


# Planning School Ethics Training

## Part I: Definitions, Codes, & the Commission

### Mastering the New PDE Chapter 49 PE Competencies

Paul K. Fox, Presenter  
PMEA Council for Teacher Training,  
Recruitment, and Retention  
December 9, 2024, at 3 p.m.  
SAS Institute @ Hershey Lodge  
[paulkfox.usc@gmail.com](mailto:paulkfox.usc@gmail.com)  
<https://paulfox.blog/>



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# About “the Fox”


• Bachelor of Fine Arts in Music (Viola) & Master of Fine Arts in Music Education from Carnegie-Mellon University

**Currently:**


- Five decades involvement in the field of music education
- State Coordinator of PMEA Retired Members (9+ years)
- Member (Past State Chair) of the PMEA Council for Teacher Training, Recruitment, and Retention (8+ years)
- Trainer/Instructor for the Thomas W. Bailey PDE-approved Act 45 PIL and Act 48 PD classes on PA educator ethics
- Presenter, author, blogger, and publisher of more than a dozen articles and 23+ workshops/webinars on educator ethics, most material archived at <https://paulfox.blog/category/ethics/>

**Retired:**


- Performing Arts Curriculum Leader (7 years) & music teacher for the Upper St. Clair Schools (33 years) & Edgewood School District (2 years)
- Director/Producer of 29 Fall Plays, 30 Spring Musicals, & 5 Holiday Musicals
- School (USCSD) publications writer, editor, & photographer (25+ years)
- Secretary/Treasurer for PMEA District One (20 years)




TWBAILEY.LAW.COM



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# Other Voices on Ethics - “The WHO”



TEAM  
Connecticut Dept. of Ed.  
<https://portal.ct.gov/TEAM/TEAM-Module-5>



TWBAILEY.LAW.COM  
PDE Approved Act 45/PIL & Act 48 Classes  
Court Case Blogs, and Other Resources



Illinois Board of Educational Examiners  
<https://idalegalplayer.com/index.php?ID=33337>



NASDTEC  
National Association of State Directors of Teacher Education & Certification



MCEE  
Troy Hutchings, Senior Policy Advisor  
<https://www.mcee.org/>



THE DANIELSON GROUP  
<https://danielsongroup.com/ethics/>



pennsylvania  
DEPARTMENT OF EDUCATION  
PROFESSIONAL STANDARDS AND PRACTICES COMMISSION  
<https://www.pde.pa.gov/en/presses/press-resources/information-for-school-administration/teachers-preparation-programs.html>



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# Starting out with the “WHY”

• **Why** are we so concerned about professional development for PA educators on ETHICS?

• **How** should we practice ETHICS and train our staff?

• **What** is important in our “regs” and “codes” to understand, review, and reinforce intentionally from time to time?




Why  
How  
What

**Why - Your Purpose**  
Define a purpose, cause, ideal or belief that inspires you to act.

**How - Your Process**  
Describe activities, actions, or behaviors that support your purpose.

**What - Your Process**  
What do you do that the result of Why, How?

<https://simonsinek.com/>




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# Starting out with the “WHY”

**Quick...** Can YOU identify the *exact titles* or *acronyms* of:


- A PA statute that “rules” all educators?
- The Code of Conduct regulation that also governs us?
- The PA agency responsible for adjudicating these rules?




EDA



CPPC



PSPC



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# PRE-TEST: “Which statement has the *least* validity?”


a. Moral professionalism involves being well informed about students, education, and content, confronting parents of underachieving students, cooperating with colleagues to observe school policies, and criticizing unsatisfactory policies and proposing constructive improvement.

b. Teachers, attorneys, doctors, nurses, counselors, therapists, and the clergy have “fiduciary” duties: own the highest legal duties of good faith and trust and are bound ethically to act in another party’s best interest.

c. Although not always defined in exact terms of school law or policies, professional ethics are “standards that assist practitioners within situation and systemic contexts in choosing the best course-of-action.”

