjudication; Commission may order PDE to suspend/revoke Educator's Certification. Possible reinstatement of Educator's Certification. 1992 Commission wrote Code of Professional Practice & Conduct; Amended in 2021.	Educators whose certification has been suspended or revoked by Commission may appeal to Commonwealth Court.
	PDE Regulations Pa Code Title 22 Chapter 49 Certification Professional Staff Chapter 233 Commission Bylaws & Procedures Chapter 235 Code of Professional Practice & Conduct	Educators may attempt to appeal Commonwealth Court decision to PA Supreme Court. Horosko v. School District of Mt Pleasant Twp. (1939)



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WHAT is “The Commission?”

Act 141 of 1973 “Relating to the certification of teachers in the public schools... of the Commonwealth”

“There is hereby created a Professional Standards and Practices Commission (Commission)... members [of which] shall have been actively engaged in teaching or providing... supervisory services in a public school or an approved institution of higher education... for at least five of the eight years immediately preceding their appointment.”

Who are they?

- 6 classroom teachers (active or retired);
- 3 school entity administrators;
- 1 college administrator from teacher education program;
- 2 members from public (one school board member); and
- 1 education specialist

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WHAT is “The Commission?”

What is the function of “The Commission?”

Make policy recommendations to PA State Board of Education covering:

- Primary education
- Secondary education
- Post-secondary education

Establish high standards for preparation, certification, practice and ethical conduct in the teaching profession.

- 2021 Code of Professional Practice & Conduct for Educators (Code of Conduct)
- 2022 Implement Model Code of Ethics for Educators as national code of ethics (MCEE)



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WHAT is “The Commission?”

For years, PDE’s Office of Chief Counsel (OCC) investigated and prosecuted Educator Misconduct Complaints for professional discipline.

The Secretary of PDE had acted as the fact finder. He/she “adjudicated” the charges against the educator.

In December 1989, the Pennsylvania General Assembly directed the Commission to adjudicate educator misconduct charges.


OCC still investigates allegations and prosecutes the defendant educators.




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Paths of Educator Discipline in PA

<u>Local Discipline</u>	<u>State Discipline</u>
<p><u>Loudermill</u> hearing for alleged violation of Public School Code of 1949 or Local Education Agency (LEA) policy;</p> <p>Local School Directors hearing.</p> <p>Possible loss of employment at LEA</p>	<p>Educator Misconduct Complaint filed with PDE for alleged violation of Educator Discipline Act.</p> <p>PDE investigates, may file Notice of Charges with Professional Standards & Practices Commission for hearing.</p> <p>Possible loss of teaching certificate statewide.</p>




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State Discipline System



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What Are PDE's "PE" Requirements?

Professional Ethics (PE) Program Framework Guidelines

- On April 23, 2022, the final form amendments to Chapter 49 (relating to Certification of Professional Personnel) of Title 22 of the Pennsylvania Code became effective upon publication in the Pennsylvania Bulletin.
- 22 Pa. Code § 49.14(4)(i) requires the Pennsylvania Department of Education (PDE) to identify competencies and develop associated standards for educator training in professional ethics.



PE

SL

CRSE



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What Are PDE's "PE" Requirements?

Professional Ethics (PE) Program Framework Guidelines

Chapter 49 requires instruction in professional ethics to be integrated in educator preparation, induction, and continuing professional development programs as follows.

- **Continuing professional development** programs must integrate the professional ethics competencies no later than the **2023-24 academic year**.
- Educator preparation and **induction programs** must integrate the professional ethics competencies no later than the **2024-25 academic year**.



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COMPETENCIES: PROFESSIONAL ETHICS (PE)	
Professional educators:	
PE.1	Demonstrate their understanding of the PA Code of Professional Practice and Conduct for Educators and the PA Educator Discipline Act.
PE.2	Describe the function of the PA Professional Standards and Practices Commission and its role in professional disciplinary actions for educators.
PE.3	Differentiate between codes of conduct and codes of ethics and explain how each informs professional practice and decision making.
PE.4	Demonstrate their understanding of their responsibility to the profession as described in Principle 1 of the Model Code of Ethics for Educators (MCEE).
PE.5	Demonstrate their understanding of their responsibility for professional competence as described in Principle 2 of the Model Code of Ethics for Educators (MCEE).
PE.6	Demonstrate their understanding of their responsibility to students as described in Principle 3 of the Model Code of Ethics for Educators (MCEE).
PE.7	Demonstrate their understanding of their responsibility to the school community as described in Principle 4 of the Model Code of Ethics for Educators (MCEE).
PE.8	Demonstrate their understanding of the expectation for responsible and ethical use of technology as described in Principle 5 of the Model Code of Ethics for Educators (MCEE).

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Definitions – “Fiduciary”


- A person or organization that owes to another the duties of good faith and trust.
The highest legal duty of one party to another, it also involves being bound ethically to act in the other's best interests.
- Can you name at least five careers of professionals who are “fiduciaries...” – have a legal responsibility to serve the best interests of their “clients?”





- Medical Professionals
- Lawyers
- Counselors (all types)
- the Clergy, and...
- **Teachers.**

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Definitions –“Ethical Equilibrium”



Foundations of what’s “right or wrong”

- Personal **Morality**: “Personal values and beliefs derived from one’s life experiences... subjective and may or may not align with community mores.”
- Regulations of **Law**: “Policies, statues, and judicial activity that articulate conduct absolutes.”
- Professional **Ethics**: “Professional ethical standards that assist practitioners within situation and systemic contexts in choosing the best course-of-action.”
- Professional **Dispositions**: “Agreed upon professional attitudes, values and beliefs to be held by educational practitioners.”



“Beyond the Obvious” <https://slideplayer.com/slide/12243050/>
 “Ethics in Education” <https://vimeo.com/126979216>



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Definitions –“Moral Professionalism”

- Coming to work regularly and on time
- Being well informed about their students and subject-matter
- Planning and conducting classes with care
- Regularly reviewing and updating instructional practices
- Cooperating with, or if necessary, confronting parents of underachieving students
- Cooperating with colleagues and observing school policies so the whole institution works effectively
- Tactfully but firmly criticizing unsatisfactory school policies and proposing constructive improvement

Source: Wynne, E.A. (1995). The moral dimension of teaching. In A.C. Ornstein (Ed.) Teaching: Theory into practice. (pp. 190-202). Boston: Allyn and Bacon



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Which Standard Is It? – “Moral” vs. “Ethical”

1. Morality =


- Principles to judge right and wrong
- Often used to define personal character
- More abstract, subjective, more personal, may or may not be religious

A teacher decides not to drink a beer when he sees a student enter the same restaurant?


←

2. Ethical =


- Behavior expected by the group or profession
- Practical, shared principles promoting fairness & expectations



<http://www.sai-iowa.org/Educator%20Ethics%20Facilitator%20Handbook%202017.pdf>



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Which Standard Is It? – “Moral” vs. “Ethical”

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- Principles to judge right and wrong
- Often used to define personal character
- More abstract, subjective, more personal, may or may not be religious


A teacher calls in sick to extend her vacation.

?


→

2. Ethical =


- Behavior expected by the group or profession
- Practical, shared principles promoting fairness & expectations



<http://www.sai-iowa.org/Educator%20Ethics%20Facilitator%20Handbook%202017.pdf>



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Which Standard Is It? – “Moral” vs. “Ethical”

1. Morality =

- Principles to judge right and wrong
- Often used to define personal character
- More abstract, subjective, more personal, may or may not be religious

A coach posts pictures of herself online wearing only a bikini while on a beach vacation?



2. Ethical =

- Behavior expected by the group or profession
- Practical, shared principles promoting fairness & expectations



<http://www.sai-iowa.org/Educator%20Ethics%20Facilitator%20Handbook%202017.pdf>



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Do high moral standards make us more vulnerable?

Are you more apt to commit ethics violations or professional misconducts trying to “do good” for your students with the best of intentions?

- Wanting a student to do well results in changing the student’s grade or test scores
- An educator gives out his personal cell phone and states that, “He is there to help, anytime, 24-7.”
- A counselor gives pre-natal vitamins to a student she knows is pregnant, but the parents do not know of the pregnancy.
- A vegan teacher rants on Facebook about farm animal rights while teaching in a community based in agriculture.
- A principal pays for a student to attend a summer camp.

<http://www.sai-iowa.org/Educator%20Ethics%20Facilitator%20Handbook%202017.pdf>



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Two Types of “Codes...” Conduct vs. Ethics

#	Violations of IA Teachers Code of Conduct	#	NY State Teachers Code of Ethics
1	Crimes, sexual or other immoral; conduct with or toward a student	1	Educators nurture the intellectual, physical, emotional, social, and civic potential of each student.
2	Misrepresentation of information.	2	Educators create, sustain, and improve challenging learning environments for all.
3	Misuse of public funds or property.	3	Educators commit to their own learning in order to develop their practice.
4	Violations of the community.	4	Educators cooperate with other professionals in the interest of the community.
5	Unethical professional conduct of the community.	5	Educators cooperate with parents and the community, building trust and respect.
6	Incompetence.	6	Educators advance the intellectual and ethical foundation of the learning community.



