



pennsylvania
DEPARTMENT OF EDUCATION

Testimony
Senate Education Committee

Senate Bill 1459
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Secretary of Education
April 3, 2012

Good morning Chairman Piccola, Chairman Dinniman and distinguished members of the Senate Education Committee. I would like to thank you for the opportunity to appear here today to offer comments on the proposed amendments to the Educator Discipline Act. I would also like to thank Senator Smucker for his leadership on this issue and for introducing Senate Bill 1459.

The most important mission of the Department of Education is to educate students, and to do so, students must feel safe and secure in their educational environment. The effective prosecution of educator misconduct is an essential element of that mission. The Department's Office of Chief Counsel is responsible for receiving, investigating and prosecuting educator misconduct complaints before the Professional Standards and Practices Commission whenever a certificated educator is involved in misconduct. Currently, there are more than 424,000 professional educators certificated by the Commonwealth of Pennsylvania. Approximately 156,000 are currently employed in public schools in Pennsylvania; thousands more are employed in private schools in the Commonwealth or in other states. While the majority of these professional educators conduct themselves in accordance with the highest moral standards, unfortunately we do not need to look very far to find examples of educators who have betrayed the public trust and engaged in conduct that is harmful to students and to the education profession.

Over the past several years, the Department has engaged in efforts designed to enhance the efficiency and effectiveness of its disciplinary process with the goal of better protecting students. These efforts include committing dedicated staff to investigate and prosecute cases of educator misconduct.

The Department has also worked with the Commission and other stakeholders to craft the amendments that are before you today. Those amendments contain many commonsense reforms that will enhance the safety of our students by helping to ensure that the educators to whom we entrust our students are worthy of our trust and that those who violate our trust are held accountable. I would like to briefly address a few key elements of the proposed amendments.

One important component is the removal of the limitation period for the filing of educator misconduct complaints. Under current law, complaints against educators must be filed within one year of the misconduct or its discovery. In cases involving sexual abuse or exploitation, a complaint must be filed within five years of the student attaining the age of 18. To my knowledge, there is no limitation period for the filing of a professional disciplinary complaint against any other licensed professional in this Commonwealth. Moreover, such a short limitation period is grossly inadequate to protect students, particularly those who are the victims of sexual abuse at the hands of an educator. It often takes years before victims of abuse are ready to confront the abuse and likewise their abuser, particularly when the perpetrator is a trusted authority figure such as a teacher. Pennsylvania law gives victims of child sexual abuse until the age of 50 to bring criminal charges. However, the Professional Educator Discipline Act closes the door on accusers who are over the age of 23, eliminating one avenue for justice and potentially subjecting other students to harm. It is simply wrong to have a law that favors educators who harm students and degrade their profession.

The Department also strongly supports the expansion of the mandatory reporting requirements that apply to school administrators. One notable change relates to the reporting of allegations of physical and sexual abuse. Currently, administrators must

file a report with the Department when they have “reasonable cause to believe” that an educator has physically or sexually abused a child or student. What constitutes “reasonable cause to believe” is not defined and is subject to differing interpretations by school administrators, which results in underreporting of serious cases of misconduct. Under the proposed amendments, administrators will be required to report all allegations of sexual misconduct and abuse and physical abuse to the Department. This change will ensure that all allegations involving sexual and physical abuse are fully investigated and acted upon. In total, the proposed amendments will provide greater clarity for administrators regarding their reporting requirements and enhanced protection for students.

Finally, the Department strongly supports the inclusion of “sexual misconduct” as a stand-alone basis for discipline. This change recognizes that sexual abuse is generally preceded by “grooming behaviors,” including sexualized dialogue, comments and disclosures. The evolution of digital technology that facilitates 24/7 access to students has contributed to an increase of such behavior. Delineating common grooming behaviors as an independent ground for discipline provides an important safeguard for students.

Thank you again for the opportunity to discuss this important matter and for your consideration of Senate Bill 1459. The Department is committed to ensuring the health, safety and welfare of students across this Commonwealth and we believe that this legislation will strengthen the safety net for students, while providing a fair, efficient and effective disciplinary process for educators.