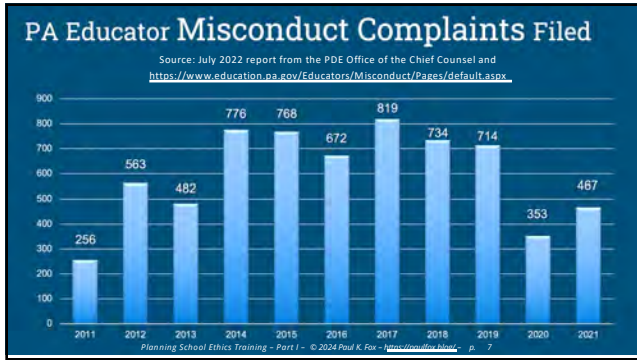
d. A code of ethics outlines a set of principles that affect decision making, while a code of conduct delineates specific behaviors that are required or prohibited and governs actions.

e. The primary goal for ethics training is to emphasize the “minimum standards of acceptable behavior” and focus on specific illegal and unethical actions that may result in disciplinary actions.

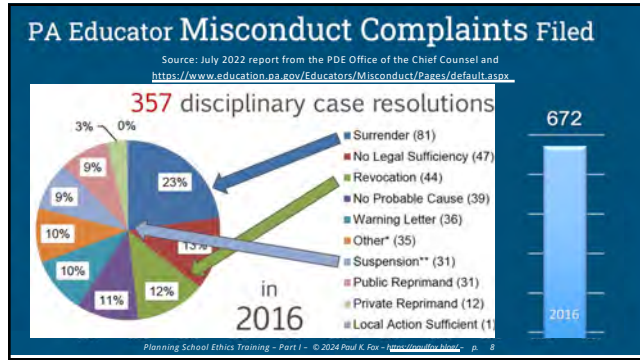


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### Back in History... Sample Rules for Teachers 1915

1. You will not marry during the term of your contract.
2. You are not to keep company with men.
3. You must be home between the hours of 8 PM and 6 AM unless attending a school function.
4. You may not loiter downtown in ice cream stores.
5. You may not ride in a carriage or automobile with any man except your father or brother.
6. You may not smoke cigarettes.
7. You may not dress in bright colors.
8. You may under no circumstances dye your hair.
9. You must wear at least two petticoats.
10. Your dresses may not be any shorter than two inches above the ankles.

Source: <http://www.onemanculture.com/2013/09/rules-for-teachers-in-1872-1915-no-drinking-smoking-or-trips-to-barber-shops-and-ice-cream-parlors.html>

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### Timeline of PA Educator Ethics Laws and Training

- 1949: Public School Code, Section 13-1323
- 1973: Certification, Act 181
- 1992: First Code of Professional Practices and Conduct
- 1984: Beyond Education: Beyond the Act
- 2012: Act 128: Ethics Advisory and Remedial Training
- 2019: Chapter 215, "Revoked Code"
- 2021: Revised PPE & PE Final Amendments

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### What Are PDE's "PE" Requirements?

#### Professional Ethics (PE) Program Framework Guidelines

- On April 23, 2022, the final form amendments to Chapter 49 (relating to Certification of Professional Personnel) of Title 22 of the Pennsylvania Code became effective upon publication in the Pennsylvania Bulletin.
- 22 Pa. Code § 49.14(4)(i) requires the Pennsylvania Department of Education (PDE) to identify competencies and develop associated standards for educator training in professional ethics.

PE SL CRSE

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### What Are PDE's "PE" Requirements?