Mark, Michael L. and Madura, Patrice: *Music Education in Your Hands* (Routledge 2010)

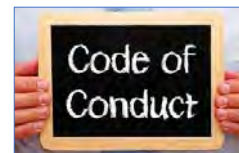
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Code of Conduct vs. Code of Ethics

- **Similarities:** Self-regulation and guidance of (un)acceptable behaviors
- **Code of Conduct** outlines specific behaviors that are required or prohibited and govern **actions**
- **Code of Ethics** outlines a set of principles that influence **decision making**



<http://smallbusiness.chron.com/difference-between-code-ethics-conduct-2724.html>

<https://www.whistleblowersecurity.com/code-of-ethics-and-code-of-conduct-whats-the-difference/>



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A Code of Conduct...

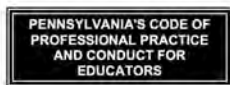
- Is written and enforced by a LICENSING AGENCY
- Has COMMON VALUES required of members in the profession/group
- Spells out REQUIRED & FORBIDDEN CONDUCT
- Sets-up a COMPLAINT PROCESS with a TRIER OF FACT
- Violations of which may impose SANCTIONS upon the member's license



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§ 235.1. Mission.
The Professional Standards and Practices Commission (PSPC) is committed to providing leadership for improving the quality of education in this Commonwealth by establishing high standards for preparation, certification, practice and ethical conduct in the teaching profession.

§ 235.2. Introduction.

a. Professional conduct defines interactions between the individual educator and students, the employing agencies and other professionals. Generally, the responsibility for professional conduct rests with the individual educator. However, in this Commonwealth, the Professional Standards and Practices Commission (PSPC) is charged with the duty to adopt and maintain a code for professional practice and conduct that shall be applicable to any educator. See section 5(a)(10) of the Educator Discipline Act (act) (24 P.S. § 2070.5(a)(10)).

b. In recognition of the magnitude of the responsibility inherent in the education process and by virtue of the desire to maintain the respect and confidence of their colleagues, students, parents and the community, educators shall be guided in their conduct by their commitment to their students, colleagues and profession.

c. Violations of any of the duties prescribed by this chapter may be used as supporting evidence in disciplinary proceedings conducted by or on behalf of the PSPC under the act. Violations of this chapter may also be an independent basis for a public or private reprimand. Discipline for conduct that constitutes both a basis for discipline under the act and an independent basis for discipline under this chapter shall not be limited to a public or private reprimand. Nothing in this chapter shall be construed to otherwise limit the Department of Education's authority to initiate an action under the act to suspend, revoke or otherwise discipline an educator's certificate or employment eligibility, or both.

d. Nothing in this chapter shall be construed or interpreted to require an educator to violate any of the doctrines, tenets, policies, or practices of any religious or religiously-affiliated school in which that educator is employed.

§ 235.3a. Definitions.
The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:
Act—The Educator Discipline Act (act) (24 P.S. §§ 2070.1a—2070.18c).
Boundaries—The verbal, physical, emotional and social distances between an educator and a student.
Educator—As defined in section 1.2 of the act (24 P.S. § 2070.1b).
Electronic communication—A communication transmitted by means of an electronic device such as a telephone, cellular telephone, computer, computer network, personal data

assistant or pager, including e-mails, text messages, instant messages and communications made by means of an Internet web site, such as social media and social networking web sites, or mobile device applications

Harm—The impairment of learning or any physical, emotional, psychological, sexual or intellectual damage to a student or a member of the school community.

School entity—As defined in section 1.2 of the act (24 P.S. § 2070.1b).

Sexual misconduct—As defined in section 1.2 of the act (24 P.S. § 2070.1b).

Unauthorized drugs—Any controlled substance or other drug possessed by a person not authorized by law to possess such controlled substance or other drug.

§ 235.5a. Commitment to students.


a. The primary professional obligation of educators is to the students they serve


b. In fulfillment of the commitment to students, educators:

1. Shall exercise their rights and powers in good faith and for the benefit of the student.
2. Shall maintain appropriate professional relationships and boundaries with all students at all times, both in and outside the classroom.
3. Shall not sexually harass students or engage in sexual misconduct.
4. Shall exert reasonable effort to protect students from harm.
5. Shall not intentionally expose a student to disparagement.

6. Shall exhibit consistent and equitable treatment and shall not unlawfully discriminate against students.
7. Shall not interfere with a student's exercise of political or civil rights and responsibilities.
8. Shall not knowingly or intentionally distort or misrepresent evaluations of students or facts regarding students.
9. Shall not knowingly or intentionally misrepresent subject matter or curriculum.
10. Shall respect a student's right to privacy and comply with all Federal and State laws and regulations, and local policies concerning student records and confidential communications of students.
11. Shall not be on school premises or at a school-related activity involving students, while under the influence of, possessing or consuming alcoholic beverages or illegal or unauthorized drugs.
12. Shall not furnish, provide, or encourage students or underage persons to use, possess or unlawfully distribute alcohol, tobacco, vaping products, illegal or unauthorized drugs or knowingly allow any student or underage person to consume alcohol, tobacco, vaping products, or illegal or unauthorized drugs in the presence of the educator.

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PENNSYLVANIA'S CODE OF PROFESSIONAL PRACTICE AND CONDUCT FOR EDUCATORS

Licensing Agency

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8. Shall not knowingly or intentionally distort or misrepresent evaluations of students or facts regarding students.

9. Shall not knowingly or intentionally misrepresent subject matter or curriculum.

10. Shall respect a student's right to privacy and comply with all Federal and State laws and regulations, and local policies concerning student records and confidential communications of students.


11. Shall not be on school premises or at a school-related activity involving students, while under the influence of, possessing or consuming alcoholic beverages or illegal or unauthorized drugs.

12. Shall not furnish, provide, or encourage students or underage persons to use, possess or unlawfully distribute alcohol, tobacco, vaping products, illegal or unauthorized drugs or knowingly allow any student or underage person to consume alcohol, tobacco, vaping products, or illegal or unauthorized drugs in the presence of the educator.

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PENNSYLVANIA'S CODE OF PROFESSIONAL PRACTICE AND CONDUCT FOR EDUCATORS

Sanctions ("the teeth")

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The Professional Standards and Practices Commission (PSPC) is committed to providing leadership for improving the quality of education in this Commonwealth by establishing high standards for preparation, certification, practice and ethical conduct in the teaching profession.

§ 235.2. Introduction. Values

a. Professional conduct defines interactions between the individual educator and students, the employing agencies and other professionals. Generally, the responsibility for professional conduct rests with the individual educator. However, in this Commonwealth, the Professional Standards and Practices Commission (PSPC) is charged with the duty to adopt and maintain a code for professional practice and conduct that shall be applicable to any educator. See section 5(a)(10) of the Educator Discipline Act (act) (24 P.S. § 2070.5(a)(10)).

b. In recognition of the magnitude of the responsibility inherent in the education process and by virtue of the desire to maintain the respect and confidence of their colleagues, students, parents and the community, educators shall be guided in their conduct by their commitment to their students, colleagues and profession.

c. Violations of any of the duties prescribed by this chapter may be used as supporting evidence in disciplinary proceedings conducted by or on behalf of the PSPC under the act. Violations of this chapter may also be an independent basis for a public or private reprimand. Discipline for conduct that constitutes both a basis for discipline under the act and an independent basis for discipline under this chapter shall not be limited to a public or private reprimand. Nothing in this chapter shall be construed to otherwise limit the Department of Education's authority to initiate an action under the act. To suspend, revoke or otherwise discipline an educator's certificate or employment eligibility, or both.

d. Nothing in this chapter shall be construed or interpreted to require an educator to violate any of the doctrines, tenets, policies, or practices of any religious or religiously-affiliated school in which that educator is employed.

§ 235.3a. Definitions.
The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:
Act—The Educator Discipline Act (act) (24 P.S. §§ 2070.1a—2070.18c).
Boundaries—The verbal, physical, emotional and social distances between an educator and a student.
Educator—As defined in section 1.2 of the act (24 P.S. § 2070.1b).
Electronic communication—A communication transmitted by means of an electronic device such as a telephone, cellular telephone, computer, computer network, personal data

assistant or pager, including e-mails, text messages, instant messages and communications made by means of an Internet web site, such as social media and social networking web sites, or mobile device applications

Harm—The impairment of learning or any physical, emotional, psychological, sexual or intellectual damage to a student or a member of the school community.

School entity—As defined in section 1.2 of the act (24 P.S. § 2070.1b).

Sexual misconduct—As defined in section 1.2 of the act (24 P.S. § 2070.1b).

Unauthorized drugs—Any controlled substance or other drug possessed by a person not authorized by law to possess such controlled substance or other drug.

§ 235.5a. Commitment to students.

a. The primary professional obligation of educators is to the students they serve

b. In fulfillment of the commitment to students, educators:

1. Shall exercise their rights and powers in good faith and for the benefit of the student.
2. Shall maintain appropriate professional relationships and boundaries with all students at all times, both in and outside the classroom
3. Shall not sexually harass students or engage in sexual misconduct.
4. Shall exert reasonable effort to protect students from harm.
5. Shall not intentionally expose a student to disparagement.

6. Shall exhibit consistent and equitable treatment and shall not unlawfully discriminate against students.

7. Shall not interfere with a student's exercise of political or civil rights and responsibilities.

8. Shall not knowingly or intentionally distort or misrepresent evaluations of students or facts regarding students.

9. Shall not knowingly or intentionally misrepresent subject matter or curriculum.


10. Shall respect a student's right to privacy and comply with all Federal and State laws and regulations, and local policies concerning student records and confidential communications of students.


