

<h1>Regulatory Analysis Form</h1> <p>(Completed by Promulgating Agency)</p> <p>(All Comments submitted on this regulation will appear on IRRC's website)</p>		<p><b>INDEPENDENT REGULATORY REVIEW COMMISSION</b></p> <p><b>RECEIVED</b></p> <p>MAY 12 2021</p> <p>Independent Regulatory Review Commission</p>
<p>(1) Agency <b>Professional Standards and Practices Commission</b></p>		<p>IRRC Number: 3233</p>
<p>(2) Agency Number: 006 Identification Number: 6-340</p>		
<p>(3) PA Code Cite: 22 Pa. Code Chapter 235</p>		
<p>(4) Short Title: <b>Code of Professional Practice and Conduct for Educators</b></p>		
<p>(5) Agency Contacts (List Telephone Number and Email Address): Primary Contact: <b>Shane Crosby, Executive Director/Legal Counsel, 717-787-6576, <a href="mailto:shcrosby@pa.gov">shcrosby@pa.gov</a></b></p>		
<p>(6) Type of Rulemaking (check applicable box):</p> <p><input type="checkbox"/> Proposed Regulation <input checked="" type="checkbox"/> Final Regulation <input type="checkbox"/> Final Omitted Regulation</p>		<p><input type="checkbox"/> Emergency Certification Regulation; <input type="checkbox"/> Certification by the Governor <input type="checkbox"/> Certification by the Attorney General</p>
<p>(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)</p> <p><b>The Code of Professional Practice and Conduct for Educators ("Code") sets forth to the profession and the public it serves standards of professional practice and conduct applicable to all educators. The amendments in this final-form rulemaking are designed to update and revise the Code to make it relevant and applicable to current educators. The amendments present new or expanded guidelines addressing educators' responsibilities to students, colleagues, and the profession.</b></p>		
<p>(8) State the statutory authority for the regulation. Include <u>specific</u> statutory citation.</p> <p><b>The amendments are authorized under section 5(a)(10) of the Educator Discipline Act (24 P.S. § 2070.5(a)(10)).</b></p>		
<p>(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.</p> <p><b>Section 5(a)(10) of the Educator Discipline Act (24 P.S. § 2070.5(a)(10)) specifically directs the Commission to adopt and maintain a code for professional practice and conduct for educators.</b></p>		

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

**Section 5(a)(10) of the Educator Discipline Act (21 P.S. § 2070.5(a)(10)) directs the Commission to adopt and maintain a code for professional practice and conduct applicable to all educators. The Commission adopted the current Code of Professional Practice and Conduct for Educators in 1992. The amendments to the Code address the implications of shifts in both technology and society since its adoption in 1992 and make the Code relevant and applicable to current educators.**

**The Commission disciplines approximately 300 educators annually. In many instances, technology plays an important role as either evidence of misconduct or as the source of the misconduct. The amendments include a provision defining and prohibiting inappropriate communications with students, including communications achieved through electronic means. In addition, the amendments present new or expanded guidelines addressing the following: appropriate boundaries; maintaining the integrity of standardized tests; improper gifts; drug and alcohol use; non-discrimination; and reporting and cooperation during investigations.**

**There is a compelling public interest in requiring educators to comply with standards of professional practice and conduct. All educators will benefit from the regulation by receiving notice of the standards of professional practice and conduct that they must adhere to. All consumers of education will benefit by being protected from educators who engage in unprofessional conduct.**

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

**There are no federal licensure standards for educators.**

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

**Other states have regulations pertaining to professional conduct and codes of ethics. In revising its current Code, the Commission looked at other states' codes of conduct and ethics, including Alabama, Alaska, Arkansas, Connecticut, Florida, Georgia, Illinois, Iowa, Kansas, Michigan, Minnesota, Mississippi, Ohio, Oklahoma, Rhode Island, Texas, and Vermont. This regulation is consistent with the codes of these and other states and will not put Pennsylvania at a competitive disadvantage. Section 235.5a(m) of the final-form rulemaking is modeled on Standard 3.9 of the Texas Administrative Code.**

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies?

If yes, explain and provide specific citations.

**This regulation will not affect existing or proposed regulations of the Commission or other agencies.**

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

**The Commission engaged in significant informal public outreach before the proposed regulation was published. Beginning in January 2017, the Commission held a series of public committee meetings to discuss revisions to its existing Code with interested parties and stakeholders. In March 2017, the Commission sent a preliminary draft of the revisions to interested parties for comment. Second and third drafts were sent to interested parties in September 2017 and January 2018, respectively. Four interested parties submitted written comments. The Commission reviewed and considered all comments and suggestions received by interested parties. Most of the suggestions were incorporated prior to finalization. The interested parties included the following: Pennsylvania Department of Education, Pennsylvania State Education Association, Pennsylvania School Boards Association, Pennsylvania Federation of Teachers, Pennsylvania Principals Association, Pennsylvania Association of School Administrators, Pennsylvania Association of School Personnel Administrators, Pennsylvania Coalition of Public Charter Schools, Pennsylvania Association of School Business Officials, Pennsylvania Association of Independent Schools, Pennsylvania Association of Intermediate Units, Pennsylvania Association of School Social Work Personnel, Pennsylvania Association of Career and Technical Administrators, and Pennsylvania Catholic Conference.**

**The proposed regulation was published in the Pennsylvania Bulletin at 49 Pa.B. 1905 (April 20, 2019) for formal comments. The Commission received formal comments from the Independence Law Center, the Pennsylvania Catholic Conference, the Pennsylvania School Boards Association, and IRRC. On November 23, 2020 and January 11, 2021, the Commission held public meetings to discuss the comments and proposed revisions. A draft of the proposed revisions was circulated prior to the November 23, 2020 meeting. On January 6, 2021, the Commission received additional comments from the Pennsylvania State Education Association. PSEA's comments were discussed at the January 11, 2021 meeting and are addressed in the final-form rulemaking.**

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

**All certificated educators, as well as all non-certificated charter school staff members and contracted educational provider staff members, will be affected by the regulation, in that they must adhere to the Code of Professional Practice and Conduct for Educators. According to the Department of Education, there are approximately 768,241 certificated educators (approximately 123,000 actively employed in public schools) and 957 non-certificated educators. There are no perceived people or groups of people who would be adversely affected by the regulation.**

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

**All certificated educators and all non-certificated charter or cyber charter school staff members and contracted educational provider staff members will be required to comply with the regulation. Currently, there are approximately 768,241 certificated educators and approximately 957 non-certificated educators. According to the Department of Education, there are on average approximately 22,000-25,000 applicants for certification each year.**

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

**There will be numerous benefits to educators, students, and to the general public for compliance with these standards. The Code of Professional Practice and Conduct for Educators reflects the shared beliefs of the teaching profession in Pennsylvania. It serves to notify the public and members of the profession of the expected standards of conduct for educators and helps to advance the Commission's mission of 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.**

**All these goals benefit the profession, students, and the general public.**

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

**There will be no adverse effects or costs associated with compliance with the regulation.**

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

**There will be no costs or savings associated with complying with the regulation.**

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

**There are no costs or savings to local governments resulting from the regulation.**

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

**There are no costs or savings to the state government in implementing the regulation.**

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an

explanation of measures which have been taken to minimize these requirements.

**Not applicable**

(22a) Are forms required for implementation of the regulation?

**No**

(22b) If forms are required for implementation of the regulation, **attach copies of the forms here**. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. **Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.**

**Not applicable.**

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
<b>Regulated Community</b>						
<b>Local Government</b>						
<b>State Government</b>						
<b>Total Savings</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>
<b>COSTS:</b>						
<b>Regulated Community</b>						
<b>Local Government</b>						
<b>State Government</b>						
<b>Total Costs</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>
<b>REVENUE LOSSES:</b>						
<b>Regulated Community</b>						
<b>Local Government</b>						
<b>State Government</b>						
<b>Total Revenue Losses</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>

(23a) Provide the past three year expenditure history for programs affected by the regulation.

