

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.