11. Shall not be on school premises or at a school-related activity involving students, while under the influence of, possessing or consuming alcoholic beverages or illegal or unauthorized drugs.

12. Shall not furnish, provide, or encourage students or underage persons to use, possess or unlawfully distribute alcohol, tobacco, vaping products, illegal or unauthorized drugs or knowingly allow any student or underage person to consume alcohol, tobacco, vaping products, or illegal or unauthorized drugs in the presence of the educator.

Our PA Code of Conduct

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PENNSYLVANIA'S CODE OF PROFESSIONAL PRACTICE AND CONDUCT FOR EDUCATORS

§ 235.1. Mission.
The Professional Standards and Practices Commission (PSPC) is committed to providing leadership for improving the quality of education in this Commonwealth by establishing high standards for preparation, certification, practice and ethical conduct in the teaching profession.

§ 235.2. Introduction.

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8. Shall not knowingly or intentionally distort or misrepresent evaluations of students or facts regarding students.

9. Shall not knowingly or intentionally misrepresent subject matter or curriculum.


10. Shall respect a student's right to privacy and comply with all Federal and State laws and regulations, and local policies concerning student records and confidential communications of students.


11. Shall not be on school premises or at a school-related activity involving students, while under the influence of, possessing or consuming alcoholic beverages or illegal or unauthorized drugs.

12. Shall not furnish, provide, or encourage students or underage persons to use, possess or unlawfully distribute alcohol, tobacco, vaping products, illegal or unauthorized drugs or knowingly allow any student or underage person to consume alcohol, tobacco, vaping products, or illegal or unauthorized drugs in the presence of the educator.

Our PA Code of Conduct

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8. Shall not knowingly or intentionally distort or misrepresent evaluations of students or facts regarding students.

9. Shall not knowingly or intentionally misrepresent subject matter or curriculum.



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11. Shall not be on school premises or at a school-related activity involving students, while under the influence of, possessing or consuming alcoholic beverages or illegal or unauthorized drugs.

12. Shall not furnish, provide, or encourage students or underage persons to use, possess or unlawfully distribute alcohol, tobacco, vaping products, illegal or unauthorized drugs or knowingly allow any student or underage person to consume alcohol, tobacco, vaping products, or illegal or unauthorized drugs in the presence of the educator.

Our PA
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13. Shall refrain from inappropriate communication with a student or minor, including, inappropriate communication achieved by electronic communication. Inappropriate communication includes communications that are sexually explicit, that include images, depictions, jokes, stories or other remarks of a sexualized nature, that can be reasonably interpreted as flirting or soliciting sexual contact or a romantic relationship, or that comment on the physical or sexual attractiveness or the romantic or sexual history, activities, preferences, desires or fantasies of either the educator or the student. Factors that may be considered in assessing whether other communication is inappropriate include:

- i. the nature, purpose, timing and amount of the communication;
- ii. the subject matter of the communication; and
- iii. whether the communication was made openly or the educator attempted to conceal the communication.

§ 235.5b. Commitment to colleagues.
In fulfillment of the commitment to colleagues, educators:

1. Shall not knowingly and intentionally deny or impede a colleague in the exercise or enjoyment of a professional right or privilege in being an educator.
2. Shall not knowingly and intentionally distort evaluations of colleagues.
3. Shall not sexually harass a colleague.
4. Shall not unlawfully discriminate against colleagues.
5. Shall not interfere with a colleague's exercise of political or civil rights and responsibilities.
6. Shall not use coercive means or promise special treatment to influence professional decisions of colleagues.
7. Shall not threaten, coerce or discriminate against a colleague who in good faith reports or discloses to a governing agency actual or suspected violations of law, agency regulations or standards.
8. Shall respect a colleague's right to privacy and comply with all Federal and State laws and regulations, and local policies concerning confidential health or personnel information.

§ 235.5c. Commitment to the profession.
In fulfillment of the commitment to this profession, educators:

1. Shall comply with all Federal, State, and local laws and regulations and with written school entity policies.
2. Shall apply for, accept or assign a position of a responsibility on the basis of professional qualifications and abilities.
3. Shall not knowingly assist entry into or continuance in the education profession of an unqualified person or recommend for employment a person who is not certified appropriately for the position.
4. Shall not intentionally or knowingly falsify a document or intentionally or knowingly make a misrepresentation on a matter related to education, criminal history, certification, employment, employment evaluation or professional duties.
5. Shall not falsify records or direct or coerce others to do so.
6. Shall accurately report all information required by the local school board or governing board, State education agency, Federal agency or State or Federal law.
7. Shall not knowingly or intentionally withhold evidence from the proper authorities and shall cooperate fully during official investigations and proceedings.

8. Shall comply with all local, State or Federal procedures related to the security of standardized tests, test supplies or resources. Educators shall not intentionally or knowingly commit, and shall use reasonable efforts to prevent, any act that breaches test security or compromises the integrity of the assessment, including copying or teaching identified test items, publishing or distributing test items or answers, discussing test items, providing unauthorized assistance to students, unauthorized alteration of test responses, results or data, and violating local school board or State directions for the use of tests.



9. Shall not accept or offer gratuities, gifts or favors that impair or appear to influence professional judgment, decisions, or actions or to obtain special advantage. This section shall not restrict the acceptance of de minimis gifts or tokens offered and accepted openly from students, parents of students, or other persons or organizations in recognition or appreciation of service.

10. Shall not exploit professional relationships with students, parents or colleagues for personal gain or advantage.

11. Shall use school funds, property, facilities, and resources only in accordance with local policies and local, State and Federal laws.


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Professional Standards and Practices Commission
Discipline System & Reporting
Statutes, Regulations & Forms



About

Act 126 Training

Disciplinary Actions


Ethics Toolkit

File a Complaint


Mandatory Reporting

[PSPC > Statutes, Regulations & Forms > Educator Discipline Act](#)

Educator Discipline Act



<https://www.pspc.education.pa.gov/Statutes-Regulations-Policies-Forms/Educator-Discipline-Act/Pages/default.aspx>



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EDUCATOR DISCIPLINE ACT¹
24 P.S. §§2070.1 et seq.
Effective February 18, 2014


TABLE OF CONTENTS


- Section 1a. Short Title.
- Section 1b. Definitions.
- Section 2. Certification Requirements.
- Section 3. Professional Standards and Practices Commission.
- Section 4. Membership and Qualifications.
- Section 5. Power and Duties.
- Section 6. Organization and Meetings of the Commission.
- Section 7. Expenses.
- Section 8. Commission Staff.
- Section 9. Complaints and Department Investigations.
- Section 9a. Mandatory Reporting.
- Section 9b. Discipline for Criminal Offenses.
- Section 9c. Imposition of Discipline on Additional Grounds.
- Section 9d. Imposition of Discipline on Founded Reports.
- Section 9e. Reciprocal Discipline.
- Section 9f. Unavailability of Certain Defense and Mitigating Factor.
- Section 10. Confidentiality (Repealed).
- Section 11. Duties of School Entities.
- Section 12. Department Action After Investigation.
- Section 13. Hearing.
- Section 14. Proposed Report by Hearing Officer.
- Section 15. Appeal.
- Section 16. Reinstatement.
- Section 17. Unauthorized Release of Information (Repealed).
- Section 17a. Immunity From Liability.
- Section 17b. Confidentiality.
- Section 18. Commission Proceedings and Procedures.
- Section 18a. Charter School Staff Members.
- Section 18b. Subpoenas.
- Section 18c. Disposition of Fees and Fines Collected.
- Section 19. Effective Date.


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A Code of Ethics Is...


- Not** defined in exact terms of **law or policies**
- Not** a focus of family **morals or values** on which you were raised
- Not** about issues of right/wrong or **black/white**, but shades of **grey**
- More **open-ended**: a selection from a set of possible choices
- Reflects on decision-making depended on the **circumstances of the situation**








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Model Code of Ethics for Educators


- National Association of State Directors of Teacher Education and Certification




NASDTEC
has served as a professional membership organization representing state departments of education and professional standards boards/commissions that are responsible for the preparation, licensure, and discipline of K-12 educational personnel.

Jurisdiction members include all 50 states, the District of Columbia, the Department of Defense Education Activity, Guam, and the Canadian province of Ontario.

Associate members include constituent organizations with an interest in the preparation, continuing development, employment, and certification of educational personnel.



http://www.nasdtec.net/?page=MCEE_Doc



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Model Code of Ethics for Educators

- National Association of State Directors of Teacher Education and Certification
- Principles
 - I. Responsibility to the Profession
 - II. Responsibility for Professional Competence
 - III. Responsibility to Students
 - IV. Responsibility to the School Community
 - V. Responsible and Ethical Use of Technology

PA Board of Education endorsed MCEE in January 2017; It was fully adopted in 2021.