**Not applicable**

Program	FY -3	FY -2	FY -1	Current FY
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(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

**This regulation will not have an adverse impact on small business because the Code regulates the conduct of educators, not small businesses.**

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

**No special provisions are required to address any particular group.**

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

**Because the regulation will not burden the regulated community, this is the least burdensome alternative. Further, no other alternative regulatory provisions were considered because the regulation will not burden the regulated community.**

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory

Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performance standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

**This regulation will not have any adverse impact on small business.**

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

**No data forms the basis for this regulation.**

(29) Include a schedule for review of the regulation including:

- |   |  |
|---|--|
| A. The length of the public comment period:   | <b>30 days</b>   |
| B. The date or dates on which any public meetings or hearings will be held:                   | <b>The Commission holds bi-monthly public meetings at which information relative to all rulemaking is discussed. 2021 meeting dates are: January 11; March 15; May 10; July 19; September 13; and November 15, 2021.</b> |
| C. The expected date of delivery of the final-form regulation:                                | <b>April/May 2021</b>  |
| D. The expected effective date of the final-form regulation:                                  | <b>Upon publication in the Pennsylvania Bulletin</b>   |
| E. The expected date by which compliance with the final-form regulation will be required:     | <b>Upon publication in the Pennsylvania Bulletin</b>   |
| F. The expected date by which required permits, licenses or other approvals must be obtained: | <b>N/A</b>   |

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

**The Commission will review the Code of Professional Practice and Conduct for Educators on an ongoing basis and similarly will solicit comments from affected parties on an ongoing basis.**



CDL-1

**FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU**


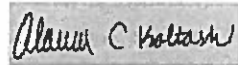
**(Pursuant to Commonwealth Documents Law)**

**RECEIVED**

**MAY 12 2021**

Independent Regulatory  
Review Commission

DO NOT WRITE IN THIS SPACE

<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p>BY: _____ (DEPUTY ATTORNEY GENERAL)</p> <p>_____ DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable Copy not approved. Objections attached.</p>	<p>Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by</p> <p>Education-Professional Standards and Practices Commission _____ (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO. <u>6-340</u></p> <p>DATE OF ADOPTION _____</p> <p> BY: _____ Chairperson Pro Tempore</p> <p>TITLE _____ (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)</p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies.</p> <p>BY:  _____</p> <p>_____ May 3, 2021 DATE OF APPROVAL</p> <p>Deputy General Counsel (Chief Counsel, Independent Agency) (Strike inapplicable title)</p> <p><input type="checkbox"/> Check if applicable. No Attorney General approval or objection within 30 days after submission.</p>
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**NOTICE OF FINAL-FORM RULEMAKING**

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF EDUCATION  
PROFESSIONAL STANDARDS AND PRACTICES COMMISSION**

**22 Pa. Code, Chapter 235**

**Code of Professional Practice and Conduct for Educators**

# **PREAMBLE-FINAL RULEMAKING**

## **Title 22—EDUCATION**

### **PROFESSIONAL STANDARDS AND PRACTICES COMMISSION**

#### **[ 22 PA. CODE CH. 235 ]**

#### **Code of Professional Practice and Conduct for Educators**

The Professional Standards and Practices Commission (Commission) hereby amends 22 Pa. Code Chapter 235 (relating to code of professional practice and conduct for educators) to read as set forth in Annex A.

#### **Effective Date**

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*.

#### **Statutory Authority**

This final-form rulemaking is authorized by section 5(a)(10) of the Educator Discipline Act (act) (24 P.S. § 2070.5(a)(10)).

#### **Background and Purpose**

The General Assembly has charged the Commission with adopting and maintaining a code for professional practice and conduct applicable to all educators. *See* 24 P.S. § 2070.5(a)(10). The Commission adopted the Code of Professional Practice and Conduct for Educators (Code) in 1992 and it has not been updated since. These amendments are designed to update and revise the Code to make it relevant and applicable to current educators. The amendments present new or expanded guidelines addressing educators' responsibilities to students, colleagues, and the profession.

#### **Summary of Amendments**

Section 235.2(b) (relating to introduction): The changes frame educators' responsibilities under the Code within the context of the educator's commitment to students, colleagues, and the profession. This language appeared in section 235.5 (relating to conduct) of the proposed rulemaking and was moved here due to the deletion of section 235.5 in this final-form rulemaking.

Section 235.2(c) (relating to introduction): The changes clarify that the Department is not precluded from pursuing discipline, including suspension or revocation, on other available grounds for conduct that constitutes an independent basis for a public or private reprimand under

the Code. This section was revised in this final-form rulemaking for additional clarity in response to public comments. It was also revised to specify that all violations of the Code, not just violations of specified sections, may be an independent basis for a public or private reprimand. Throughout this final-form rulemaking, non-regulatory language was deleted to provide educators with clear and precise standards for compliance. Therefore, it is appropriate that a violation of any of these standards may serve as an independent basis for a public or private reprimand.

Section 235.2(d) (relating to introduction): The changes create a new subsection and clarify that that nothing in the Code shall be interpreted to require educators to violate any of the doctrines, tenets, policies, or practices of any religious or religiously-affiliated school in which the educator is employed. This subsection was not included in the proposed rulemaking. It was added to this final-form rulemaking in response to comments received from the public and from IRRC.

Section 235.3 (relating to purpose): The changes delete this section because the language is non-regulatory in nature and more appropriate for a statement of policy. The changes were made in response to comments received from IRRC following the public comment period.

Section 235.3a (relating to definitions): The definition for “unauthorized drugs” was not included in the proposed rulemaking and was added in response to comments received from IRRC. The changes also delete definitions for the following terms that were included in the proposed rulemaking but are not included in this final-form rulemaking: “dual or multiple relationships;” “fiduciary relationship;” “safe environment;” “safety;” and “transparency.” These terms appeared in sections that were deleted because they were determined to be non-regulatory.

Section 235.4 (relating to professional practices): The changes delete this section because most of the language is non-regulatory in nature or redundant of other sections. The changes were made in response to comments received from IRRC following the public comment period. Section 235.4(b)(1) of the proposed rulemaking was replaced by section 235.5c(a) without changes. Section 235.4(b)(11) of the proposed rulemaking was replaced by section 235.5a(d) with minor changes for clarity and consistency. Section 235.4(b)(12) of the proposed rulemaking was replaced by section 235.5a(a) with minor changes for clarity.

Section 235.5 (relating to conduct): This section was replaced by section 235.2(c) of this final-form rulemaking.

Section 235.5a sets forth standards for professional conduct in fulfillment of the educator's commitment to students. The changes add standards addressing appropriate boundaries; sexual misconduct; maintenance of confidentiality; an educator's use, possession, or distribution of alcoholic beverages or illegal or unauthorized drugs; and inappropriate communication, including inappropriate communication achieved through electronic means. Proposed section 235.5a was reordered in this final-form rulemaking and revised to add subsections (a) (exercise of educator's rights and powers), (d) (protecting students from harm), (f) (unlawful discrimination), and (g) (interference with students' civil and political rights) and to delete proposed subsection (e). These changes were prompted by the deletion of section 235.4 in the final-form rulemaking, as well as comments received during and after the public comment period.

Section 235.5b sets forth standards for professional conduct in fulfillment of the educator's commitment to colleagues. This section includes prohibitions against sexual harassment; intentional distortion of evaluations; threats, coercion or discrimination against colleagues who report violations; the use of improper means to influence professional decisions; and the unauthorized disclosure of confidential health or personnel information. Proposed section 235.5b was reordered and revised in this final-form rulemaking to add subsections (d) (unlawful discrimination) and (e) (interference with civil or political rights). This change was prompted by the deletion of subsections (h) and (i) of section 235.5(c) in the final-form rulemaking.

Section 235.5c sets forth standards for professional conduct in fulfillment of the educator's commitment to the profession. The amendments add or expand standards addressing misrepresentation and document fraud; reporting and cooperation during official investigations and proceedings; security of standardized testing; and improper personal or financial gain. Proposed section 235.5c was reordered in this final-form rulemaking and revised to add subsection (a) (legal obligations). Proposed subsections (h) and (i) were replaced by sections 235.5a(f) and (g) and 235.5b(d) and (e) in response to comments received from the public and from IRRC. Proposed subsections (a) (renamed subsection (b) in this final-form rulemaking) and (g) (renamed subsection (h) in this final-form rulemaking) were revised for clarity in response to public comments. Proposed subsection (l) was renamed subsection (k) and revised for clarity.

### **Comment and Response**

Notice of the proposed rulemaking was published in the *Pennsylvania Bulletin* at 49 Pa.B. 1905 (April 20, 2019), with a public comment period as required by law. The public comment period ended on May 20, 2019. The Commission received comments from the Independence Law Center, the Pennsylvania Catholic Conference (PCC), and the Pennsylvania School Boards Association (PSBA). The Commission also received comments from IRRC following the close of the public comment period. On January 6, 2021, the Commission received comments from the Pennsylvania State Education Association (PSEA). Although PSEA's comments were received after the close of the public comment period, the Commission's responses are included below.

