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From: Paul Fox <paulkfox.usc@gmail.com>
Sent: Saturday, January 16, 2021 2:43 PM
To: ED, State Board of Ed
Subject: [External] Comments State Board of Education's proposed rule-making #6-346, containing proposed amendments to Chapter 49

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Thank you for the opportunity to provide feedback of [22 PA. CODE CH. 49] Certification of Professional Personnel [50 Pa.B. 7164] in the *Pennsylvania Bulletin* dated December 19, 2020, as invited by Karen Molchanow. (Quotes from the Bulletin in italics)

1. *Substantive changes related to educator training are needed to address concerns surrounding Pennsylvania's supply of effective educators. Section 49.51(a) directs the Department to report annually to the Board on the status of certification in the Commonwealth. Data presented in the Department's July 2020 annual human capital report shows that enrollment in traditional educator preparation programs in this Commonwealth has decreased by 67% since 2010, with a slight increase between 2017 and 2018. These numbers do not reflect the current situation due to COVID-19 with reports of much larger shortages and the inability of some PA school districts to even find suitable numbers of substitute teachers. Some school entities like Upper St. Clair SD have resorted to non-licensed day-to-day replacements like "EXTENDED TEACHER CERTIFICATION SUBSTITUTE TEACHER PROGRAM" (ETC) (<https://uscscd.tedk12.com/hire/ViewJob.aspx?JobID=158>)*
2. *Under this proposed rulemaking, individuals studying to become teachers would need to complete instruction in professional ethics, structured literacy, and CR-SE. CR-SE is inclusive of mental wellness, trauma-informed instruction, cultural awareness, and technological and virtual engagement. Does CR-SE provide tools for teaching personal resilience through Social Emotional Learning (SEL), referring to this CASEL definition? "SEL is the process through which all young people and adults acquire and apply the knowledge, skills, and attitudes to develop healthy identities, manage emotions and achieve personal and collective goals, feel and show empathy for others, establish and maintain supportive relationships, and make responsible and caring decisions." Source = <https://casel.org/what-is-sel/>*
3. *Proposed amendments are intended to reinforce the professional integrity expected of both new and experienced educators. The Professional Standards and Practices Commission, the State body charged with adjudicating educator misconduct, has seen its caseload more than triple over the past 5 years according to data from the Commission. The Commission disciplines nearly 300 educators annually, and the Department's Office of Chief Counsel currently has more than 2,000 educator misconduct complaints pending. Protecting students from educator misconduct is of the utmost imperative. Through these proposed amendments, the Board seeks to ensure that educators in this Commonwealth are prepared not just in pedagogy and content knowledge, but that they possess a clear understanding of the ethical practice that is expected of them. We encourage implementation of the proposed amendments to address the pre-service, induction, and in-service needs of our PA educators. Relying on existing*

college prep and school district professional development programs (induction and in-service goals within school district strategic plans) without providing detailed mandatory competencies in educator conduct and ethics have been proven unsatisfactory by your own Educator Misconduct Complaint (EMC) statistics. As an educator who graduated from a PA university, granted a certificate by PDE, and entered the profession in 1978, throughout my 35 years in the public schools, I was totally unaware of the PA Code of Professional Practices and Conduct, Public School Code of 1949, or the Educator Discipline Act until I began researching and presenting educator ethics workshops for the Pennsylvania Music Education Association (PMEA) in 2017.