<https://www.pspc.education.pa.gov/Statutes-Regulations-Policies-Forms/Pages/default.aspx>



http://www.nasdtec.net/?page=MCEE_Doc



Development Partners

- ▶ American Association of Colleges of Teacher Education
- ▶ American Federation of Teachers
- ▶ Association of Teacher Educators
- ▶ Council for Accreditation of Educator Preparation
- ▶ Council of Chief State School Officers
- ▶ National Association of Elementary School Principals
- ▶ National Association of Secondary School Principals
- ▶ National Board of Professional Teaching Standards
- ▶ National Education Association
- ▶ National Network of State Teachers of the Year

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Applying BOTH “Codes” to Education

I. Pedagogy

- A. What to teach
- B. How to teach
- C. How to assess

II. Enforcement

- A. Activities – association, district, or union policies
- B. Copyright issues
- C. Teaching licensure and credentials
- D. Students who break the law

CPPC MCEE


III. Resource Allocation


- A. Equity issues
- B. Fiscal authority and Influence
- C. Budgets

IV. Relationships


- A. Conflicts with colleagues, administrators, or parents
- B. Professional boundaries with students
- C. Confidentiality
- D. Honesty

V. Diversity **DEIB**






Lien, Joelle L. 2012. Ethical dilemmas of in-service music educators. *Action, Criticism, and Theory for Music Education*
http://act.maydaygroup.org/articles/Lien11_1.pdf



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“HOW” & “WHAT” from Successful PD

**Professional Ethics:
PA Codes & School Law**

PDE-Approved Act 48 Class
Four One-Hour Sessions



<https://www.twbaileylaw.com/>



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Looking to 2024 and beyond...
Pennsylvania Educators:
Do you need Act 48 Credits?

Approved 4-Hour
Act 48
Continuing Education
Course

Professional Ethics: PA Codes & School Law

Complete Training on the PDE Chapter 49 Ethics Competencies:
January 9, 16, 23 & 30, 2024
one hour from 4:30 to 5:30 p.m.
For more information, go to
<https://twbaileylaw.com/event>





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“HOW” & “WHAT” from a Successful PIL

PA Educators: Your Ethical Codes & School Law

PIL Session 1



<https://www.twbaileylaw.com/>

Looking to 2024 and Beyond...
School System Leaders, CTC Directors, & Administrators:
Do you need Act 45 PIL Credits?

PDE Approved
Continuing Education
Course
25 PIL Hours

PA Educators: Your Ethical Codes & School Law

January 3, 10, 17 & 24, 2024

Online from 4:30 to 7:30 p.m.

<https://twbaileylaw.com/event>



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For School/System Leaders, CTC Directors, and PD Administrators:

25-hour PIL Ethics Continuing Education Course

Discussion Topics:

- PA Model Code of Ethics for Educators
- PA Code of Professional Practices and Conduct
- Due process steps taken by PDE & the Professional Standards & Practices Commission to investigate & adjudicate Educator Misconduct Complaints
- 16 of the 19 Sections of the Educator Discipline Act

Class Member Activities:

- Engage in facilitated discussions of fact-based case studies;
- Reteach much of the course content to PLC members from within their LEA; and
- PLC members teach a model lesson to their students based upon an ethical code of student conduct.

“I looked forward to taking this course to build my understanding of Professional Ethics and possible legal implications... This upcoming year, Act 49 will require the integration of professional ethics and couldn't have found this course more relevant for the time.”

— Middle School Principal
March 15, 2023

Session #1

- PDE Educator Misconduct Data;
- Pennsylvania Standards & Practices Commission (Commission);
- Course Outline;
- Explanation of Culminating Project;
- Culminating Project tasks due Week 2; and
- Tour of Commission Website Resources.

Session #2

- Model Code of Ethics for Educators;
- Code of Ethics vs. Code of Conduct;
- compare Code of Conduct for Attorneys & PA Code of Professional Practice & Conduct for Educators;
- Culminating Project tasks due Week 3; and
- The Study Hall Teacher Case Study #1.

Session #3

- Local Discipline Process;
- Forced Drug Test Case Study #2;
- State Discipline Process: Educator Discipline Act;
- School/System Leader's Immediate Suspension for New Criminal Charges Case Study #3;
- Culminating Project tasks due Week 4; and
- Deterrence Effect vs Inspiration?

Session #4

- School Leaders as Advocates
- William Penn SD v. PDE example;
- Regulatory Framework of statutes, regulations and case law;
- Horosko v. Mt. Pleasant Twp. SD ; and
- Culminating Project tasks due in 21 days.


For more information and the next series of PIL class dates, visit <https://www.twbaileylaw.com/>.

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Links to PA Educator Ethics Videos

“Free” Stuff to Peruse...

<https://www.twbaileylaw.com/>



William Penn School District v PA Department Education: School funding lawsuit

Review of PA Commonwealth Court opinion by President Judge Juberler explaining who sued who and for what. In February, 2023, the Court ruled the funding formula created by the PA General Assembly violated the Education and Equal Protection Clauses of the PA Constitution. May 30, 2023; 32 minutes.

Model Code of Ethics for Educators

Paul Fox discusses the five principles of this code of ethics used by teachers across the country. Paul raises ethical issues common in our classrooms. He then applies the MCEE principles to identify the type of issue involved and suggests ways to resolve the issues and avoid it in the future. June 6, 2023; 27 minutes.

PA Code of Professional Practice & Conduct for Educators


Having been updated in 2021, the PA Code of Conduct was heavily amended. The text emphasizes an educators commitment to his/her student, commitment to fellow staff and commitment to the profession. We view an online copy of the document to see several examples of the new language. June 13, 2023; 28 minutes.

Intro to PA Professional Standards & Practices Commission

Six of the 13 members of this Commission are active or retired classroom educators! This Commission has two important roles within the PA Department of Education. The Commission was set up in the 1970's to make recommendations to the State Board of Education regarding teacher and school/system leader certification. In the early 1990's the Educator Discipline Act was amended to assign the Commission to adjudicate educator misconduct cases brought to it by PDE's Office of Chief Counsel. June 20, 2023; 28 minutes.

Introduction to Educator Discipline Act


This is the state law that decides what type of conduct could result in PA educators being disciplined. It involves what educators do at work and while you are not at work. I review the process PDE takes to review an educator misconduct complaint. In addition, should Notices of Charges be filed, I preview the procedure followed if an educator requests a hearing before the Professional Standards & Practices Commission. June 27, 2023; 34 minutes.




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What’s Unique About Our “HOW”

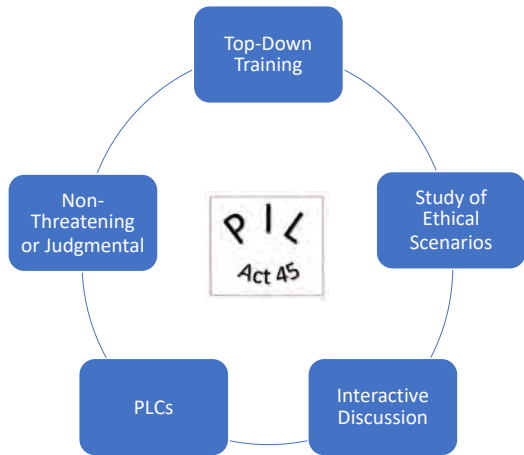



Connecticut Dept. of Ed.
<https://portal.ct.gov/SDE/TEAM/TEAM---Module-5>




<https://danielsongroup.org/framework/>








<http://www.sai-iowa.org/Educator%20Ethics%20Facilitator%20Handbook%202017.pdf>



<https://www.pspc.education.pa.gov/Promoting-Ethical-Practices-Resources/Ethics-Toolkit/Pages/default.aspx>



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Models for Ethical Scenario Analysis

- Code of Conduct – *Degree of Misconduct*



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Mock Jury – Code of Conduct Scenarios



- 1. RED** = “illegal” which may add criminal and civil penalties, fines, jail time, etc.
- 2. ORANGE** = “unethical” which will result in significant discipline action, suspension or revocation of certificate, and/or loss of job
- 3. GOLD** = “immoral” – no guarantee of major consequences except may result in lowering of year-end evaluation, earning a “warning” or “write-up,” or a job re-assignment
- 4. PURPLE** = “unprofessional” – unlikely to result in major consequences except damage to one’s professional reputation
- 5. BLUE** = inappropriate, unwise, “bad for appearances” – no consequences
- 6. GREEN** = not a misconduct or inappropriate



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Scenario: "Counseling Sessions"

Reflections:

- A. What possible issues/concerns might this scenario raise?
- B. How could this situation become a violation of the law, the "Code" or other school/district policies?
- C. In this situation, what are some potential negative consequences for the teacher and the student?

JURY: What is your judgement?
How do you find?



Mrs. K is a high school teacher whose husband recently divorced her. During a lesson one day, Mrs. K breaks down emotionally in front of her class. To calm everybody, she explains her emotional state to her students and discusses the end of her marriage. After school that day, a male student visits Mrs. K at home. The student explains the situation to Mrs. K and she explains the end of her marriage to the student. Mrs. K is hoping in to ending the relationship. Mrs. K spends more time outside of class supporting each other. Her colleagues become suspicious of her relationship with the student and report the teacher's actions to their principal.


Ethics Violation – JOB LOSS?

CPPC: 235.5a (b) 2 "boundaries"

Models for Ethical Scenario Analysis

- Code of Conduct – *Degree of Misconduct*
- Code of Ethics – *Voices in My Head*





"I didn't know it was wrong..." I. A. 7.