Independence Law Center

Comment:

The Independence Law Center commented that the enumeration in proposed sections 235.4(b)(4) and 235.5c(h) of special categories, such as gender identity and expression, and the deletion of "sex" in proposed section 235.4(b)(4) creates harmful hierarchies of dignity and worth of students; removes "sex" as a basis for respecting the dignity, worth and uniqueness of each student; causes harassment and discrimination; harms a real culture of non-discrimination and civility; and is incompatible with prohibitions on sex stereotyping. The Independence Law Center also commented that the Commission's reliance on Pennsylvania Human Relations Commission Guidance is flawed.

Response:

Proposed sections 235.4(b)(4) and 235.5c(h) were deleted in the final-form rulemaking and replaced by sections 235.5a(f) and 235.5b(d). Section 235.5a(f) provides that educators “[s]hall exhibit consistent and equitable treatment and shall not unlawfully discriminate against students.” Section 235.5b(d) provides that educators “[s]hall not unlawfully discriminate against colleagues.”

#### PCC

##### Comment:

PCC commented that the proposed amendments improperly expand the bases for claims of discrimination set forth in the Pennsylvania Human Relations Act and that, if applied to Catholic educators, the proposed amendments would violate constitutionally-protected religious liberties and the Pennsylvania Religious Freedom Protection Act (PRFPA) (71 P.S. § 2101 - 2407). The PCC also commented that an express disclaimer that the offending provisions of the Code must not conflict with the lawful policies of religiously-affiliated schools should be incorporated in the final-form rulemaking.

##### Response:

The Commission worked with representatives of the PCC to develop the disclaimer language found in section 235.2(d), which reads: “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.” Additionally, proposed sections 235.4(b)(4) and 235.5c(h) were deleted in the final-form rulemaking and replaced by sections 235.5a(f) and 235.5b(d). Section 235.5a(f) provides that educators “[s]hall exhibit consistent and equitable treatment and shall not unlawfully discriminate against students.” Section 235.5b(d) provides that educators “[s]hall not unlawfully discriminate against colleagues.” The revised language avoids conflict with existing anti-discrimination laws.

#### PSBA

PSBA expressed general support for the amendments. PSBA also offered the following suggestions:

##### Comment:

PSBA suggested that the following clarifying language be added to proposed section 235.2(c): “Discipline for conduct that constitutes both an independent basis for suspension or revocation of an educator’s certificate or employment eligibility and a violation of this chapter shall not be limited to 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 discipline an educator’s certificate or employment eligibility, or both.”

Response:

Proposed section 235.2(c) was revised in this final-form rulemaking to read as follows: “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.”

Comment:

PSBA suggested that proposed section 235.5a(d) be revised to read as follows: “Shall not sexually harass others or engage in sexual misconduct.”

Response:

The Commission agrees with PSBA that the language “including sexual relationships” is not necessary since section 235.3a incorporates the act's definition of sexual misconduct, which includes sexual relationships with students. The Commission, however, declined to replace the word “students” with “others” because section 235.5a specifically articulates educators' responsibilities to students. Accordingly, in the final-form rulemaking section 235.5a(d) was renamed subsection (c) and revised to read as follows: “Shall not sexually harass students or engage in sexual misconduct.”

Comment:

PSBA commented that many of the “factors” included in proposed section 235.5a(j) for assessing whether a communication is inappropriate are patently inappropriate in and of themselves, and suggested that the following language be added at the beginning of section 235.5a(j): “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 communications are inappropriate include...” PSBA also suggested the addition of the following language: “(4) whether the communication involved disclosure of personal or family problems, relationships, or secrets; and (5) whether the communication encouraged or condoned the student's addressing the educator using terms of endearment, pet names or other overly familiar language.”

Response:

The Commission agreed with PSBA that some of the “factors” outlined in proposed section 235.5a(j) (renamed subsection (m) in the final-form rulemaking) are better characterized as examples of inappropriate communications and made the suggested change. However, the Commission declined to incorporate proposed subsections (4) and (5). The Commission believes that the language is very broad and could potentially capture communications that are not inherently inappropriate. The Commission also believes that the language is unnecessary because the subject matter of the communication is already a factor for considering whether the communication is inappropriate.

Comment:

PSBA suggested that the words “a colleague” be replaced by the word “others” in proposed section 235.5b(c) (related to sexual harassment).

Response:

The Commission declined to make the suggested change in the final-form rulemaking because section 235.5b(c) specifically articulates an educator’s responsibility to colleagues.

Comment:

PSBA suggested that proposed section 235.5c(a) be revised to read as follows: “Shall apply for, accept, or assign a position or a responsibility only on the basis of professional qualifications and abilities.”

Response:

The Commission agreed with PSBA that the words “and abilities” should be added to the end of proposed section 235.5c(a) (renamed subsection (b) in the final-form rulemaking) and made the change. The Commission believes that the addition of the word “only” is unnecessary and declined to make the suggested change.

Comment:

PSBA suggested that the following be included in proposed section 235.5c(g): “providing unauthorized assistance to students, unauthorized alteration of test responses, results or data...”

Response:

The Commission appreciates PSBA’s comment and made the suggested change to proposed section 235.5c(g) (renamed subsection (h) in the final-form rulemaking).

Comment:

PSBA suggested that the words “for personal gain or advantage” be deleted from proposed section 235.5c(l) for clarity.

Response:

The Commission agreed that proposed section 235.5(c)(l) required clarity. However, the Commission was concerned that simply deleting the words “for personal gain or advantage” would not provide the needed clarity. Accordingly, proposed section 235.5(c)(l) (renamed subsection (k) in the final-form rulemaking) was revised to read as follows: “Shall use school funds, property, facilities, and resources only in accordance with local policies and local, state, and federal laws.”

IRRC

Comment:

IRRC commented that section 5(a)(10) of the act provides the Commission authority to adopt a code of conduct, but it does not provide the authority to promulgate that code as a regulation under the Regulatory Review Act. IRRC further commented that section 1206 of the Commonwealth Documents Law provides the Commission authority to promulgate a code of conduct in a form and manner other than a regulation.

Response:

Under the Rules of Statutory Construction, statutes or parts of statutes *in pari materia* are to be construed together. 1 Pa.C.S. § 1932. Contrary to the comment that there is a lack of statutory authority, the Commission is authorized to promulgate regulations establishing and enforcing a code of conduct for educator discipline when the relevant sections of the act are read *in pari materia*. Further, the history and the legislative intent of the act also support this authorization.

To begin, the following is a brief history of the evolution of the relevant statutory provisions relating to the Commission’s regulatory authority and the code for professional practice and conduct.

The Commission was first established by the act of December 12, 1973 (P.L. 397, No. 141) (24 P.S. §§ 12-1251-12-1268 ) known as the Teacher Certification Law. Sections 12-1251 to 12-1268 were renumbered as 24 P.S. § 2070.1 to § 2070.18 in 1994. As originally constituted, the Commission was an advisory group to the State Board of Education. The authority to discipline educators for misconduct was vested in the Secretary of Education. The Teacher Certification Law provided in pertinent part that the Commission shall have the power and its duty shall be “[t]o adopt **rules and regulations** as may be necessary to carry out the purposes of this act.” *Formerly* (24 P.S. § 12-1255(a)(5)) (*emphasis added*). The Commission was subsequently terminated, effective December 31, 1988, after the sunset provision was not extended.

The act of December 14, 1989 (P.L. 612, No. 71) (24 P.S. §§ 12-1251-12-1268) re-established the Commission and amended the underlying act. The amendments maintained the Commission’s advisory functions, while also imbuing it with significant new duties and responsibilities, including the authority to discipline educators for misconduct. The General Assembly also charged the Commission for the first time with adopting a code of conduct. Specifically, section 5(a)(10) of the Teacher Certification Law provided that the Commission



shall have the power and its duty shall be “[t]o adopt by July 1, 1991, a code for professional practice and conduct, pursuant to the act of July 31, 1968 (P.L. 769, No. 240), referred to as the Commonwealth Documents Law.” *Formerly* 24 P.S. § 12-1255(a)(10). Section 5(a)(10) further provided that “the code may specify those sections the violation of which may constitute a basis for a reprimand.” *Id.* Section 5(a)(14) empowered the Commission “[t]o adopt, pursuant to the act of July 31, 1968 (P.L. 769, No. 240), referred to as the Commonwealth Documents Law, operating and procedural **rules and regulations** necessary to carry out the purposes of this act.” *Formerly* 24 P.S. § 12-1255(a)(14) (*emphasis added*). Finally, section 8 provided that “[e]ach **rule and regulation** of the Professional Standards and Practices Commission in effect on December 31, 1988, shall remain in effect until repealed or amended by the commission.” *Formerly* 24 P.S. § 12-1258 (*emphasis added*).