4. *The Board proposes to amend subsection (a) to strengthen the supports available to beginning educators by extending the length of induction programs to 2 years. Proposed amendments to subsection (c) direct school entities to include professional ethics, cognitive competencies and CR-SE in induction program plans for new educators. We support the expansion to a two-year induction. The comprehensive study of educator ethics, including an in depth analysis of professional relationships and "boundaries," on/off duty conduct and being a "modal exemplar," mandatory reporting, confidentiality, etc. requires more time. The PSPC/PDE "ethics toolkit" is an excellent resource to use, but with its published recommendation of three days for each of eight units would require as many as 24 days (not hours), and this does not broach the exploration of the NASDTEC Model Code of Ethics.*
5. Professional ethics—The accepted and collectively agree upon standards of behavior, values, and principles that, in conjunction with applicable laws and regulations, are meant to inform and guide professional decision-making. These standards of behavior, values, and principles include those detailed in the most recent Model Code of Ethics for Educators, as published by the National Association of State Directors of Teacher Education and Certification, and other ethical codes, guidelines, or standards unique to professional disciplines. My own presentations for PMEA workshops include a discussion of the following educator ethics definitions citing the work of Troy Hutchings: Personal Morality: “Personal values and beliefs derived from one’s life experiences... subjective and may or may not align with community mores.” Regulations of Law: “Policies, statues, and judicial activity that articulate conduct absolutes.” Professional Ethics: “Professional ethical standards that assist practitioners within situation and systemic contexts in choosing the best course-of-action.” Professional Dispositions: “Agreed upon professional attitudes, values and beliefs to be held by educational practitioners.” In addition, we compare the elemental differences between a “moral code” and an “ethical code” put forward by the Iowa Board of Educational Examiners “Ethics Facilitator’s Guide 2017” accessible here: <http://www.sai-iowa.org/Educator%20Ethics%20Facilitator%20Handbook%202017.pdf>
6. Finally, based on my 4-year experience in providing ethics training for members of PMEA, here are more thoughts (below) shared with Debra Heath-Thornton in an email sent on September 29, 2020:
 - o [Educator] presentations should be *interactive*, allowing time for group discussion, question/answer periods, and “empaneling the ethics jury” to review fact scenarios of

identifying levels of ethical misconduct, violations of code and/or policies, and the possible negative consequences, risks, and harm to the students, school staff, and community-at-large. Case studies should uncover all aspects of professional educator decision-making: pedagogy, enforcement, resource allocation, relationships, and diversity, and illuminate possible ethical conflicts, contradictions, or “conundrums.”

- Content should include definitions of common vocabulary (e.g. “fiduciary”) and an in-depth examination of the PA Code of Professional Practices and Conduct, Public School Code of 1949 and the Educator Discipline Act, the PDE Discipline Process, and the PA Chapter 126.
- Following the research of Troy Hutchings, the principles of educator “ethical equilibrium” and understanding the differences between a “code of conduct” (more explicit and well defined) vs. a code of ethics (more open-ended, based on the circumstances of the situation) should be covered.
- Presenters should unpack and apply the standards in the National Association of State Chairs of Teacher Education and Certification’s (NASDTEC) Model Code of Ethics for Educators (MCEE).

More information about this stakeholder (Paul K. Fox) and other resources:

Since retiring in 2013 from the Upper St. Clair School District with more than 35 years in public-school education, I have been actively engaged in research, speaking, and creating media on this subject. Under my direction, PMEA has provided numerous local professional development workshops (2017-2020) and state conference sessions (2018, 2019) on the subject of “ethics for music educators,” including a two-part webinar series in February 2018 and two revised online workshops in January and February 2021, two professional development videos for the National Association for Music Education (January and February 2019), classes or lectures for college music education majors and members of the PA Collegiate Music Education Association, and articles in our state journal *PMEA News* distributed quarterly to more than 4000 PA collegiates, music educators, retired members, school superintendents, and legislators.

I have collaborated with retired teacher and current attorney Thomas W. Bailey on developing course materials on educator ethics for PMEA and the Allegheny County Bar Association Continuing Legal Education. Tom has been granted license to serve as a PDE Act 48 provider and offers a three-hour virtual continuing education program on his website: <https://twbaileylaw.com/>.

To watch excerpts of the teacher ethics sessions jointly presented by Tom and me, please watch our “trailer” on YouTube at <https://youtu.be/D-e5ICUAmo4>.

My writings on ethics for music teachers can be reviewed here (in reverse chronological order): <https://paulfox.blog/category/ethics/>.

Feel free to contact me regarding more comments on competencies for and the process of effective ethics training of PA educators.

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