PRINCIPLE I

RESPONSIBILITY TO THE PROFESSION

The professional educator knows that trust in the profession depends upon a level of professional responsibility that may be higher than the minimal standard of policy and law. This responsibility entails holding oneself and other educators to the same ethical standards.

A. The professional educator demonstrates responsibility to oneself and the profession by:

1. Holding oneself responsible to Model Code of Ethics for Educators (MCEE) and other recognized professional ethics standards;
2. Knowing and upholding the procedures, policies and laws relevant to professional practice regardless of personal views;
3. Monitoring and maintaining sound mental, physical and emotional health necessary to perform duties and services of any professional assignment and taking appropriate measures when personal or health-related issues may interfere with work-related duties;
4. Refraining from professional or personal activity that may lead to reducing one's effectiveness within the school community;
5. Refraining from using one's position for personal gain and avoiding the appearance of impropriety;
6. Taking responsibility and credit only for work actually performed or produced, and acknowledging the work and contributions made by others; and
7. Recognizing a lack of knowledge or understanding of the MCEE is not, in itself, a defense of unprofessional conduct.

B. The professional educator fulfills the obligation to address and attempt to resolve ethical issues by:


1. Identifying and taking reasonable steps to resolve conflicts between the MCEE and the implicit or explicit demands of a person or organization;
2. Maintaining fidelity to the MCEE by taking proactive steps when having reason to believe that another educator may be approaching or involved in an ethically compromising situation;
3. Refraining from discriminating or retaliating against a person on the basis of having made an ethics complaint;
4. Refraining from filing or encouraging frivolous ethics complaints solely to harm or retaliate; and
5. Cooperating fully and honestly during investigations and proceedings.

C. The professional educator promotes and advances the profession within and beyond the school community by:


1. Engaging in respectful discourse regarding issues that impact the profession;
2. Influencing and supporting decisions and actions that positively impact teaching and learning, educational leadership and student services;
3. Staying current with ethics guidelines and decisions from professional organizations and other relevant sources;
4. Engaging with the greater educational community through professional organizations and associations; and
5. Advocating for adequate resources and facilities to ensure equitable opportunities for all members within the learning community.

"It wasn't against the law..." I. A. 4.

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"I just teach [subject]..."

PRINCIPLE II

RESPONSIBILITY TO PROFESSIONAL COMMUNITY

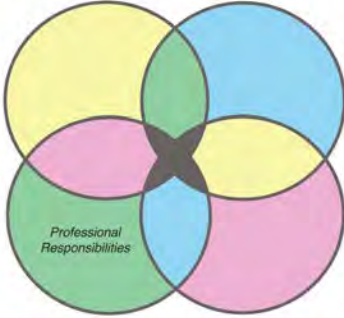
The professional educator is committed to the advancement of professional and ethical practice.

A. The professional educator demonstrates standards of practice through:

1. Using the MCEE and other ethics codes to guide and frame educational decisions;
2. Incorporating into one's practice state and national standards, including those specific to one's discipline;
3. Advocating for equitable educational opportunities for all students;
4. Accepting the responsibilities, performing services corresponding to the area of one's training or position;
5. Reflecting upon and assessing one's professional practice and competency on an ongoing basis; and
6. Committing to ongoing professional learning.

DOMAIN 4

Professional Responsibilities



demonstrates responsible use of data, information, and resources by:


1. Appropriately citing data or materials from print or electronic sources when used for the purposes for which they have been validated to guide practice;
2. Using data, information, and resources in an ethical and responsible manner with appropriate supervision;
3. Using data, information, research and findings to inform practice;
4. Protecting, disseminating, storing, retaining and disposing of data relating to one's research and practice, but not limited to, official guidance, research, or findings accurately, reliably and equitably.

demonstrates competence by acting ethically by:


1. Using professional judgment and experience;
2. Working to engage the school community to close achievement, opportunity and attainment gaps; and
3. Protecting students from any practice that harms or has the reasonable potential to harm.

"...so don't ask me to do anything else!" II. C. 2

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“Don’t ask for permission. Beg for forgiveness!”

PRINCIPLE IV

RESPONSIBILITY TO THE SCHOOL COMMUNITY

The professional educator promotes appropriate relationships and effective interactions with members of the school community.

A. The professional educator promotes appropriate and effective relationships with parents/guardians by:

1. Communicating with parents/guardians in a timely, respectful and culturally sensitive manner that represents the students’ best interests;
2. Demonstrating a commitment to equality, equity, diversity and inclusion with parents/guardians;
3. Considering the implication of accepting gifts from or giving gifts to parents/guardians; and
4. Maintaining appropriate confidentiality with respect to student information disclosed by or to parents/guardians unless required by law

B. The professional educator promotes appropriate and effective relationships with colleagues by:

1. Respecting colleagues as fellow professionals and maintaining civility when differences arise;
2. Resolving conflicts, whenever possible, privately and respectfully and in accordance with policy;

IV. C. 1. and... Also, IV. D. 1-2.

3. Working to ensure a workplace environment that is free from harassment;
4. Collaborating with colleagues in a manner that supports academic achievement and related goals that promote the best interests of students;
5. Keeping student safety, education, and health paramount by maintaining and sharing educational records appropriately and objectively in accordance with local policies and state and federal laws;
6. Enhancing the professional growth and development of new educators by supporting effective field experiences, mentoring or induction activities across the career continuum;
7. Ensuring educators who participate as mentors for new educators, cooperating teachers and leadership positions are prepared and supervised to assume these roles; and
8. Demonstrating a commitment that educators are assigned to positions in accordance with their educational credentials, preparation and/or training to maximize students’ opportunities and achievement.

C. The professional educator promotes appropriate and effective relationships with the community and other stakeholders by:

➔

1. Maintaining the highest professional standards of accuracy, honesty and appropriate disclosure of information when representing the school or district within the community and in public communications;
2. Advocating for policies and laws benefiting students and families within the school community; and
3. Collaborating with community agencies, organizations and individuals in order to advance students’ best interests.

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Models for Ethical Scenario Analysis

- Code of Conduct – *Degree of Misconduct*
- Code of Ethics – *Voices in My Head*
- Both “Codes” – *Find the Standard*

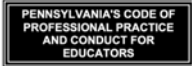




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PENNSYLVANIA'S CODE OF PROFESSIONAL PRACTICE AND CONDUCT FOR EDUCATORS

"My students are my friends!"

III. A. 7.




SAS INSTITUTE 2023
Successful Leadership
Shaping your school's story



§ 235.5a. Commitment to students.


- a. The primary professional obligation of educators is to the students they serve.
- b. In fulfillment of the commitment to students, educators:
 2. Shall maintain appropriate professional relationships and boundaries with all students at all times, both in and outside the classroom.



Council for Teacher Training
"Life cycle of a music educator"
Recruitment and Retention

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MCEE
Model Code of Ethics - Educators

"My students are my friends!"

III. A. 7.



SAS INSTITUTE 2023
Successful Leadership
Shaping your school's story



PRINCIPLE III

RESPONSIBILITY TO STUDENTS

The professional educator has a primary obligation to promote the health, safety and well being of all students. The professional educator treats students with dignity and respect, and establishes and maintains appropriate verbal, physical, emotional and social boundaries.

A. The professional educator respects the rights and dignity of all students by:


1. Respecting students by taking into account their individual characteristics, including but not limited to age, gender, culture, setting, ability and socioeconomic context.
2. Interacting with students with transparency and in appropriate settings;
3. Communicating with students in a clear, respectful and culturally sensitive manner;
4. Taking into account how appearance and dress can affect one's interactions and relationships with students;
5. Considering the implications of accepting gifts from or giving gifts to students;
6. Engaging in physical contact with students only when there is a clearly defined purpose that benefits students and continually keeps their health, safety and well-being in mind;
7. Avoiding multiple relationships with students that might impair objectivity and increase the risk of harm to their well-being or decrease educator effectiveness;

B. The professional educator demonstrates an ethic of care through:

1. Seeking to understand students' educational, academic, personal and social needs as well as their values, beliefs and cultural background;
2. Respecting the dignity, worth and uniqueness of each individual student including, but not limited to, actual and perceived gender, gender expression, gender identity, sexual orientation, civil status, family status, religion, age, disability, race, ethnicity, socioeconomic context and culture; and
3. Establishing and maintaining an environment that promotes the emotional, intellectual, physical and sexual safety of all students.

C. The professional educator maintains student trust and confidentiality when interacting with students in a developmentally appropriate manner and within appropriate limits by:

1. Respecting the privacy of students and the need to hold in confidence certain forms of student communication, documents or information obtained in the course of professional practice;
2. Upholding parents'/guardians' legal rights, as well as any legal requirements, to reveal information related to legitimate concerns for the well-being of a student; and
3. Protecting the confidentiality of student records and releasing personal data in accordance with prescribed state and federal laws and local policies.



Council for Teacher Training
"Life cycle of a music educator"
Recruitment and Retention

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Models for Ethical Scenario Analysis

- Code of Conduct – *Degree of Misconduct*
- Code of Ethics – *Voices in My Head*
- Both “Codes” – *Find the Standard*
- All “Codes” – *Deep Dive in Break Outs*



From CSDE’s *Teacher Education And Mentoring Manual*:
“Teachers must engage in district-facilitated conversations that focus on ethical and professional dilemmas and their professional responsibility to students, the larger school/district educational community, and to families.”