The act of December 20, 2000 (P.L. 918, No. 123) (24 P.S. §§ 2070.1-2070.18a) amended the Teacher Certification Law and renamed it the Professional Educator Discipline Act (PEDA). Sections 5(a)(10) (relating to the code for professional practice and conduct) and (14) (relating to rules and regulations) remained intact.

Finally, the act of December 18, 2013 (P.L. 1205, No. 120) (24 P.S. §§ 2070.1a-2070.18c) amended the PEDA and renamed it the Educator Discipline Act (EDA). Section 5(a)(10) was amended to read as follows: “To adopt and maintain a code for professional practice and conduct that **shall be applicable to any educator** as defined in this act, pursuant to the act of July 31, 1968 (P.L. 769, No. 240), referred to as the Commonwealth Documents Law.” 24 P.S. § 2070.5(a)(10) (*emphasis added*). Section 9c(a)(8) of the EDA provides that the Commission “**shall** direct the department to impose discipline against any educator for conduct found by the commission to constitute...[a] violation of the code of professional practice and conduct adopted pursuant to section 5(a)(10).” 24 P.S. § 2070.9c(a)(8) (*emphasis added*). Further, under section 5(a)(14), the Commission maintains its general authority to adopt rules and regulations necessary to carry out the purposes of the Act. 24 P.S. § 2070.5(a)(14).

Two things are clear: (1) from its inception in 1973, the Commission has always had the statutory authority to promulgate regulations; and (2) the General Assembly clearly intended the code for professional practice and conduct required by section 5(a)(10) to be enforced and to have the force and effect of law.

This is supported by the fact that the Code of Professional Practice and Conduct for Educators (Code) has been enforced as a regulation for twenty-seven (27) years. Further, the failure to reference the Regulatory Review Act (RRA) in section 5(a)(10) of the act does not mean that the Code may only be adopted as a statement of policy.

While the RRA provides for oversight and review by IRRC and the General Assembly, the procedures by which all Commonwealth agencies exercise their statutory power to promulgate regulations are set forth in the Commonwealth Documents Law (CDL). See Germantown Cab Co. v. Phila. Parking Auth., 36 A.3d 105 (Pa. 2012). “It is well settled that agency regulations must be promulgated pursuant to the procedures found in the [CDL] in order to have the force and effect of law. Statements of policy, on the other hand, need not comply

with these procedures.” Hillcrest Home, Inc. v. Commonwealth, Dep’t of Public Welfare, 553 A.2d 1037 (Pa. Cmwlth. 1989). When the General Assembly provided that the Code shall be adopted pursuant to the CDL, it clearly meant that the Code shall be adopted pursuant to the procedures established in the CDL, i.e., the procedures for promulgation of a regulation. If the General Assembly intended the Code to be anything other than a regulation, the language “to adopt pursuant to the Commonwealth Documents Law” would be superfluous.

Section 5(a)(14) of the EDA provides additional support for the conclusion that the General Assembly intended the Code to be promulgated as a regulation. That section provides that the Commission shall have the power and duty to adopt “**rules and regulations**” pursuant to the “Commonwealth Documents Law.” 24 P.S. § 2070.5(a)(14) (*emphasis added*). The Commonwealth Documents Law requires notice of proposed rulemaking, the review and consideration of comments, the requirement for regulations to be within the scope of the original purpose, a minimum effective date of 30 days, the review by the Office of Attorney General, and the deposit of regulations with the Legislative Reference Bureau. 45 P.S. §§ 1201 -1208. Clearly, here, the General Assembly’s reference to the CDL was intended to invoke the rulemaking process. Similarly, the reference to the CDL in section 5(a)(10) was also intended as a reference to the rulemaking process.

Further, the EDA provides that the Code “shall be applicable to any educator” and that the Commission “shall direct the department to impose discipline against any educator” found guilty of violating the Code. 24 P.S. § 2070.5(a)(10); 24 P.S. § 2070.9c(a)(8). This language clearly evidences the General Assembly’s intent that the Code create a binding norm, i.e., that it have the force and effect of law. It is axiomatic that a statement of policy, unlike a regulation, cannot bind third parties. See Eastwood Nursing & Rehab. Ctr. v. Dep’t of Pub. Welfare, 910 A.2d 134 (Pa. Cmwlth. 2006). Therefore, the General Assembly simply could not have intended that the Code be adopted as a statement of policy.

The legislative history of the act of December 14, 1989 (P.L. 612, No. 71), which first charged the Commission with adopting a code for professional practice and conduct, lends further support for this conclusion. The following exchange between Representatives Cohen and Cowell (a prime-sponsor of the law), is instructive.

Representative Cohen: “Does this commission have the power to issue regulations? Can new regulations be issued for new standards of conduct under this act?”

Representative Cowell: “Let me find the exact language, Mr. Speaker. Page 9, section (10), provides that the commission will promulgate a code for professional practice and conduct by July 1 of 1991. As I recall, that is similar to the language that we had in the version of the bill that we approved earlier this year. It also includes a caveat that we included in our original bill, and that is the language that ‘Nothing in the code for professional practice and conduct shall be an independent basis for the suspension or revocation of a certificate...’”

House Legislative Journal, October 4, 1989, No. 58 at 1566-1567.

In response to the question whether the Commission has the authority to adopt regulations establishing new standards of conduct, Representative Cowell specifically invoked section 5(a)(10). This is convincing evidence that the General Assembly intended that the Commission establish enforceable standards of conduct through the rulemaking process.

It is fundamental that the object of all interpretation and construction of statutes is to ascertain and effectuate the intention of the General Assembly, and that every statute shall be construed to give effect to all its provisions. 1 Pa.C.S. § 1921(a); MERSCORP, Inc. v. Del. Cty., 207 A.3d 855 (Pa. 2019). In ascertaining legislative intent, it is presumed that the General Assembly does not intend a result that is absurd, impossible of execution or unreasonable. 1 Pa.C.S. § 1922(1). That is, the body charged with regulating the conduct of the Commonwealth's educators has to both be able to adopt and enforce those provisions.

Comment:

IRRC commented that language found in the existing regulation and in proposed amendments is nonregulatory in nature and recommended that the entire final-form regulation be amended to set standards that are clear, binding and enforceable.

Response:

The Commission appreciates IRRC's comment and agrees that much of the language in the existing regulation and the proposed rulemaking is more appropriate for a statement of policy. Throughout this final-form rulemaking, non-regulatory language was deleted to provide educators with clear and precise standards for compliance.

Comment:

IRRC requested that the Commission explain why the proposed amendments do not conflict with the Pennsylvania Religious Freedom Protection Act (PRFPA) (71 P.S. § 2101 - 2407).

Response:

IRRC's comment was prompted by comments submitted by the Pennsylvania Catholic Conference (PCC). In response to the PCC's comments, the Commission added section 235.2(d) to the final-form rulemaking. Additionally, proposed sections 235.4(b)(4) and 235.5c(h) were deleted in the final-form rulemaking and replaced by sections 235.5a(f) and 235.5b(d). These changes avoid conflict with existing anti-discrimination laws and the PRFPA.

Comment:

IRRC requested that the Commission explain the rationale for including the word "justifiably" in the proposed definition of "fiduciary relationship" or to delete the word if it is not needed.

Response:

The definition and all references to the term “fiduciary relationship” were deleted in the final-form rulemaking.

Comment:

IRRC suggested that the Commission define the term “short-term” in the final-form rulemaking to add clarity to proposed section 235.4(b)(2).

Response:

Section 235.4 was deleted in its entirety in the final-form rulemaking.

Comment:

IRRC recommended that the Commission define the term “unauthorized drugs” in the final-form rulemaking to add clarity to proposed sections 235.5a(g) and (h) (renamed subsections (k) and (l) in the final-form rulemaking).

Response:

The final-form rulemaking defines “unauthorized drugs” as “Any controlled substance or other drug possessed by a person not authorized by law to possess such controlled substance or other drug.” With the inclusion of this definition, the Commission believes that sections 235.5a(k) and (l) are clear and capable of enforcement.

Comment:

IRRC commented that the definitions of “dual or multiple relationships,” “electronic communications,” and “fiduciary relationship” include the terms that are being defined and recommended that the definitions be amended to comply with the Pennsylvania Code & Bulletin Style Manual (Manual).