#### Professional Ethics (PE) Program Framework Guidelines

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

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

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COMPETENCIES: PROFESSIONAL ETHICS (PE)	
Professional educators:	
PE.1	Demonstrate their understanding of the PA Code of Professional Practice and Conduct for Educators and the PA Educator Discipline Act.
PE.2	Describe the function of the PA Professional Standards and Practices Commission and its role in professional disciplinary actions for educators.
PE.3	Differentiate between codes of conduct and codes of ethics and explain how each informs professional practice and decision making.
PE.4	Demonstrate their understanding of their responsibility to the profession as described in Principle 1 of the Model Code of Ethics for Educators (MCEE).
PE.5	Demonstrate their understanding of their responsibility for professional competence as described in Principle 2 of the Model Code of Ethics for Educators (MCEE).
PE.6	Demonstrate their understanding of their responsibility to students as described in Principle 3 of the Model Code of Ethics for Educators (MCEE).
PE.7	Demonstrate their understanding of their responsibility to the school community as described in Principle 4 of the Model Code of Ethics for Educators (MCEE).
PE.8	Demonstrate their understanding of the expectation for responsible and ethical use of technology as described in Principle 5 of the Model Code of Ethics for Educators (MCEE).

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## WHAT is “The Commission?”

Act 141 of 1973 “Relating to the certification of teachers in the public schools... of the Commonwealth”

Who are they?

- 6 classroom teachers (active or retired);
- 3 school entity administrators;
- 1 college administrator from teacher education program;
- 2 members from public (one school board member); and
- 1 education specialist

“There is hereby created a Professional Standards and Practices Commission (Commission)... members [of which] shall have been actively engaged in teaching or providing... supervisory services in a public school or an approved institution of higher education... for at least five of the eight years immediately preceding their appointment.”



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## WHAT is “The Commission?”




What is the function of “The Commission?”

Make policy recommendations to PA State Board of Education covering:

- Primary education
- Secondary education
- Post-secondary education

Establish high standards for preparation, certification, practice and ethical conduct in the teaching profession.

- 2021 Code of Professional Practice & Conduct for Educators (Code of Conduct)
- 2022 Implement Model Code of Ethics for Educators as national code of ethics (MCEE)



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## WHAT is “The Commission?”

For years, PDE’s Office of Chief Counsel (OCC) investigated and prosecuted Educator Misconduct Complaints for professional discipline.

The Secretary of PDE had acted as the fact finder. He/she “adjudicated” the charges against the educator.

In December 1989, the Pennsylvania General Assembly directed the Commission to adjudicate educator misconduct charges.



OCC still investigates allegations and prosecutes the defendant educators.



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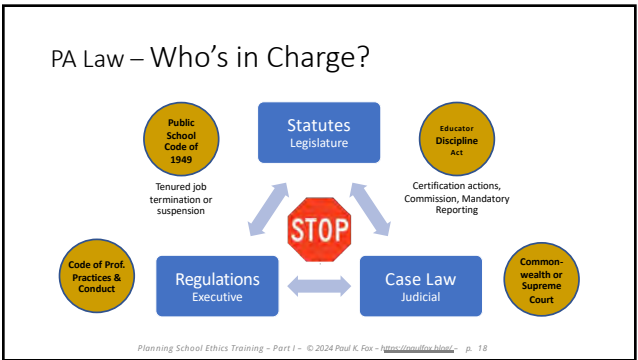
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PA House of Representatives & Senate make up our General Assembly; LEGISLATIVE BRANCH WRITES STATUTES	Governor Shapiro and Department of Education; EXECUTIVE BRANCH WRITES REGULATIONS	PA Commonwealth and PA Supreme Courts make up our Appellate Courts; JUDICIAL BRANCH WRITES CASE LAW
<b>Public School Code of 1949:</b> School Entity’s Termination of Educator Contracts; Triggers Loudmiller Hearings.	Terminated educators may appeal School Entity decision to PDE for review.	Terminated educators may appeal PDE affirmation to Commonwealth Court.
<b>Educator Discipline Act (EDA):</b> Requirements for Certification, Educator Misconduct Complaints and Mandatory Reporting Requirements.	Educator Misconduct Complaint filed with PDE; PDE discretion to file Notice of Charges with Commission for adjudication; Commission may order PDE to suspend/revoke Educator’s Certification. Possible reinstatement of Educator’s Certification.	Educators whose certification has been suspended or revoked by Commission may appeal to <b>Commonwealth Court</b> .
<b>Professional Standards &amp; Practices Commission</b> (Commission) created 1973 to enforce EDA.	1983 Commission sends <b>Code of Professional Practice &amp; Conduct</b> ; Amended in 2021.	Educators may attempt to appeal Commonwealth Court decision to PA Supreme Court.
	PDE Regulations PA Code Title 22; Chapter 49 Certification; Professional Staff; Chapter 233 Commission Bylaws & Procedures; Chapter 235 Code of Professional Practice & Conduct	<b>Seersucker v. School District of Mt Pleasant Twp.</b> (1999)