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Steps to Analyzing Case Studies

Mock Practice in Professional Ethical Decision-Making

1. Read a fact scenario.
2. Form learning networks in breakout rooms with fellow educators.
3. Respond to four discussion questions adapted from CSDE TEAM.
4. To the full class, summarize the responses from the members of your breakout room to each question.

Although fictional, most of the fact scenarios are based on actual past adjudications of the PA Professional Standards and Practices Commission.



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Small Group Discussion Questions:

Adapted from Module 5 of the CSDE TEAM Manual

1. What possible issues/concerns might this scenario raise?



2. How could this situation conflict with school policy, the PA Code of Conduct/EDA, Model Code of Ethics for Educators, or case law?

3. In this situation, what are some potential negative consequences for the educator's students, fellow educators and the school community-at-large?

4. What responses/actions will result in a more positive outcome and/or what proactive measures might be considered?

5. Please take 10 minutes to prepare a reply with educators in your breakout room.

You need not agree!

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Educator-Student Sexual Relationship

MT, a male high school band director, flirted romantically with a female band student during her 9th & 10th grade years. They developed a sexual relationship over her 11th & 12th grade years. Sexual intercourse occurred after school hours in the band room office.

MT's class preparedness did not appear to suffer while the sexual relationship continued.

Their relationship continued after the student graduated and attended college. Her parents complained to the school. MT was told by his supervisor to end the relationship. MT did not end the relationship.

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Educator-Student Sexual Relationship

Student broke off the relationship with MT. Student then later told her parents of the sexual nature of the relationship during high school.

Parents contacted the school again. MT was still employed at the school.

School administrator contacted and met with former student in person.

School administrator filed Educator Misconduct Complaint with PDE.

Recommendation: Provide printout of fact scenario summary and CSDE questions for breakout room discussions.



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Facilitator's "Hints" or "Answers" (Q.2)

Child Protective Services' "sexual abuse or exploitation" 23 Pa C.S.A. Chapter 6302

EDA Section 9c "sexual misconduct"

EDA Section 9d "immorality, intemperance, and incompetence"

PA Code of Professional Practice and Conduct:

- Section 235.5a Commitment to Students "primary professional obligation... to students they serve"
- 235.5ab2 "Shall maintain appropriate professional relationships and boundaries with all students at all times, both in and outside the classroom."
- 235.5ab3 "Shall not sexually harass students or engage in sexual misconduct."
- 235.5ab13 "Shall refrain from inappropriate communication with a student or minor,...includes communications that are sexually explicit, that include...remarks of a sexualized nature, that can be reasonably interpreted as flirting or soliciting sexual contact..."



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Additional Scenarios for Discussions





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Blogsites on Ethics Case Studies

- Ethics for Music Educators - Part III Case Studies
<https://paulfox.blog/2017/09/01/ethics-for-music-educators-iii/>
- Ethical Scenarios
<https://paulfox.blog/category/ethics/>
- Ethical Conundrums Revisited - Part I
<https://paulfox.blog/2018/08/20/ethical-conundrums-revisited-part-i/>
- Ethical Conundrums Revisited - Part II
<https://paulfox.blog/2018/10/14/ethical-conundrums-revisited-part-ii/>
- Studies in PA Educator Ethics Case Law
<https://paulfox.blog/2021/06/26/studies-in-pa-educator-ethics-case-law/>

Addition

Planning P

Ethical Scenarios – For Collegial Analysis

PA Educators: Your Ethical Codes & School Law
Act 45 & 48 Workshop Sessions © 2023 Paul K. Fox & Thomas W. Bishop Attorney at Law

“Mock” Case Studies for More Sessions of Interactive Discussion

1. Mr. S is a high school teacher who has been tutoring Melissa on an Advanced Placement course after school for several months. Although Melissa’s academic performance has been improving, Melissa’s parents meet with the principal about concerns they have regarding Mr. S’s relationship with Melissa. During their tutoring sessions, Mr. S has given Melissa gift cards as rewards for her academic progress, driven Melissa home after tutoring sessions, and even begun to communicate with Melissa via text messaging during the evenings. While they have no proof of any impropriety, Melissa’s parents are concerned. When the principal meets with the teacher, Mr. S argues that his behavior is not inappropriate and that he is simply offering assistance to a student in need.
2. During lunch, Steven R. often walks around the faculty room giving his female colleagues back massages to help them “relax.” Some of the teachers look visibly uncomfortable with the contact and attempt to avoid his massages.
3. Melissa S. is a third-grade teacher in a rural school. Near the end of the year, Rodrigo enrolls in her class, even though he cannot speak English. Ms. S. is frustrated because she feels she does not have the training to work with a student like Rodrigo and complains in class that “people shouldn’t come here if they can’t even speak our language.” One of the students complains to her parents about what Ms. S said.
4. In the hallway one day, students from one of your classes stop and ask you what you think of Mr. T. When you ask why this would be important to them, they explain that Mr. T. had gone on a tirade in their class and complained about your ability as a teacher. One of them says that Mr. T. says that you were the worst teacher in the school.
5. An itinerant special needs teacher travels from school to school. After leaving Elm elementary school, the teacher travels to Central elementary. A Central teacher has a biological child who attends Elm elementary. Because of recent discipline issues with some of the special education students, the teacher at Central begins to ask the itinerant instructor about the behavior of some of the children at Elm elementary. The itinerant begins to share some of the concerns and specifics about the IEPs of those children who were involved in a recent behavioral incident.

Mock Jury – Code of Conduct Scenarios

1. **RED** – “I agree” which may add credibility and lend possible bias.

2. **ORANGE** – “I understand” which will help to explore possible ethical concerns of members of the jury, either side of the case.

3. **YELLOW** – “I’m not sure” – no guarantee of which side the juror will lean to based on personal attitudes, feelings or “hunches” on “gut level” or case management.

4. **PURPLE** – “I’m not sure” – leaning toward a neutral position, possibly a professional registration or certification.

5. **BLUE** – “I disagree” which may add credibility and lend possible bias.

6. **GREEN** – “I disagree” which may add credibility and lend possible bias.

Connecticut State Dept. of Ed. In Depth Discussion Questions

1. What possible issues/concerns might this scenario raise?
2. How could this situation become a violation of your school entity policy, CPPC, other PA regulations, statutes, MCEE, or caselaw?
3. In this situation, what are some potential negative consequences for the students, fellow educators, and the school community?
4. At this point, what responses/actions will result in a more positive outcome and/or what proactive measures might be considered?

Discussions

Studies

Case Studies


[ducators-iii/](https://paulfox.blog/2017/09/01/ethics-for-music-educators-iii/)

I
[ndrums-revisited-part-i/](https://paulfox.blog/2018/08/20/ethical-conundrums-revisited-part-i/)

II
[ns-revisited-part-ii/](https://paulfox.blog/2018/10/14/ethical-conundrums-revisited-part-ii/)

AW
[ator-ethics-case-law/](https://paulfox.blog/2021/06/26/studies-in-pa-educator-ethics-case-law/)

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More Resources on the PDE Website

Act 126 Training

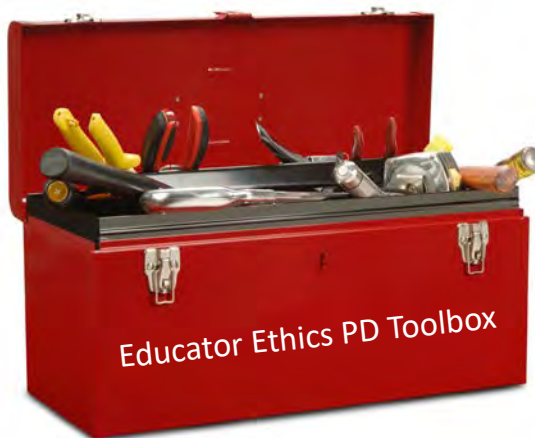
<https://www.pspc.education.pa.gov/Promoting-Ethical-Practices-Resources/Act-126-Training/Pages/default.aspx>

Commission Publications

<https://www.pspc.education.pa.gov/Promoting-Ethical-Practices-Resources/Commission-Publications/Pages/default.aspx>

Educator Discipline Act

<https://www.pspc.education.pa.gov/Statutes-Regulations-Policies-Forms/Educator-Discipline-Act/Pages/default.aspx>



Ethics Toolkit

<https://www.pspc.education.pa.gov/Promoting-Ethical-Practices-Resources/Ethics-Toolkit/Pages/default.aspx>

FAQ

<https://www.pspc.education.pa.gov/Educator-Discipline-System-and-Reporting/FAQs/Pages/default.aspx>

Promoting Ethical Practices

<https://www.pspc.education.pa.gov/Promoting-Ethical-Practices-Resources/Pages/default.aspx>

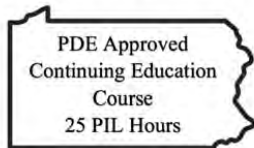


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PDE Act 45 PIL or Act 48 PD Ethics Training

Looking to 2024 and Beyond...
School System Leaders, CTC Directors, & Administrators:
Do you need Act 45 PIL Credits?