Response:

The definitions of “fiduciary relationship” and “dual or multiple relationships” were deleted in the final-form rulemaking. The Commission made the recommended change to the definition of “electronic communications.”

Comment:

IRRC commented that the definitions of “school entity” and “sexual misconduct” in section 235.3a include an incorrect statutory citation to § 1.2 of the act.

Response:

The proposed rulemaking as submitted by the Commission contained the correct statutory citation to section 1b of the act (24 P.S. § 2070.1b). The change to the incorrect citation was made prior to publication in the Pennsylvania Bulletin. The Commission corrected the citation in the final-form rulemaking.

Comment:

IRRC recommended that the phrase “including, but not limited to” be replaced by the term “includes” in proposed sections 235.4(b)(9) and 235.5a(j) as suggested by the Manual.

Response:

Section 235.4 was deleted in its entirety in the final-form rulemaking. The Commission made the recommended change to proposed section 235.5a(j) (renamed subsection (m) in the final-form rulemaking).

Comment:

IRRC commented that the language “including sexual relationships, with students” should be deleted from proposed section 235.5a(d) (renamed subsection (c) in the final-form rulemaking) because “sexual relationship” is included in the defined term “sexual misconduct.”

Response:

The Commission appreciates IRRC’s comment and made the suggested change in the final-form rulemaking.

PSEA

PSEA submitted comments on January 6, 2021. The comments reference new draft revisions that were circulated to stakeholders on November 17, 2020. Where applicable, the responses below reference the relevant section(s) of the proposed rulemaking.

Comment:

PSEA commented that the language “be cognizant that . . . requires the educator to” in proposed section 235.4(b)(12) (renamed 235.5a(a) in the final-form rulemaking) does not set a clear standard for compliance and should be eliminated.

Response:

The Commission appreciates PSEA’s comment and made the suggested change in the final-form rulemaking.

Comment:

PSEA commented that proposed section 235.4(b)(14) does not set a clear standard for compliance and should be eliminated.

Response:

The Commission appreciates PSEA’s comment and made the suggested change in the final-form rulemaking.

Comment:

PSEA commented that the term “embarrassment” is a subjective term that does not set a clear standard for compliance and should be eliminated from proposed section 235.5a(f) (renamed subsection (e) in the final-form rulemaking).

Response:

The Commission appreciates PSEA's comment and made the suggested change in the final-form rulemaking.

Comment:

PSEA suggested that the word "unlawfully" be added immediately before "discriminate" in sections 235.5a(f) and 235.5b(d) (these sections replaced section 235.5c(h) of the proposed rulemaking).

Response:

The Commission appreciates PSEA's comment and made the suggested change in the final-form rulemaking.

Comment:

PSEA commented that proposed section 235.4(b)(8) does not set a clear standard for compliance and should be eliminated.

Response:

The Commission appreciates PSEA's comment and made the suggested change in the final-form rulemaking.

Comment:

PSEA suggested that the Commission add the word "lawful" immediately before "written school policies" in proposed section 235.4(b)(1) (renamed section 235.5c(a) in the final-form rulemaking) and proposed section 235.5c(e) (renamed subsection (f) in the final-form rulemaking) because school entities sometimes create and attempt to implement policies that are unlawful.

Response:

The Commission appreciates PSEA's comment but declined to make the suggested change in the final-form rulemaking. The Commission was concerned that the suggested language would make the Commission the arbiter of which school policies are and are not lawful, which is the exclusive province of the courts. The suggested language would also potentially place an additional burden on the Department to establish the lawfulness of a school policy before an educator could be disciplined for a violation. Moreover, under the final-form rulemaking a violation of school policy *may* be an independent basis for a public or private reprimand. Therefore, if serious questions exist regarding the lawfulness of a school policy, the Commission could decline to impose discipline or could defer discipline until the courts have had an opportunity to rule.

### **Affected Parties**

This chapter affects all educators who have been certified by the Department, as well as all noncertified charter or cyber charter school staff members and contracted educational provider staff members who work in positions for which certification would be required in a traditional public school but who are legally exempted from the certification requirements.

### **Fiscal Impact and Paperwork Requirements**

This final-form rulemaking has no fiscal impact and imposes no additional reporting or paperwork requirements on affected parties.

### **Sunset Date**

There is no sunset date. The effectiveness of this final-form rulemaking will be reviewed and evaluated on an ongoing basis.

### **Regulatory Review**

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on April 8, 2019, the Commission submitted a copy of the proposed rulemaking, published at 49 Pa.B. 1905 (April 20, 2019), to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Education Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period. In preparing the final-form rulemaking, the Commission considered all comments from IRRC and the public.

On May 12, 2021, the Commission submitted a copy of this final-form rulemaking to IRRC and the Chairpersons of the House and Senate Education Committees in accordance with 71 P.S. § 745.5a(b) of the Regulatory Review Act. Under Section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on \_\_\_\_\_ 2021, the final-form rulemaking was approved by the House and Senate Committees. Under Section 5.1(e) of the Regulatory Review Act, IRRC met on \_\_\_\_\_ 2021 and approved the final-form rulemaking.

### **Contact Persons**

For further information, contact Shane Crosby, Executive Director, 333 Market Street, 14<sup>th</sup> Floor, Harrisburg, PA 17126, (717) 787-6576, [shcrosby@pa.gov](mailto:shcrosby@pa.gov).

### **Findings**

The Commission finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law, and all comments were considered.

(3) The amendments to this final-form rulemaking do not enlarge the scope of the proposed rulemaking published at 49 Pa.B. 1905.

(4) This final-form rulemaking adopted by this order is necessary and appropriate for the administration and enforcement of the act.

## **Order**

The Commission, acting under the authorizing statute, orders that:

- (a) The regulations of the Commission at 22 Pa. Code Chapter 235 are amended to read as set forth in Annex A.
- (b) The Executive Director of the Commission shall submit this order and Annex A to the Office of General Counsel and the Office of the Attorney General for approval as to form and legality as required by law.
- (c) The Executive Director of the Commission shall submit this order and Annex A to the Independent Regulatory Review Commission and House and Senate Committees as required by the Regulatory Review Act.
- (d) The Executive Director of the Commission shall certify this order and Annex A to the Legislative Reference Bureau as required by law.
- (e) This final-form rulemaking shall take effect upon publication in the Pennsylvania Bulletin.

PROFESSIONAL STANDARDS AND  
PRACTICES COMMISSION

By: 

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Myron Yoder  
Chairperson Pro Tempore



### **Requests for Final-Form Rulemaking**

In accordance with section 5.1(a) of Act 1997-24, requests for information concerning the final-form rulemaking may be submitted to the Commission. Commentators that request information regarding the final-form rulemaking will receive a copy of the rulemaking when the Commission submits the final-form rulemaking to the Independent Regulatory Review Commission and the House and Senate Education Committees.

The Commission will send a copy of the final-form rulemaking to the following commentators:

Emily Kreps, Legal Assistant  
Independence Law Center  
23 N Front St  
Harrisburg, PA 17101  
717-657-4990  
Fax: 717-545-8107  
[ekreps@indlawcenter.org](mailto:ekreps@indlawcenter.org)

Eric A. Failing  
Executive Director  
Pennsylvania Catholic Conference  
PO Box 2835  
Harrisburg, PA 17105-2835  
[EFailing@pacatholic.org](mailto:EFailing@pacatholic.org)

Stuart L. Knade  
Senior Director of Legal Services  
Pennsylvania School Boards Association  
400 Bent Creek Blvd.  
Mechanicsburg, PA 17050-1873  
[stuart.knade@psba.org](mailto:stuart.knade@psba.org)

## Annex A

### TITLE 22. EDUCATION

#### PART XIV. PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

#### CHAPTER 235. 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 [professional] educator. However, in this Commonwealth, [a Code of Professional Practice and Conduct (Code) for certificated educators is required by statute and violation of specified sections of the Code may constitute a basis for public or private reprimand. Violations of the Code may also be used as supporting evidence, though may not constitute an independent basis, for the suspension or revocation of a certificate. The Professional Standards and Practices Commission (PSPC) was charged by the act of December 12, 1973 (P.L. 397, No. 141) (24 P.S. §§ 12-1251—12-1268), known as the Teacher Certification Law, with adopting a Code by July 1, 1991. See 24 P.S. § 12-1255(a)(10)] 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 § 5(a)(10) of the Educator Discipline Act (act) (24 P.S. § 2070.5(a)(10)).