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### Paths of Educator Discipline in PA

Local Discipline

Loudermill hearing for alleged violation of Public School Code of 1949 or Local Education Agency (LEA) policy;  
  
Local School Directors hearing.  
  
Possible loss of employment at LEA

State Discipline

Educator Misconduct Complaint filed with PDE for alleged violation of Educator Discipline Act.  
PDE investigates, may file Notice of Charges with Professional Standards & Practices Commission for hearing.  
  
Possible loss of teaching certificate statewide.



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### “Where Is It?” — How to Find Our PA Ed Laws

Public School Code of 1949

<https://www.legis.state.pa.us/W001/L04/L0US/H/PA/1949/0/0014.HTM>

Statutes, Regulations, Policies, and Forms



<https://www.pa.gov/en/agencies/pspc/resources/statutes-regulations-policies-and-forms.html>

PENNSYLVANIA CODE

<https://www.pacodeandbulletin.gov/>

PA Title 22 Chapter 235:  
Code of Professional Practice and Conduct

<https://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/022/chapter235/chap235toc.html&d=reduce>



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### Educator Discipline Act



Professional Standards and Practices Commission

Discipline System & Reporting

Statutes, Regulations & Forms

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### Homework? Please review...

Section 9a Mandatory Reporting

Section 9b Discipline for Criminal Offenses

Section 9c Discipline on Additional Grounds

Section 9c. Imposition of Discipline on Additional Grounds. – (a) The commission shall direct the department to impose discipline against any educator for conduct found by the commission to constitute:  
(1) Immorality.  
(2) Incompetency.  
(3) Intemperance.  
(4) Cruelty.  
(5) Negligence.  
(6) Sexual misconduct.  
(7) Sexual abuse or exploitation.  
(8) A violation of the code for professional practice and conduct adopted pursuant to section



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### PDE Causes of Action

Educator Discipline Act Section 9

Educator misconduct complaint

Anyone can file with PDE



PDE certificate sanctioned?

Educator Discipline Act Section 9a

Mandatory reporting requirements

All educators must report

PDE certificate sanctioned?



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### Educator Discipline Act Section 9b

Criminal Conduct

LEA 9a notice with PDE

PDE certificate sanctioned?

Educator Discipline Act Section 9c

Immorality or Neglect of duties

Anyone can file with PDE



PDE certificate sanctioned?

Educator Discipline Act Section 9d

Founded Report

23 PS Chapter 63

PDE certificate sanctioned?

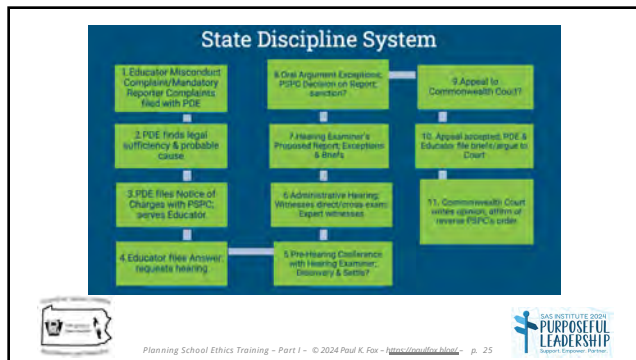


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### Definitions – “Fiduciary”

- A person or organization that owes to another the duties of good faith and trust.