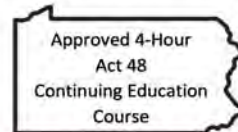
PA Educators: Your Ethical Codes & School Law
January 3, 10, 17 & 24, 2024
Online from 4:30 to 7:30 p.m.
<https://twbaileylaw.com/event>



Paul K. Fox 412-596-7937

paulkfox.usc@gmail.com

Looking to 2024 and beyond...
Pennsylvania Educators:
Do you need Act 48 Credits?



Professional Ethics: PA Codes & School Law
Complete Training on the PDE Chapter 49 Ethics Competencies:
January 9, 16, 23 & 30, 2024
one hour from 4:30 to 5:30 p.m.
For more information, go to
<https://twbaileylaw.com/event>



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Ethical Scenarios – For Collegial Analysis

PA Educators: Your Ethical Codes & School Law

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“Mock” Case Studies for More Sessions of Interactive Discussion

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Mock Jury – Code of Conduct Scenarios

1. RED = “illegal” which may add criminal and civil penalties, fines, jail time, etc.

2. ORANGE = “unethical” which will result in significant discipline action, suspension or revocation of certificate, and/or loss of job

3. GOLD = “immoral” – no guarantee of major consequences except may result in lowering of year-end evaluation, earning a “warning” or “write-up,” or a job re-assignment

4. PURPLE = “unprofessional” – unlikely to result in major consequences except damage to one’s professional reputation

5. BLUE = inappropriate, unwise, “bad for appearances” – no consequences

6. GREEN = not a misconduct or inappropriate

and even begun to communicate with Melissa via text messaging during the evenings. While they have no proof of any impropriety, Melissa’s parents are concerned. When the principal meets with the teacher, Mr. S argues that his behavior is not inappropriate and that he is simply offering assistance to a student in need.

2. During lunch, Steven R. often walks around the faculty room giving his female colleagues back massages to help them “relax.” Some of the teachers look visibly uncomfortable with the contact and attempt to avoid his massages.
3. Melissa S. is a third-grade teacher in a rural school. Near the end of the year, Rodrigo enrolls in her class, even though he cannot speak English. Ms. S. is frustrated because she feels she does not have the training to work with a student like Rodrigo and complains in class that “people shouldn’t come here if they can’t even speak our language.” One of the students complains to her parents about what Ms. S said.
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4. At this point, what responses/actions will result in a more positive outcome and/or what proactive measures might be considered?

6. Elizabeth L. taught at Webster Hills Middle School. In her free time, she was also a cheerleader for a local sports team. As a reward for their performance on a recent exam, Ms. L. performed one of her cheerleading routines for her eighth graders in her classroom. Unbeknown to Ms. L, one of the students in the class used his cell phone to videotape the cheerleading routine. The student posted the video online and the video drew the attention of district personnel and community members. Several parents were outraged and complained about the suggestive nature of the cheerleading routine.

Small Group Discussion Questions:

1. What possible issues/concerns might this scenario raise?

2. How could this situation conflict with school policy, the PA Code of Conduct/EDA, Model Code of Ethics for Educators, or case law?

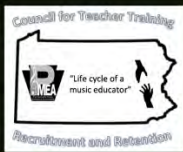
3. In this situation, what are some potential negative consequences for the educator's students, fellow educators and the school community-at-large?

4. What responses/actions will result in a more positive outcome and/or what proactive measures might be considered?

Adapted from
Module 5 of the
CSDE TEAM Manual

5. Please take 10 minutes to prepare a reply with educators in your breakout room.

← You need not agree!



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Sample Case Study

Fact Scenario: Teacher/Student Relationship

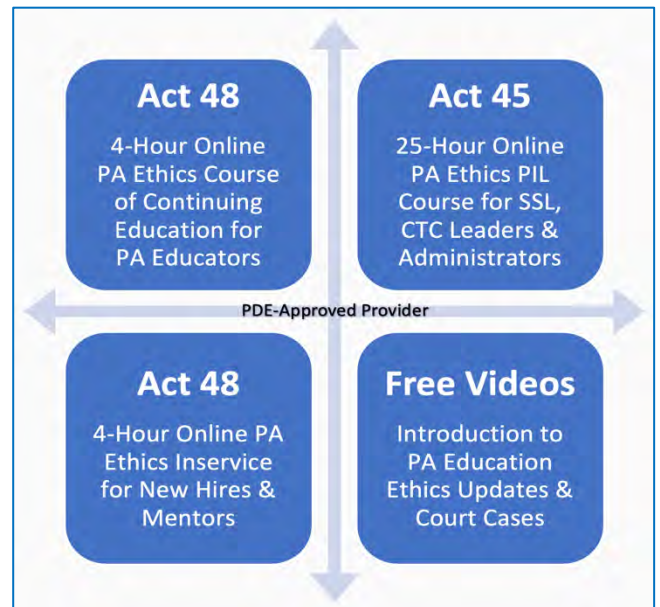
- MT, a male high school band director, flirted romantically with a female band student during her 9th & 10th grade years. They developed a sexual relationship over her 11th & 12th grade years. Sexual intercourse occurred after-school in the band room office.
- MT's class preparedness did not appear to suffer while the sexual relationship continued.
- Their relationship continued after the student graduated and attended college. Her parents complained to the school. MT was told by his supervisor to end the relationship. MT did not end the relationship.
- Student broke off the relationship with MT. Student then later told her parents of the sexual nature of the relationship during high school.
- Parents contacted the school again. MT was still employed at the school.
- School administrator contacted and met with former student in person. School administrator filed Educator Misconduct Complaint with PDE.

Additional discussion questions:

1. What if the relationship was always of mutual consent?
2. What if the teacher did not teach the student while she was enrolled in his school?
3. What if the relationship did not start until after the student graduated?
4. What if his student was over the age of 18 during the time of the relationship?

A Message to PA SSL,
CTC Directors, and
School Administrators:

Ethics Training for School Staff



We are proud to announce THREE OPPORTUNITIES for the online study of educator ethics which will meet the requirements of the 2022 revised PA Department of Education Chapter 49 Certification Professional Ethics Program Framework Guidelines (Competencies).

In November 2023, we presented our **Act 48 PA Ethics In-Service for New Hires & Mentors** course to the staff of a local Career and Technology Center (CTC). This course was approved by PDE in June as satisfying the Professional Ethics standards published last year. The CTC Administrative Director had completed our PIL course last spring, found it very useful, and wanted Tom Bailey and Paul Fox to train her new hires. When she spoke to the union reps at her CTC, they shared “they believe that the mentors would also benefit from the training.”

We met with the ten new CTC instructors and their ten mentors virtually, once-a-week for one hour, in a “live” after-school in-service. Each session ended with small group discussions of a case study involving the topics discussed earlier in that session. By all accounts, after the four classes, these newly hired educators and their mentors improved their knowledge of and skills in professional decision-making and covered the Professional Ethics standards required by PDE.

For more information about any of our educator ethics course offerings, please send an email to thomas@twbaileylaw.com or call 412-452-1677.

Should you wish to review the course contents of the Act 48 or PIL PA ethics courses, click on the links below:

- PDE Approved 25-Hour PIL Act 45 Course for School/System Leaders (SLS), Career & Technical Education Center (CTC) Directors, and School Administrators –
NEXT SERIES OF CLASSES January 3, 10, 17, 24, 2024 from 4:30 to 7:30 p.m.:
<https://www.twbaileylaw.com/event/pil-pa-educators-your-ethical-codes-school-law-class-3-10/register>
- PDE Approved 4-Hour Act 48 Continuing Education Course for PA Educators –
NEXT SERIES OF CLASSES January 9, 16, 23, 30, 2024 from 4:30 to 5:30 p.m.:
<https://www.twbaileylaw.com/event/act-48-professional-ethics-pa-codes-school-law-class-6-9/register>
- PDE-Approved 4-Hour Act 48 New Hire & Mentor Ethics In-Service for PA Educators –
Contact Thomas Bailey 412-452-1677 or thomas@twbaileylaw.com to set-up a date.

As FREE perusals, check out our video series on PA Education Ethics Updates and Educator Blogs covering the William Penn vs. PDE Commonwealth Court Case, the Model Code of Ethics for Educators, the PA Code of Professional Practice & Conduct, Educators Discipline Act, the PA Professional Standards & Practices Commission, and other relevant topics:

<https://www.twbaileylaw.com/pa-educator-ethics-videos> and <https://www.twbaileylaw.com/blog>

Paul Fox 12/10/23



Thomas Bailey

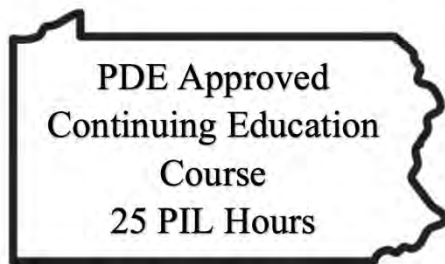


Paul Fox

Looking to 2024 and Beyond...

School System Leaders, CTC Directors, & Administrators:

Do you need Act 45 PIL Credits?



PA Educators: Your Ethical Codes & School Law

January 3, 10, 17 & 24, 2024

Online from 4:30 to 7:30 p.m.

<https://twbaileylaw.com/event>

Objective to Our Courses is to refute this quote:

"I have worked with thousands of educators throughout the country and have come to a conclusion... teachers generally have little to no knowledge of either professional ethics or the regulatory frameworks that govern their profession."