~~(b) This chapter makes explicit the values of the education profession. When individuals become educators in this Commonwealth, they make a moral commitment to uphold these values.~~ 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 specified sections of the code of professional practice and conduct may also be an independent basis for a public or private reprimand. 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 affect in any way 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.

### **§ 235.3. Purpose.**

—(a) ~~{Professional educators}~~ Educators in this Commonwealth believe that the quality of their services directly influences the Nation and its citizens. ~~{Professional educators}~~ Educators recognize their obligation to provide services and to conduct themselves in a manner which places the highest esteem on human rights and dignity. ~~{Professional educators}~~ Educators seek to ensure that every student receives the highest quality of service and that every ~~{professional} educator~~ maintains a high level of competence from entry through ongoing professional development. ~~{Professional educators}~~ Educators are responsible for the development of sound educational policy and are obligated to implement that policy and its programs to the public.

—(b) ~~{Professional educators}~~ Educators recognize their primary responsibility to the student and the development of the student's potential. Central to that development is the ~~{professional}~~ educator's valuing the worth and dignity of every person, student, and colleague alike; the pursuit of truth; devotion to excellence; acquisition of knowledge; and democratic principles. To those ends, the educator engages in continuing professional development and keeps current with research and technology. Educators encourage and support the use of resources that best serve the interests and needs of students. Within the context of professional excellence, the educator and student together explore the challenge and the dignity of the human experience.

—(c) The purpose of this chapter is to set expectations for educators; guide educational practice; and inspire professional excellence.

(*Editor's Note:* The following section is added and is printed in regular type to enhance readability.)

### **§ 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.

~~*Dual or multiple relationships*—Dual or multiple relationships occur when the educator engages in multiple or ongoing interactions with a student or members of the student's family in more than one context, whether professional, social or personal.~~

*Educator*—As defined in section 1b 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.

~~*Fiduciary relationship*—A fiduciary relationship is one in which a person justifiably places confidence in another whose aid, advice or protection is assumed.~~

*Harm*—The impairment of learning or any physical, emotional, psychological, sexual or intellectual damage to a student or a member of the school community.

~~*Safe environment*—A school setting which promotes the well being of all members of the school community and is characterized by the absence of harm.~~

~~*Safety*—Freedom from harm.~~

*School entity*—As defined in § 4-2 1B of the act (24 P.S. § 2070.1b).

*Sexual misconduct*—As defined in § 4-2 1B of the act (24 P.S. § 2070.1b).

~~*Transparency*—Openness and accountability with respect to one's behaviors, actions and communications as an educator.~~

**UNAUTHORIZED DRUGS- ANY CONTROLLED SUBSTANCE OR OTHER DRUG POSSESSED BY A PERSON NOT AUTHORIZED BY LAW TO POSSESS SUCH CONTROLLED SUBSTANCE OR OTHER DRUG.**

~~**§ 235.4. [Practices] Professional practices.**~~

~~—(a) Professional practices are behaviors and attitudes that are based on a set of values that the [professional] education community believes and accepts. These values are evidenced by the [professional] educator's conduct toward students and colleagues, and the educator's employer and community. When teacher candidates become [professional] educators in this Commonwealth, they are expected to abide by this section.~~

~~—(b) [Professional educators] Educators are expected to abide by the following:~~

~~—(1) [Professional educators shall abide by the Public School Code of 1949 (24 P.S. §§ 1-101—27-2702), other school laws of the Commonwealth, sections 1201(a)(1), (2) and (4) and (b)(1), (2) and (4) of the Public Employe Relations Act (43 P.S. §§ 1101.1201(a)(1), (2) and (4) and (b)(1), (2) and (4)) and this chapter] Educators shall comply with all Federal, State, and local laws and regulations and with written school entity policies.~~

~~—(2) [Professional educators] Educators shall be prepared, and legally certified, in their areas of assignment. Educators may not be assigned or willingly accept assignments they are not certified to fulfill. Educators may be assigned to or accept assignments outside their certification area on a temporary, short term, emergency basis. Examples of temporary, short term, emergency basis assignments: a teacher certified in English filling in a class period for a physical education teacher who has that day become ill; a substitute teacher certified in elementary education employed as a librarian for several days until the district can locate and employ a permanent substitute teacher certified in library science.~~

~~—(3) [Professional educators] Educators shall maintain high levels of competence throughout their careers.~~

~~—(4) Educators shall respect the dignity, worth and uniqueness of each individual student, including, but not limited to, actual and perceived gender, gender expression, gender identity, civil status, family status, sexual orientation, religion, age, disability, race, ethnicity, socioeconomic status and culture.~~

~~—(5) Educators should seek to understand students' educational, academic, personal and social needs as well as students' values, beliefs and cultural background.~~

~~—[(4) Professional educators] (6) Educators shall exhibit consistent and equitable treatment of students, fellow educators and parents]. They shall respect the civil rights of all and not discriminate on the basis of race, national or ethnic origin, culture, religion, sex or sexual orientation, marital status, age, political beliefs, socioeconomic status, disabling condition or vocational interest. This list of bases or discrimination is not all inclusive] and shall respect the civil rights of all.~~

~~—[(5) Professional educators] (7) Educators shall accept the value of diversity in educational practice. Diversity requires educators to have a range of methodologies and to request the necessary tools for effective teaching and learning.~~

~~—[(6) Professional educators] (8) Educators shall impart to their students principles of good citizenship and societal responsibility.~~

~~—[(7) Professional educators] (9) Educators shall exhibit acceptable and professional language and communication skills. Educators shall communicate with students in a clear, respectful and culturally sensitive manner. Their verbal and written communications with parents, students and staff shall reflect sensitivity to the fundamental human rights of dignity, privacy and respect.~~

~~—[(8) Professional educators] (10) Educators shall be open-minded, knowledgeable and use appropriate judgment and communication skills when responding to an issue within the educational environment.~~

~~—[(9) Professional educators shall keep in confidence information obtained in confidence in the course of professional service unless required to be disclosed by law or by clear and compelling professional necessity as determined by the professional educator.~~

~~—[(10) Professional educators] (11) Educators shall exert reasonable effort to protect the student from conditions which interfere with learning or are harmful to the student's health and safety.~~

~~—(12) Educators shall be cognizant that the relationship between educator and student is a fiduciary relationship and as such requires the educator to exercise his or her rights and powers in good faith and for the benefit of the student.~~

~~—(13) Educators shall promote the health, safety and well-being of students by establishing and maintaining appropriate verbal, physical, emotional and social boundaries. Educators shall interact with students with transparency, at appropriate times and in appropriate settings.~~

~~—(14) Educators shall avoid dual or multiple relationships with students where such relationships would impair objectivity and increase risk of harm to students or decrease educator effectiveness.~~

~~—(15) Educators shall behave in a professional manner, cognizant of the public trust vested in the teaching profession and realizing that one's actions reflect directly on the status and substance of the profession. Educators shall serve as positive role models to both students and adults and are responsible for preserving the dignity and integrity of the profession and for practicing the profession according to the highest ethical standards.~~

~~—(16) Educators should refrain from professional or personal activity, including activity online, which would reduce the educator's effectiveness within the school community.~~

~~—(17) Educators shall exercise caution, sound judgment and transparency when using social media and other forms of electronic communication on and off duty. Educators shall maintain appropriate professional boundaries when communicating electronically with students, regardless of whether the communication methods are provided by the school entity or the educator uses his or her own personal electronic communication methods. Educators should use electronic communication with students for educational purposes only and only as frequently as necessary to accomplish the educational purpose.~~

### **§ 235.5. Conduct.**

~~—Individual professional conduct reflects upon the practices, values, integrity, and reputation of the profession. [Violation of §§ 235.6—235.11 may constitute an independent basis for private or public reprimand, and may be used as supporting evidence in cases of certification suspension or revocation.] 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 are to be guided in their conduct by their commitment to their students, colleagues, and profession. Violations of §§ 235.5a—235.5e may constitute an independent basis for private or public reprimand.~~

*(Editor's Note: The following sections are added and are printed in regular type to enhance readability.)*

### **§ 235.5a. Commitment to Students.**

The primary professional obligation of educators is to the students they serve. The educator must strive to help each student realize his or her potential as a worthy and effective member of society. The educator must work to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals. An educator's responsibility includes nurturing the intellectual, physical, emotional, social and civic potential of all students and providing a safe environment.

In fulfillment of the commitment to students, educators:

(A) SHALL EXERCISE THEIR RIGHTS AND POWERS IN GOOD FAITH AND FOR THE BENEFIT OF THE STUDENT.