**The highest legal duty of one party to another, it also involves being bound ethically to act in the other's best interests.**

- Can you name at least five careers of professionals who are “fiduciaries...” – have a legal responsibility to serve the best interests of their “clients?”

- Medical Professionals
- Lawyers
- Counselors (all types)
- the Clergy, and...
- Teachers.**

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### Qualities of a Professional

- Higher education, constant training and retooling, goals, self-improvement
- Adoption of “best practices”
- Creativity, critical thinking, problem solving, communication skills
- Acceptance of criticism, peer review, teamwork, compromise, group vision
- High standards of behavior, etiquette, appearance, language, and **ethics**

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### Raising the bar further: effective teachers...

Score HIGH on	Score LOW on
• Cooperation	• Abruptness
• Student engagement	• Belittling
• Monitoring learning	• Counting hours (“clock punching”)
• Optimism	• Defiance
• Pacing	• Illogical statements
• Promoting self-sufficiency	• Mood swings
• Spontaneity	• Oneness (treating group as “one”)
• Structuring	• Recognition-seeking

Source: “The California BTES – Overview of the Ethnographic Study” by David Berliner & William T. Kounin

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### Definitions – “Ethical Equilibrium”

Foundations of what’s “right or wrong”

- 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, statutes, 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.”

Troy Hutchings

“Beyond the Obvious” <https://slidesplayer.com/slides/12243050/>  
 “Ethics in Education” <https://vimeo.com/126979216>

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### A Compass of Choice – Striking the Right Balance

“From a decision-making standpoint, I tend to look at it from the perspective of **Ethical Equilibrium** (work by Troy Hutchings). Teachers weigh the **moral** (personal) dimensions with regulatory ones (**the law**) with the **ethics** of the profession... While focusing on consequences is important, I worry that teachers may interpret this to mean that as long as they don’t break the law, they can still be unprofessional and immoral.”

– Dr. Oliver Drenon, Associate Professor, Millersville University and author of the Pennsylvania Professional Standards and Practices Commission Ethics Tool Kit.

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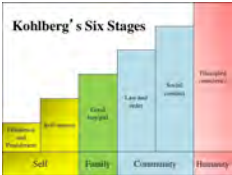
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### Philosophies of Moral Development

Lawrence Kohlberg

- Six stages of moral development
- Personal growth
  - **From...** ethical decisions based on adherence to rules/regulations and avoidance of punishment
  - **To...** acceptance of universal principles of justice and respect for human life



Source: Kohlberg, L. (1981). *Essays on Moral Development: The Philosophy of Moral Development*. New York: Harper Collins.

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### Definitions – “Moral Professionalism”

- Coming to work regularly and on time
- Being well informed about their students and subject-matter
- Planning and conducting classes with care
- Regularly reviewing and updating instructional practices
- Cooperating with, or if necessary, confronting parents of underachieving students
- Cooperating with colleagues and observing school policies so the whole institution works effectively
- Tactfully but firmly criticizing unsatisfactory school policies and proposing constructive improvement

Source: Wynne, E.A. (1995). The moral dimension of teaching. In A.C. Ornstein (Ed.) *Teaching: Theory into practice*. (pp. 190-202). Boston: Allyn and Bacon

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### Which Standard Is It? – “Moral” vs. “Ethical”

**1. Morality =**

- Principles to judge right and wrong
- Often used to define personal character
- More abstract, subjective, more personal, may or may not be religious

A teacher decides not to drink a beer when he sees a student enter the same restaurant?

←

**2. Ethical =**

- Behavior expected by the group or profession
- Practical, shared principles promoting fairness & expectations

<https://slideslayer.com/slide/12203932/>

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### Which Standard Is It? – “Moral” vs. “Ethical”

**1. Morality =**

- Principles to judge right and wrong
- Often used to define personal character
- More abstract, subjective, more personal, may or may not be religious

A teacher calls in sick to extend her vacation.