1-5-20 quote from Troy Hutchings, Senior Policy Advisor to the National Association for State Directors of Teacher Education and Certification.

In these Act 45 or 48 courses, participants will examine PDE's 4-23-22 "professional ethics" definitions, the MCEE, the PA Code of Professional Practice and Conduct, the PA Professional Standards and Practices Commission, the Education Discipline Act, and PA educator's "regulatory framework."

Participants will practice using an adaptation of the Connecticut State Department of Education (CSDE) case study questions to analyze ethical issues within their professional community and as an aid to their personal professional decision making.

Why Partner with Us?

We want to train your staff so they will begin to become familiar and confident in their abilities as professional educators. The MCEE and PA Code of Professional Practice and Conduct will be tools they refer to as needed.

Your staff will have an outline of the PA statutes, regulations, and case law that guide their teaching practice. In addition, they will have the opportunity to join discussions within the professional community they maintain within their building or district.

To accomplish these goals, we will meet your staff members online for four (Act 48) or 25 (PIL) facilitated hours of interaction and information. We want them to continue to use our website's resources and Educator Court Case Blog after the ethics sessions have ended.

For More Information

Please visit the website <https://www.twbaileylaw.com/>, call Thomas Bailey at 412-452-1677 or send an email to thomas@twbaileylaw.com.

<https://twbaileylaw.com/>

Looking to 2024 and beyond...

Pennsylvania Educators:

Do you need Act 48 Credits?



Professional Ethics: PA Codes & School Law

Complete Training on the PDE Chapter 49 Ethics Competencies:

January 9, 16, 23 & 30, 2024

one hour from 4:30 to 5:30 p.m.

For more information, go to

<https://twbaileylaw.com/event>

**PENNSYLVANIA'S CODE OF
PROFESSIONAL PRACTICE
AND CONDUCT FOR
EDUCATORS**

§ 235.1. Mission.

The Professional Standards and Practices Commission (PSPC) is committed to providing leadership for improving the quality of education in this Commonwealth by establishing high standards for preparation, certification, practice and ethical conduct in the teaching profession.

§ 235.2. Introduction.

- a. Professional conduct defines interactions between the individual educator and students, the employing agencies and other professionals. Generally, the responsibility for professional conduct rests with the individual educator. However, in this Commonwealth, the Professional Standards and Practices Commission (PSPC) is charged with the duty to adopt and maintain a code for professional practice and conduct that shall be applicable to any educator. See section 5(a)(10) of the Educator Discipline Act (act) (24 P.S. § 2070.5(a)(10)).
- b. In recognition of the magnitude of the responsibility inherent in the education process and by virtue of the desire to maintain the respect and confidence of their colleagues, students, parents and the community, educators shall be guided in their conduct by their commitment to their students, colleagues and profession.

- c. Violations of any of the duties prescribed by this chapter may be used as supporting evidence in disciplinary proceedings conducted by or on behalf of the PSPC under the act. Violations of this chapter may also be an independent basis for a public or private reprimand. Discipline for conduct that constitutes both a basis for discipline under the act and an independent basis for discipline under this chapter shall not be limited to a public or private reprimand. Nothing in this chapter shall be construed to otherwise limit the Department of Education's authority to initiate an action under the act to suspend, revoke or otherwise discipline an educator's certificate or employment eligibility, or both.

- d. Nothing in this chapter shall be construed or interpreted to require an educator to violate any of the doctrines, tenets, policies, or practices of any religious or religiously-affiliated school in which that educator is employed.

§ 235.3a. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—The Educator Discipline Act (act) (24 P.S. §§ 2070.1a—2070.18c).

Boundaries—The verbal, physical, emotional and social distances between an educator and a student.

Educator—As defined in section 1.2 of the act (24 P.S. § 2070.1b).

Electronic communication—A communication transmitted by means of an electronic device such as a telephone, cellular telephone, computer, computer network, personal data

assistant or pager, including e-mails, text messages, instant messages and communications made by means of an Internet web site, such as social media and social networking web sites, or mobile device applications.

Harm—The impairment of learning or any physical, emotional, psychological, sexual or intellectual damage to a student or a member of the school community.

School entity—As defined in section 1.2 of the act (24 P.S. § 2070.1b).

Sexual misconduct—As defined in section 1.2 of the act (24 P.S. § 2070.1b).

Unauthorized drugs—Any controlled substance or other drug possessed by a person not authorized by law to possess such controlled substance or other drug.

§ 235.5a. Commitment to students.

- a. The primary professional obligation of educators is to the students they serve.
- b. In fulfillment of the commitment to students, educators:
 1. Shall exercise their rights and powers in good faith and for the benefit of the student.
 2. Shall maintain appropriate professional relationships and boundaries with all students at all times, both in and outside the classroom.
 3. Shall not sexually harass students or engage in sexual misconduct.
 4. Shall exert reasonable effort to protect students from harm.
 5. Shall not intentionally expose a student to disparagement.

6. Shall exhibit consistent and equitable treatment and shall not unlawfully discriminate against students.
7. Shall not interfere with a student's exercise of political or civil rights and responsibilities.
8. Shall not knowingly or intentionally distort or misrepresent evaluations of students or facts regarding students.
9. Shall not knowingly or intentionally misrepresent subject matter or curriculum.
10. Shall respect a student's right to privacy and comply with all Federal and State laws and regulations, and local policies concerning student records and confidential communications of students.
11. Shall not be on school premises or at a school-related activity involving students, while under the influence of, possessing or consuming alcoholic beverages or illegal or unauthorized drugs.
12. Shall not furnish, provide, or encourage students or underage persons to use, possess or unlawfully distribute alcohol, tobacco, vaping products, illegal or unauthorized drugs or knowingly allow any student or underage person to consume alcohol, tobacco, vaping products, or illegal or unauthorized drugs in the presence of the educator.

13. Shall refrain from inappropriate communication with a student or minor, including, inappropriate communication achieved by electronic communication. Inappropriate communication includes communications that are sexually explicit, that include images, depictions, jokes, stories or other remarks of a sexualized nature, that can be reasonably interpreted as flirting or soliciting sexual contact or a romantic relationship, or that comment on the physical or sexual attractiveness or the romantic or sexual history, activities, preferences, desires or fantasies of either the educator or the student. Factors that may be considered in assessing whether other communication is inappropriate include:

- i. the nature, purpose, timing and amount/extent of the communication;
- ii. the subject matter of the communication; and
- iii. whether the communication was made openly or the educator attempted to conceal the communication.

§ 235.5b. Commitment to colleagues.

In fulfillment of the commitment to colleagues, educators:

1. Shall not knowingly and intentionally deny or impede a colleague in the exercise or enjoyment of a professional right or privilege in being an educator.
2. Shall not knowingly and intentionally distort evaluations of colleagues.
3. Shall not sexually harass a colleague.
4. Shall not unlawfully discriminate against colleagues.
5. Shall not interfere with a colleague's exercise of political or civil rights and responsibilities.
6. Shall not use coercive means or promise special treatment to influence professional decisions of colleagues.
7. Shall not threaten, coerce or discriminate against a colleague who in good faith reports or discloses to a governing agency actual or suspected violations of law, agency regulations or standards.
8. Shall respect a colleague's right to privacy and comply with all Federal and State laws and regulations, and local policies concerning confidential health or personnel information.

§ 235.5c. Commitment to the profession.

In fulfillment of the commitment to the profession, educators:

1. Shall comply with all Federal, State, and local laws and regulations and with written school entity policies.
2. Shall apply for, accept or assign a position or a responsibility on the basis of professional qualifications and abilities.
3. Shall not knowingly assist entry into or continuance in the education profession of an unqualified person or recommend for employment a person who is not certificated appropriately for the position.
4. Shall not intentionally or knowingly falsify a document or intentionally or knowingly make a misrepresentation on a matter related to education, criminal history, certification, employment, employment evaluation or professional duties.
5. Shall not falsify records or direct or coerce others to do so.
6. Shall accurately report all information required by the local school board or governing board, State education agency, Federal agency or State or Federal law.
7. Shall not knowingly or intentionally withhold evidence from the proper authorities and shall cooperate fully during official investigations and proceedings.

8. Shall comply with all local, State or Federal procedures related to the security of standardized tests, test supplies or resources. Educators shall not intentionally or knowingly commit, and shall use reasonable efforts to prevent, any act that breaches test security or compromises the integrity of the assessment, including copying or teaching identified test items, publishing or distributing test items or answers, discussing test items, providing unauthorized assistance to students, unauthorized alteration of test responses, results or data, and violating local school board or State directions for the use of tests.
9. Shall not accept or offer gratuities, gifts or favors that impair or appear to influence professional judgment, decisions, or actions or to obtain special advantage. This section shall not restrict the acceptance of de minimis gifts or tokens offered and accepted openly from students, parents of students, or other persons or organizations in recognition or appreciation of service.
10. Shall not exploit professional relationships with students, parents or colleagues for personal gain or advantage.
11. Shall use school funds, property, facilities, and resources only in accordance with local policies and local, State and Federal laws.

The Code of Professional Practice and Conduct for Educators can be found at 22 Pa. Code §§235.1 - 235.5c.

All questions should be directed to the Professional Standards and Practices Commission at (717) 787-6576.