(B) SHALL MAINTAIN APPROPRIATE PROFESSIONAL RELATIONSHIPS AND BOUNDARIES WITH ALL STUDENTS AT ALL TIMES, BOTH IN AND OUTSIDE THE CLASSROOM.

(C) SHALL NOT SEXUALLY HARASS STUDENTS OR ENGAGE IN SEXUAL MISCONDUCT.

(D) SHALL EXERT REASONABLE EFFORT TO PROTECT STUDENTS FROM HARM.

(E) SHALL NOT INTENTIONALLY EXPOSE A STUDENT TO DISPARAGEMENT.

(F) SHALL EXHIBIT CONSISTENT AND EQUITABLE TREATMENT AND SHALL NOT UNLAWFULLY DISCRIMINATE AGAINST STUDENTS.

(G) SHALL NOT INTERFERE WITH A STUDENT'S EXERCISE OF POLITICAL OR CIVIL RIGHTS AND RESPONSIBILITIES.

~~(a)~~ (H) Shall not knowingly or intentionally distort or misrepresent evaluations of students or facts regarding students.

~~(b)~~ (I) Shall not knowingly or intentionally misrepresent subject matter or curriculum.

~~(c)~~ (J) 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. ~~Information received in confidence from a student may be revealed without the student's consent to the student's parents or guardians, the principal or other appropriate authority when the health, welfare or safety of the student or other persons is clearly in jeopardy. An exception to this is information revealed by a student concerning child abuse or neglect, which the recipient is under a legal duty to report to the authorities.~~

~~—(d) Shall not sexually harass or engage in sexual misconduct, including sexual relationships, with students.~~

~~—(e) Shall not intentionally, knowingly or recklessly treat a student in a manner that adversely affects or endangers the learning, physical health, mental health or safety of the student.~~

~~—(f) Shall not intentionally expose a student to embarrassment or disparagement.~~

~~(g)~~ (K) 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.

~~(h)~~ (L) 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.



~~—(i) Shall maintain appropriate professional relationships and boundaries with all students at all times, both in and outside the classroom.~~

(j) (M) Shall refrain from inappropriate communication with a student or minor, including, ~~but not limited to~~, 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 the OTHER communication is inappropriate include, ~~but are not limited to~~:

(1) the nature, purpose, timing and amount/extent of the communication;

(2) the subject matter of the communication; AND

(3) whether the communication was made openly or the educator attempted to conceal the communication;

~~—(4) whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;~~

~~—(5) whether the communication was sexually explicit; and~~

~~—(6) whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the educator or the student.~~

### **§ 235.5b. Commitment to colleagues.**

~~The educator is committed to collaborating with colleagues in the interest of student learning. The educator should always maintain a professional relationship with colleagues, both in and outside the classroom.~~

In fulfillment of the commitment to colleagues, educators:

(a) 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.

(b) Shall not knowingly and intentionally distort evaluations of colleagues.

(c) Shall not sexually harass a colleague.

**(D) SHALL NOT UNLAWFULLY DISCRIMINATE AGAINST COLLEAGUES.**

(E) SHALL NOT INTERFERE WITH A COLLEAGUE'S EXERCISE OF POLITICAL OR CIVIL RIGHTS AND RESPONSIBILITIES.

~~(d)~~ (F) Shall not use coercive means or promise special treatment to influence professional decisions of colleagues.

~~(e)~~ (G) 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.

~~(f)~~ (H) 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.**

~~The education profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service. To assure that the quality of the services of the education profession meets the expectations of this Commonwealth and its citizens, the educator shall exert every effort to raise professional standards, fulfill professional responsibilities with honor and integrity, promote a climate that encourages the exercise of professional judgment, achieve conditions which attract persons worthy of the trust to careers in education and assist in preventing the practice of the profession by unqualified persons.~~

In fulfillment of the commitment to the profession, educators:

(A) SHALL COMPLY WITH ALL FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS AND WITH WRITTEN SCHOOL ENTITY POLICIES.

~~(a)~~ (B) Shall apply for, accept or assign a position or a responsibility on the basis of professional qualifications AND ABILITIES.

~~(b)~~ (C) 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.

~~(c)~~ (D) 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.

~~(d)~~ (E) Shall not falsify records or direct or coerce others to do so.

~~(e)~~ (F) Shall accurately report all information required by the local school board or governing board, State education agency, Federal agency or State or Federal law.

~~(f)~~ (G) Shall not knowingly or intentionally withhold evidence from the proper authorities and shall cooperate fully during official investigations and proceedings.

~~(g)~~ (H) 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.

~~—(h) Shall not discriminate against a student or colleague on any basis including race, color, National or ethnic origin, culture, religion, sex or sexual orientation, gender identification or expression, marital status, age, political beliefs, socioeconomic status, disabling condition or vocational interest.~~

~~—(i) Shall not interfere with a student's or colleague's exercise of professional, political or civil rights and responsibilities.~~

~~(j)~~ (I) 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.

~~(k)~~ (J) Shall not exploit professional relationships with students, parents or colleagues for personal gain or advantage.

~~(l)~~ (K) Shall not knowingly misappropriate, divert, or use moneys, personnel, property or equipment committed to their charge without proper authorization for personal gain or advantage. SHALL USE SCHOOL FUNDS, PROPERTY, FACILITIES, AND RESOURCES ONLY IN ACCORDANCE WITH LOCAL POLICIES AND LOCAL, STATE, AND FEDERAL LAWS.

§ 235.6. [Legal obligations] (Reserved).

**[(a) The professional educator may not engage in conduct prohibited by the act of December 12, 1973 (P.L. 397, No. 141) (24 P.S. §§ 12-1251—12-1268), known as the Teacher Certification Law.**

**(b) The professional educator may not engage in conduct prohibited by:**

**(1) The Public School Code of 1949 (24 P.S. §§ 1-101—27-2702) and other laws relating to the schools or the education of children.**

**(2) The applicable laws of the Commonwealth establishing ethics of public officials and public employees, including the act of October 4, 1978 (P.L. 883, No. 170) (65 P.S. §§ 401—413), known as the Public Official and Employee Ethics Law.**

**(c) Violation of subsection (b) shall have been found to exist by an agency of proper jurisdiction to be considered an independent basis for discipline.]**

**§ 235.7. [Certification] (Reserved).**

**[The professional educator may not:**

**(1) Accept employment, when not properly certificated, in a position for which certification is required.**

**(2) Assist entry into or continuance in the education profession of an unqualified person.**

**(3) Employ, or recommend for employment, a person who is not certificated appropriately for the position.]**

**§ 235.8. [Civil rights] (Reserved).**

**[The professional educator may not:**

**(1) Discriminate on the basis of race, National or ethnic origin, culture, religion, sex or sexual orientation, marital status, age, political beliefs, socioeconomic status; disabling condition or vocational interest against a student or fellow professional. This list of bases of discrimination is not all-inclusive. This discrimination shall be found to exist by an agency of proper jurisdiction to be considered an independent basis for discipline.**

**(2) Interfere with a student's or colleague's exercise of political and civil rights and responsibilities.]**

**§ 235.9. [Improper personal or financial gain] (Reserved).**

**[The professional educator may not:**

**(1) Accept gratuities, gifts or favors that might impair or appear to impair professional judgment.**

**(2) Exploit a professional relationship for personal gain or advantage.]**

**§ 235.10. [Relationships with students] (Reserved).**

**[The professional educator may not:**

**(1) Knowingly and intentionally distort or misrepresent evaluations of students.**

**(2) Knowingly and intentionally misrepresent subject matter or curriculum.**

**(3) Sexually harass or engage in sexual relationships with students.**

**(4) Knowingly and intentionally withhold evidence from the proper authorities about violations of the legal obligations as defined within this section.]**

**§ 235.11. [Professional relationships] (Reserved).**

**[The professional educator may not:**

**(1) Knowingly and intentionally deny or impede a colleague in the exercise or enjoyment of a professional right or privilege in being an educator.**

**(2) Knowingly and intentionally distort evaluations of colleagues.**

**(3) Sexually harass a fellow employe.**

**(4) Use coercive means or promise special treatment to influence professional decisions of colleagues.**

**(5) 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.]**



Commonwealth of Pennsylvania

# Professional Standards and Practices Commission

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333 Market Street, Harrisburg, PA 17126-0333 Phone (717) 787-6576 TTY (717) 783-8445 FAX (717) 783-0734

May 12, 2021

George D. Bedwick, Chairman  
Independent Regulatory Review Commission  
333 Market Street, 14th Floor  
Harrisburg, PA 17101  
**VIA EMAIL ONLY**

Dear Chairman Bedwick:

Enclosed please find Final Regulation #6-340 issued by the Professional Standards and Practices Commission. The regulation amends Chapter 235 of Title 22 (Code of Professional Practice and Conduct for Educators). Please feel free to contact my office with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "SFC", written over a horizontal line.

