

Professional Standards and Practices Commission



Testimony Senate Education Committee Senate Bill 1459 – Educator Discipline Act

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Good Morning Chairman Piccola, Chairman Dinniman and distinguished members of the Senate Education Committee. On behalf of the Professional Standards and Practices Commission, I would like to thank you for the opportunity to appear here today to offer our comments on the proposed amendments to the Educator Discipline Act and for your continued support of the work of the Commission. As you know, the Commission is an independent body that is comprised of 13 members, including 7 teachers, 3 administrators, 2 members of the public including a school director, and an administrator of a higher education institution offering a teacher preparation program. The creation of the Commission and its composition reflects the General Assembly's vision that educators themselves are in the best position to set high standards for the practice of the profession and to hold those who fall short of those standards accountable. The amendments in SB 1459 were fashioned by the educators sitting on the Commission in furtherance of its mission.

I would like to preface my remarks with a reminder that there are 424,650 individuals holding Pennsylvania certification, 156,074 of whom are working in public schools across the Commonwealth, as well as over 19,000 private academic school certificate holders, the majority of whom conduct themselves with the utmost professional integrity. Unfortunately, there are a small number of educators who choose to demean the profession by failing to comport with the high standards embraced by the profession and, in all too many cases, place the health, safety and welfare of students at risk by engaging in misconduct. It is these educators that necessitate a professional educator discipline system.

The Educator Discipline Act creates the process for reporting, investigating, prosecuting and adjudicating cases of misconduct by educators. Since December of 1989, the Commission has been entrusted with oversight responsibility for educator discipline and with the adjudicatory

function in specific misconduct cases; while the Department retained the investigative and prosecutorial functions. The first revisions to the educator discipline process were enacted in 2000, and now twelve years later, the Commission is here today asking for your consideration of additional amendments to the Educator Discipline Act with the goal of strengthening and enhancing the process by which those educators who engage in misconduct are identified, prosecuted and disciplined.

The amendments that are before you represent the culmination of a collaborative process over the past three years. The Commission amassed the comments and suggestions proffered since the amendments were enacted in 2000 and, in October of 2008, convened the first of several meetings of its stakeholders to discuss proposed amendments. In November of 2010, the Commission held a public hearing on the proposed amendments and received formal comments from PSEA, PSBA, PASA, PAESSP and the Department. Other stakeholders participating in the ongoing dialogue about the amendments included the Pennsylvania Catholic Conference, the Pennsylvania Federation of Teachers, the Pennsylvania Association of Pupil Services Administrators and the Pennsylvania School Counselors Association.

While the amendments proposed in SB 1459 were crafted by the Commission after thoughtful consideration of all of the stakeholders' comments and suggestions, full consensus on every suggested revision was not achieved. The Commission believes, however, that the amendments, as proposed, significantly strengthen educator accountability within the professional discipline framework, which in turn ensures the safety of the children in the schools of the Commonwealth.

SB 1459 encompasses extensive revisions to the Educator Discipline Act. Some of the changes are technical in nature, while others reflect clarification necessitated by several judicial decisions and anomalies

experienced in the last ten years under the current statutory scheme. There are some significant amendments, however, to which I would like to draw your attention:

- expansion of the Commission's jurisdiction to include those educators who hold Private Academic School certification and those educators who work in private entities that have contracted with public schools to provide direct educational services (24 P.S. §2010.1b);
- inclusion of "sexual misconduct" as an independent basis for discipline and defining the term broadly to include *grooming* behaviors, including sexualized dialogue, comments and disclosures (24 P.S. §§2070.1b and 2070.9c);
- broaden and clarify mandatory reporting (24 P.S. §2070.9a) by school administrators to include reporting for
 - any educator who has been provided notice of the school entity's intent to dismiss or otherwise separate from employment,
 - all resignations or other separations from employment by an educator at the local level that occur after allegations of misconduct have arisen,
 - all arrests or convictions of an educator for any misdemeanor or felony, and
 - all allegations involving sexual misconduct, sexual abuse or exploitation or physical injury by an educator against a child or student.
- shortening of the time period for mandatory reporting to the Department from 30 or 60 days to 15 days (24 P.S. §2070.9a);
- inclusion of "founded" and "indicated" reports as defined under the Child Protective Services Act as an independent basis for discipline to allow the Commission to take action against educators who have been the subject of such reports (24 P.S. §2070.9d);
- elimination of the limitation period for filing of complaints by interested parties to comport with other licensing boards in the Commonwealth (24 P.S. §2070.9);
- clarification that allegations discovered in the course of the Department's investigation of a misconduct complaint can be used in

the prosecution of an educator even if the allegations were not in the initial complaint filed with the Department (24 P.S. §2070.9(f));

- prohibition banning school entities from entering into confidentiality or other agreements that would interfere with mandatory reporting (24 P.S. §2070.11(e);
- protection for local school entities to provide fair referencing for employees who separate from employment with outstanding allegations of misconduct (24 P.S. §2070.17a);
- authorization to the Commission to assess fees as a component of a disciplinary sanction (24 P.S. §2070.5(9); and
- specification of rehabilitation opportunities as an option to be used in concert with discipline (24 P.S. §2010.1b).

Again, the Commission is committed to ensuring that the disciplinary process in Pennsylvania is fair, efficient and effective. We thank the Committee for its consideration of SB 1459, which we believe effectuates this goal. I am happy to answer any questions or provide clarification on the educator discipline process or any of the amendments offered in SB 1459.