?

→

**2. Ethical =**

- Behavior expected by the group or profession
- Practical, shared principles promoting fairness & expectations

<https://slideslayer.com/slide/12203932/>

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### Which Standard Is It? – “Moral” vs. “Ethical”

**1. Morality =**

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- Often used to define personal character
- More abstract, subjective, more personal, may or may not be religious

A principal changes an old letter of recommendation to show current dates?

→

**2. Ethical =**

- Behavior expected by the group or profession
- Practical, shared principles promoting fairness & expectations

<https://slideslayer.com/slide/12203932/>

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### Which Standard Is It? – “Moral” vs. “Ethical”

**1. Morality =**

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- More abstract, subjective, more personal, may or may not be religious

A coach posts pictures of herself online wearing only a bikini while on a beach vacation?

←

**2. Ethical =**

- Behavior expected by the group or profession
- Practical, shared principles promoting fairness & expectations

<https://slideslayer.com/slide/12203932/>

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Do high moral standards make us more vulnerable?

Are you more apt to commit ethics violations or professional misconducts trying to “do good” for your students with the best of intentions?

- Wanting a student to do well results in changing the student’s grade or test scores
- An educator gives out his personal cell phone and states that, “He is there to help, anytime, 24-7.”
- A counselor gives pre-natal vitamins to a student she knows is pregnant, but the parents do not know of the pregnancy.
- A vegan teacher rants on Facebook about farm animal rights while teaching in a community based in agriculture.
- A principal pays for a student to attend a summer camp.

<https://slidesplayer.com/slide/12203932/>



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Two Types of “Codes...” Conduct vs. Ethics



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Two Types of “Codes...” Conduct vs. Ethics

#	Violations of IA Teachers Code of Conduct	#	NY State Teachers Code of Ethics
1	Crimes, sexual or other immoral; conduct with or toward a student.	1	Educators nurture the intellectual, physical, emotional, social, and civic potential of each student.
2	Misrepresentation, falsification of information.	2	Educators create, support, and maintain challenging learning environments for all.
3	Misuse of public funds and property.	3	Educators commit to their own learning in order to develop their practice.
4	Violations of contractual obligations.	4	Educators collaborate with colleagues and other professionals in the interest of student learning.
5	Unethical practice toward other members of the profession, parents, students, and the community.	5	Educators collaborate with parents and community, building trust and respecting confidentiality.
6	Incompetence.	6	Educators advance the intellectual and ethical foundation of the learning community.

Mark, Michael L. and Madura, Patrice: *Music Education in Your Hands* (Routledge 2010)

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Two Types of “Codes...” Conduct vs. Ethics

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Mark, Michael L. and Madura, Patrice: *Music Education in Your Hands* (Routledge 2010)

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Code of Conduct vs. Code of Ethics

- **Similarities:** Self-regulation and guidance of (un)acceptable behaviors
- **Code of Conduct** outlines specific behaviors that are required or prohibited and govern **actions**
- **Code of Ethics** outlines a set of principles that influence **decision making**



<http://www.business.chron.com/difference-between-code-ethics-conduct-7774.html>

<https://www.whistleblowprosecution.com/code-of-ethics-and-code-of-conduct-what-the-difference/>



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Who Had Early Adoptions of “a Code?”

What other professional organizations embrace their “**fiduciary**” responsibilities and established **ETHICAL STANDARDS**, rules, and enforcement practices?

- **1847:** American Medical Association
- **1932:** American Bar Association
- **1952:** American Psychological Association
- **1961:** American Counseling Association
- **1984:** American School Counseling Association
- **2014:** American Nurses Association

Before 2021, PA teachers were among the only fiduciaries who usually receive little or no **formal ethics training** but interactive daily with children who are a “captive audience.”