Shane F. Crosby  
Executive Director

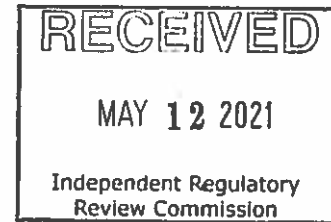
## Stephen Hoffman

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**From:** Urban, Cynthia <curban@pasen.gov>  
**Sent:** Wednesday, May 12, 2021 10:40 AM  
**To:** Crosby, Shane  
**Subject:** RE: Final Regulation 6-340 Code of Professional Practice and Conduct for Educators

Received. Thank you.

Cindy Urban  
Executive Director  
Senate Education Committee | Chairman, Senator Scott Martin  
Room 351 Main Capitol  
Phone: (717) 787-6535  
[www.SenatorScottMartinPA.com](http://www.SenatorScottMartinPA.com)  
Facebook: @SenatorScottMartinPA  
Twitter: @SenatorMartinPA



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**From:** Crosby, Shane <shcrosby@pa.gov>  
**Sent:** Wednesday, May 12, 2021 8:49 AM  
**To:** Urban, Cynthia <curban@pasen.gov>  
**Subject:** Final Regulation 6-340 Code of Professional Practice and Conduct for Educators  
**Importance:** High

Ⓢ CAUTION : External Email Ⓢ

Good Morning,

Attached please find Final Regulation #6-340 issued by the Professional Standards and Practices Commission. The regulation amends Chapter 235 of Title 22 (Code of Professional Practice and Conduct for Educators).

**Please confirm that you received this rulemaking by responding to this email. It is important that I receive a confirmation email today because I will need to provide it to IRRC as part of the delivery process.**

If you have any questions or concerns, please do not hesitate to contact me.

Thank you for your attention to this matter.

**Shane F. Crosby** | Executive Director and Legal Counsel  
Office of General Counsel | Commonwealth of Pennsylvania  
Professional Standards and Practices Commission  
333 Market Street, 14th Floor | Harrisburg, PA 17126  
Phone: 717.787.6576 | Fax: 717.783.0734  
Email: [shcrosby@pa.gov](mailto:shcrosby@pa.gov)  
[www.pspc.education.pa.gov](http://www.pspc.education.pa.gov) | [www.ogc.pa.gov](http://www.ogc.pa.gov)

## Stephen Hoffman

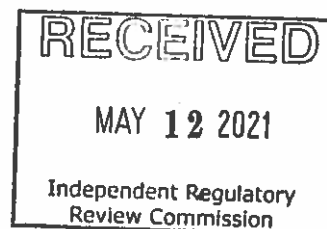
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**From:** Griffin, Ardie <Ardie.Griffin@pasenate.com>  
**Sent:** Wednesday, May 12, 2021 8:54 AM  
**To:** Crosby, Shane  
**Subject:** RE: Final Regulation 6-340 Code of Professional Practice and Conduct for Educators

Confirmed.

Thanks,

**Ardie Griffin** | Legislative Director | Executive Director, Education  
Office of Senator Lindsey M. Williams, District 38



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**From:** Crosby, Shane <shcrosby@pa.gov>  
**Sent:** Wednesday, May 12, 2021 8:53 AM  
**To:** Griffin, Ardie <Ardie.Griffin@pasenate.com>  
**Subject:** Final Regulation 6-340 Code of Professional Practice and Conduct for Educators  
**Importance:** High

■ EXTERNAL EMAIL ■

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**Shane F. Crosby** | Executive Director and Legal Counsel  
Office of General Counsel | Commonwealth of Pennsylvania  
Professional Standards and Practices Commission  
333 Market Street, 14th Floor | Harrisburg, PA 17126  
Phone: 717.787.6576 | Fax: 717.783.0734  
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[www.pspc.education.pa.gov](http://www.pspc.education.pa.gov) | [www.ogc.pa.gov](http://www.ogc.pa.gov)

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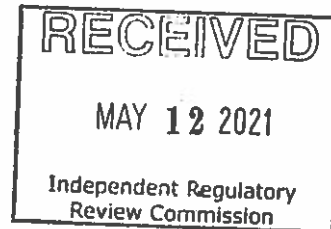
## Stephen Hoffman

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**From:** Christine Crone <Ccrone@pahousegop.com>  
**Sent:** Wednesday, May 12, 2021 8:58 AM  
**To:** Crosby, Shane; Sonney Curt; Christine Seitz  
**Subject:** RE: Final Regulation 6-340 Code of Professional Practice and Conduct for Educators

Received, thank you!

Christine M. Crone  
Administrative Assistant II  
Representative Curt Sonney  
Education Committee Chairman  
214 Ryan Office Building  
PO Box 202004  
Harrisburg PA 17120-2004  
(717) 783-9087 ph.  
[ccrone@pahousegop.com](mailto:ccrone@pahousegop.com)



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**From:** Crosby, Shane <shcrosby@pa.gov>  
**Sent:** Wednesday, May 12, 2021 8:38 AM  
**To:** Curt Sonney <Csonney@pahousegop.com>; Christine Seitz <Cseitz@pahousegop.com>; Christine Crone <Ccrone@pahousegop.com>  
**Subject:** Final Regulation 6-340 Code of Professional Practice and Conduct for Educators  
**Importance:** High

Good Morning,

Attached please find Final Regulation #6-340 issued by the Professional Standards and Practices Commission. The regulation amends Chapter 235 of Title 22 (Code of Professional Practice and Conduct for Educators).

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Thank you for your attention to this matter.

**Shane F. Crosby** | Executive Director and Legal Counsel  
Office of General Counsel | Commonwealth of Pennsylvania  
Professional Standards and Practices Commission  
333 Market Street, 14th Floor | Harrisburg, PA 17126  
Phone: 717.787.6576 | Fax: 717.783.0734  
Email: [shcrosby@pa.gov](mailto:shcrosby@pa.gov)  
[www.pspc.education.pa.gov](http://www.pspc.education.pa.gov) | [www.ogc.pa.gov](http://www.ogc.pa.gov)

PRIVILEGED AND CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION  
ATTORNEY WORK PRODUCT

## Stephen Hoffman

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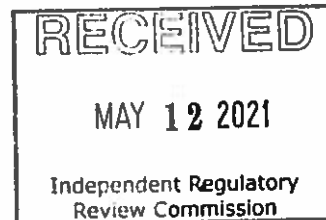
**From:** Miller, Marlena M. <MMiller@pahouse.net>  
**Sent:** Wednesday, May 12, 2021 8:51 AM  
**To:** Crosby, Shane  
**Cc:** Longietti, Mark; Dixon, Erin; Brownawell Robert  
**Subject:** RE: Final Regulation 6-340 Code of Professional Practice and Conduct for Educators  
**Importance:** High

Good Morning Shane,

This email is to confirm Final Regulation #6-340 Code of Professional Practice and Conduct for Educators has been received by our office.

Thank you. Have a good day.

Marlena Miller  
Legislative Assistant  
Representative Mark Longietti  
Democratic Chairman  
House Education Committee  
202 Irvis Office Building  
Harrisburg, PA 17120  
(717) 787-4044  
[mmiller@pahouse.net](mailto:mmiller@pahouse.net)



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**From:** Crosby, Shane <shcrosby@pa.gov>  
**Sent:** Wednesday, May 12, 2021 8:43 AM  
**To:** Miller, Marlena M. <MMiller@pahouse.net>  
**Cc:** Longietti, Mark <MLongiet@pahouse.net>; Dixon, Erin <EDixon@pahouse.net>; Brownawell, Robert <RBrownaw@pahouse.net>  
**Subject:** Final Regulation 6-340 Code of Professional Practice and Conduct for Educators  
**Importance:** High

Good Morning,

Attached please find Final Regulation #6-340 issued by the Professional Standards and Practices Commission. The regulation amends Chapter 235 of Title 22 (Code of Professional Practice and Conduct for Educators).

**Please confirm that you received this rulemaking by responding to this email. It is important that I receive a confirmation email today because I will need to provide it to IRRC as part of the delivery process.**

If you have any questions or concerns, please do not hesitate to contact me.

Thank you for your attention to this matter.

Shane F. Crosby | Executive Director and Legal Counsel