

## **PSEA Comments on Senate Bill 1459 PN 2055**

Thank you for the opportunity to comment on Senate Bill 1459, which is currently before the Senate Education Committee. This bill proposes important changes to the Professional Educator Discipline Act and has been introduced following numerous discussions among various stakeholder groups, including PSEA. While PSEA has not taken an official position on the legislation at this time, we believe that many of the changes set forth in Senate Bill 1459 are positive and will help foster and ensure a safe and secure learning environment for students.

Specifically, PSEA supports the expansion of the jurisdiction of the Professional Standards and Practices Commission to cover individuals holding certificates issued under the Private Academic Schools Act and individuals who are not certified, but who serve as contracted educational providers. Additionally, PSEA supports the Commission's efforts to broaden its powers to issue supplemental sanctions that serve rehabilitation purposes and to establish and participate in alternative dispute resolution programs. We believe that the development of outreach programs, professional development, and courses designed to improve the quality of practice and ethical conduct in the teaching profession are critically important.

PSEA supports efforts to ensure that perpetrators of child abuse have no place in an educational setting. At the same time, we believe it is imperative that individuals are afforded their due process rights. With this in mind, PSEA believes that certain provisions of Senate Bill 1459 should be altered or clarified to maintain this fundamental right. It appears that this proposal could require an indicated report to be issued prior to the accused's opportunity to challenge the report through a factual hearing. Knowing this, we are troubled that the bill treats an indicated report of child abuse as "conclusive evidence of immorality." In these cases, we do not believe that an indicated report should constitute conclusive evidence of immorality; instead we would suggest that the Commission conduct a proceeding prior to imposing professional discipline, in order to ensure due process. In addition, we note that Senate Bill 1459 references "final determinations" of indicated reports, but it is not clear under current law when an indicated report becomes final (i.e., after being filed by a caseworker, or after all avenues for appeal or timelines for appeal have been exhausted). This term should be clearly defined.

PSEA also questions how this proposal would interact with Senate Bill 1381, which is likely to receive Committee consideration in the coming weeks. It appears that, when taken separately, the bills create separate or opposing requirements. PSEA has submitted extensive amendatory language specific to Senate Bill 1381 and suggests that the bills be reconciled to match and more closely align with our suggested amendments. Specifically, we believe our language suggestions surrounding the definition of "sexual misconduct," which would include grooming behaviors, will accomplish the objective of both bills. Additionally, we believe further clarification surrounding mandatory reports of alleged misconduct, coupled with resignation or separation, warrants further scrutiny as the definition of misconduct is not contained in the bill.



Finally, Senate Bill 1459 eliminates any statute of limitations for the filing of complaints. Current law provides a one-year statute of limitations for the filing of complaints, with an exception that provides a longer period of time for complaints involving sexual abuse or exploitation. The Department has interpreted current law as providing that the Department or interested party must file a complaint within one year of learning of the alleged misconduct, regardless of whether it was previously known or should have been reported by another interested party. While we understand that the Commission and Department do not want to prohibit the prosecution of valid complaints based on technical rules, we cannot support the complete removal of all timelines for the filing of complaints given the potential adverse impact on an educator's ability to defend against allegations and given the Commonwealth's interest in resolving such matters expeditiously. For example, if the Department learns about alleged misconduct that occurred 10 years ago, it should not be permitted to wait another 10 years prior to filing a complaint.

Thank you, again, for your careful consideration of these issues and Senate Bill 1459. PSEA agrees that it is time to review and, where appropriate, revise the Professional Educator Discipline Act and appreciates the opportunities to participate in that review with the Commission and this Committee.