PA Teachers’ “Code of Professional Practice & Conduct” fits on two pages. For PA attorneys, there are more than 100 pages of “Rules of Professional Conduct!” Check out this link: <https://www.pasdisciplinatoryboard.org/for-attorneys/rules>



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### Suggested Components of Ethics PLC

#### Readings

Local Education Agency (LEA) rules and/or policy  
LEA Solicitor for advice\*  
Model Code of Ethics for Educators  
PA Code of Conduct  
Educator Discipline Act  
Commission Website Resources

#### Discussion


Hypothetical situations – no names of educators, students, CTC staff  
Role of Facilitator: you decide  
Purpose is for group members to listen & give their opinion on the ethical issue(s) raised:

- Which document appears to have language applying to this type of issue; and
- What action by LEA or state education agency may occur?


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### Models for Ethical Scenario Analysis


- Code of Conduct – Degree of Misconduct



Mock Jury



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### Mock Jury – Code of Conduct Scenarios

**1. RED** = “illegal” which may add criminal and civil penalties, fines, jail time, etc.


**2. ORANGE** = “unethical” which will result in significant discipline action, suspension or revocation of certificate, and/or loss of job

**3. GOLD** = “immoral” – no guarantee of major consequences except may result in lowering of year-end evaluation, earning a “warning” or “write-up,” or a job re-assignment

**4. PURPLE** = “unprofessional” – unlikely to result in major consequences except damage to one’s professional reputation

**5. BLUE** = inappropriate, unwise, “bad for appearances” – no consequences

**6. GREEN** = not a misconduct or inappropriate




Degrees of Misconduct

1  
2  
3  
4  
5  
6

Consequences

STOP

CPCC  
EDA



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### Scenario: “Counseling Sessions”

#### Reflections:


A. What possible issues/concerns might this scenario raise?

B. How could this situation become a violation of the law, the “Code” or other school/district policies?

C. In this situation, what are some potential negative consequences for the teacher and the student?

JURY: What is your judgement?  
How do you find?

Mrs. K is a high school teacher whose husband recently divorced her. During a lesson one day, Mrs. K breaks down emotionally in front of her class. To calm everybody, she explains her emotional state to her students and discusses the end of her marriage. After school that day, a male student visits Mrs. K to see if she has recovered. The student explains that his parents are also divorcing, and he understands her feelings. The student begins stopping in to see Mrs. K more frequently and the pair begins spending more time outside of class supporting each other. Her colleagues become suspicious of her relationship with the student and report the teacher’s actions to their principal.



Degree of Misconduct

1  
2  
3  
4  
5  
6

Consequences

58

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**Ethics Violation – JOB LOSS?**

CPCC: 235.5a (b) 2 “boundaries”



Degree of Misconduct

1  
2  
3  
4  
5  
6

Consequences

59

### Scenario: “Contest Winner... or Loser”

#### Reflections:


A. What possible issues/concerns might this scenario raise?

B. How could this situation become a violation of the law, the “Code” or other school/district policies?

C. In this situation, what are some potential negative consequences for the teacher and the student?

JURY: What is your judgement?  
How do you find?

Jane S. was a first-year second-grade teacher who took a sick day to compete in a bikini contest on the Howard Stern show. In addition to appearing in a bikini on the show, Mrs. S. also discussed her sexual relationship with her husband.



Degree of Misconduct

1  
2  
3  
4  
5  
6

Consequences


60

**Scenario: "Contest Winner... or Loser"**

**Reflections:**

- What possible issues/concerns might this scenario raise?
- How could this situation become a violation of the law, the "Code" or other school/district policies?
- In this situation, what are some potential negative consequences for the teacher and the student?

**JURY: What is your judgement? How do you find?**



*Jane S. was a first-year second-grade teacher who took a sick day to compete in a bikini on the show, Mrs. S. also discussed her sexual relationship with her husband.*

**Ethics Violation – JOB LOSS!**

CPPC: 235.5a (b) 13 and violation of contract


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**Scenario: "Musical Relations"**

**Reflections:**

- What possible issues/concerns might this scenario raise?
- How could this situation become a violation of the law, the "Code" or other school/district policies?
- In this situation, what are some potential negative consequences for the teacher and the student?

