Introduction

On April 23, 2022, the final form amendments to **Chapter 49 (relating to Certification of Professional Personnel)** of Title 22 of the Pennsylvania Code became effective upon publication in the *Pennsylvania Bulletin*.\(^1\)

22 Pa. Code § 49.14(4)(i) requires the Pennsylvania Department of Education (PDE) to identify competencies and develop associated standards for educator training in professional ethics.

Chapter 49 requires instruction in professional ethics to be integrated in educator preparation, induction, and continuing professional development programs as follows.\(^2\)

- Continuing professional development programs must integrate the professional ethics competencies no later than the 2023-24 academic year.
- Educator preparation and induction programs must integrate the professional ethics competencies no later than the 2024-25 academic year.

22 Pa. Code § 49.1. *Definitions* defines “professional ethics” as the standards of behavior, values, and principles that inform and guide professional decision-making. These standards of behavior, values, and principles include those detailed in the Pennsylvania *Model Code of Ethics for Educators* (MCEE), as adopted by the Pennsylvania *Professional Standards and Practices Commission*. See Appendix A.

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\(^1\) [https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol52/52-17/624.html&continued=/secure/pabulletin/data/vol52/52-17/624a.html\&d=reduce]

\(^2\) [https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol52/52-17/624.html&continued=/secure/pabulletin/data/vol52/52-17/624a.html\&d=reduce]
**COMPETENCIES: PROFESSIONAL ETHICS (PE)**

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<th>Professional educators:</th>
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The Model Code of Ethics for Educators (MCEE) reprinted below are explained and elaborated in great detail on the National Association of State Directors of Teacher Education and Certification (NASDTEC) website.³

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<tr>
<th>Principle</th>
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<tr>
<td>原则1</td>
<td>教育工作者意识到，信任职业的水平取决于专业行为和责任，可能高于法律要求。这意味着要求一个和教育工作者相同的职业道德标准。</td>
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<td>原则2</td>
<td>教育工作者致力于最高的专业和道德实践水平，包括展示专业技能和道德习惯，这些是专业胜任必需的。</td>
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<tr>
<td>原则3</td>
<td>教育工作者有一个主要的职责是尊重学生尊严和尊重。教育工作者促进学生的健康、安全以及福祉，通过建立和保持适当的精神、情感和社交界限。</td>
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<tr>
<td>原则4</td>
<td>教育工作者促进与学校社区成员的积极关系和有效互动，同时保持专业界限。</td>
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<tr>
<td>原则5</td>
<td>教育工作者考虑消耗、创造、递送和沟通信息的所有技术的影响。伦理工作者警惕确保时间、地点和角色的适当界限时的电子通信。</td>
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³ https://www.nasdtec.net/page/MCEE_Doc#Principle%201%20title

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In addition to the Professional Ethics Competencies, the Professional Standards and Practices Commission (PSPC) adopted and maintains a code for professional practice and conduct that shall be applicable to any educator. The Code of Professional Practice and Conduct for Educators\(^4\) delineates the educators’ commitment to students, colleagues, and the profession.

§ 235.1. Mission.\(^5\)

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:

\(^4\) https://www.pspc.education.pa.gov/Documents/Statutes%20Regs%20Forms/Code%20of%20Conduct.pdf

§ 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:

14. The nature, purpose, timing and amount/extent of the communication;
15. The subject matter of the communication; and
16. 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.
APPENDIX C
ACKNOWLEDGMENTS

The Pennsylvania Department of Education recognizes the following organizations and individuals in the development of these competencies:

- Pennsylvania State Board of Education for leading the process to update the Chapter 49 regulations
- Pennsylvania Association of Colleges and Teacher Educators for identifying and recommending members to the Professional Ethics Working Group
- Professional Ethics Working Group Members: Dr. Rhonda Brunner (Shippensburg University); Dr. Oliver Dreon (Millersville University); Dr. Jennifer Fisler (Messiah University); Dr. Nicole Hill (Professional Standards and Practices Commission); Dr. Tim Stevenson (PennWest University); Dr. John Ward (Kutztown University); and Dr. Mary Williams (La Salle University)
- Troy Hutchins, National Association of State Directors of Teacher Education and Certification, for serving as a subject matter expert to the Professional Ethics Working Group
- Educator preparation program faculty for participating in the Listening Sessions to review and provide input to the draft developed by the Professional Ethics Working Group
- Colleagues at the Pennsylvania Training and Technical Assistance Network in Harrisburg who supported PDE in the facilitation of the working groups and listening sessions