

PROFESSIONAL ETHICS AND EDUCATOR DISCIPLINE: A PRIMER

WHAT IS MEANT BY THE TERM “PROFESSIONAL ETHICS”?

“Professional Ethics” refers to the manner in which educators interact with students, colleagues, and the community. Educators are held to high standards of conduct and serve as role models for their students.

ARE THE STANDARDS OF CONDUCT CODIFIED?

General principles of conduct can be found in Pennsylvania’s Code of Professional Practice and Conduct for Educators. (22 Pa. Code §235.1 *et seq.*) Any individual who becomes an educator in the Commonwealth makes a moral commitment to uphold the values reflected in the Code.

In addition, the Professional Educator Discipline Act (24 P.S. §2070.1 *et seq.*) sets forth the types of misconduct that can result in teacher discipline.

HOW ARE PROFESSIONAL STANDARDS ENFORCED?

The Professional Standards and Practices Commission (PSPC) is the 13 member appointed body, representing practicing educators and administrators, the general public, and teacher preparation programs that is charged with providing leadership for improving the quality of education in the Commonwealth by establishing high standards for preparation, certification, practice and ethical conduct in the teaching profession. One facet of its mission is to oversee the professional educator discipline system, including the imposition of discipline.

WHAT IS PROFESSIONAL DISCIPLINE?

Professional discipline refers to action taken by the Commonwealth against your professional certificate as a result of misconduct. Professional discipline should be distinguished from local discipline or employment action. Misconduct may result in specific action by the local employing educational agency and in state action against your certificate as well. Imposition of either local or state action for misconduct is not contingent on one another.

WHAT CONSTITUTES MISCONDUCT FOR PURPOSES OF PROFESSIONAL DISCIPLINE?

Actionable misconduct can be either criminal or non-criminal in nature. Charges will be initiated against any educator who is convicted of a crime involving moral turpitude or any crime listed in section 111(e) of the Public School Code. By law, the PSPC must revoke the certificate of an educator who is convicted of such crimes.

Section 111(3) crimes are as follows:

Criminal Homicide
Aggravated Assault
Stalking
Kidnapping
Unlawful Restraint
Rape
Statutory Sexual Assault
Aggravated Indecent Assault
Indecent Assault
Indecent Exposure
Incest
Concealing Death of a Child
Endangering Welfare of Children
Dealing in Infant Children
Prostitution and related felony offenses
Offenses related to obscene and other sexual materials/performances
Corruption of Minors
Sexual Abuse of Children
Felony Offenses under The Controlled Substance, Drug, Device and Cosmetic Act.
Out-of-State and Federal Crimes similar to those listed above.

In addition, conduct that constitutes immorality, intemperance, cruelty, negligence or incompetency can form the basis of charges brought against an educator.

WHAT ARE THE TYPES OF DISCIPLINE THAT CAN BE IMPOSED BY THE PSPC?

Under the Professional Educator Discipline Act, the PSPC may impose private reprimands, public reprimands, suspensions or revocations as disciplinary measures for misconduct. The PSPC may also accept certificates surrendered by an educator in lieu of discipline.

WHAT TRIGGERS THE PROFESSIONAL DISCIPLINE SYSTEM?

Professional discipline proceedings are initiated by the filing of a complaint against an educator by any interested party. The complaints must be verified under oath and must specify the misconduct. Complaints are filed with the Department of Education, which reviews each complaint for timeliness and legal sufficiency. Appropriate complaints are investigated and the Department determines whether to file a Notice of Charges with the PSPC.