**JURY: What is your judgement? How do you find?**



*Melissa S. was a 23-year-old high school music teacher who also supervised the production of the school musical. After months of practices, Miss S. became very close to several seniors including David, the male lead in the musical. She and David began sharing emails and texts with one another. Most of the communication was playfully flirtatious but not overtly sexual. Immediately after graduation, however, Miss S. and David began dating and became sexually intimate. After discovering the relationship, David's parents filed a complaint with the district superintendent.*


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**Scenario: "Musical Relations"**

**Reflections:**

- What possible issues/concerns might this scenario raise?
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**Ethics Violation – JOB LOSS!**

CPPC: 235.5a (b) 13


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**Scenario: "Off-Duty Infraction"**

**Reflections:**

- What possible issues/concerns might this scenario raise?
- How could this situation become a violation of the law, the "Code" or other school/district policies?
- In this situation, what are some potential negative consequences for the teacher and the student?

**JURY: What is your judgement? How do you find?**



*James C. is a middle school teacher who was arrested for drunk driving. He goes to court and is found guilty of the offense. When the district moves to have him fired for his second-time DUI conviction, Mr. C argues that this offense has no influence over his ability to instruct his students. Also, the violation happened during the weekend on his private time.*


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**Reflections:**

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**JURY: What is your judgement? How do you find?**



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**Ethics Violation & Criminal Penalties – JOB LOSS!**

PA CPPC Section 235.5c, 1 and Public School Code of 1949, Section 111, e, 2<sub>85</sub>


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**Scenario: "Unwanted Attention"**

**Reflections:**

- What possible issues/concerns might this scenario raise?
- How could this situation become a violation of the law, the "Code" or other school/district policies?
- In this situation, what are some potential negative consequences for the teacher and the student?

**JURY: What is your judgement? How do you find?**



*During lunch, Steven R. often walks around the faculty room giving his female colleagues back massages to help them "relax." Some of the teachers look visibly uncomfortable with the contact and attempt to avoid his unsolicited massages.*

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“Free”  
Stuff  
to  
Peruse...

<https://www.twbaileylaw.com/>

Thomas W. Bailey Court Case Blogs (samples)  
<https://www.twbaileylaw.com/blog>

- **Nanko vs. PDE:** Did the Commission make an error by revoking Ms. Nanko’s Letter of Eligibility based upon the charge of “immorality” as the Commission had not yet specifically defined the term?
- **Zelino vs. Lincoln Intermediate Unit:** Can a school entity terminate an educator for “immorality” after their third Driving Under the Influence conviction?
- **Mahoney SD vs. B.L.:** Can educators and administrators suspend a cheerleader for one year from the cheerleader squad following her vulgar Snapchat post about the same cheerleading squad?
- **Metz vs. Bethlehem SD:** Can an educator be required by a school entity administrator to submit to an immediate urine test for illegal drugs?
- **Horosko vs. Mt. Pleasant SD:** May a school entity terminate an educator if she does not “command respect and good will” of the school community?
- **Nichols vs. ARIN Intermediate Unit:** Was it educator misconduct for a classroom aide to wear a religious symbol on her necklace in a Pennsylvania public elementary school?
- **William Penn SD vs. PDE:** Several blogs on this land breaking court case

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More Resources on the PDE Website

Act 126 Training

<https://www.pde.pa.gov/act126training>

Commission Publications

<https://www.pde.pa.gov/commissionpublications>

Digital Tips (Boundaries)

<https://www.pde.pa.gov/digitaltips>

Educator Discipline Act

<https://www.pde.pa.gov/educatordisciplineact>

Ethics FAQ

<https://www.pde.pa.gov/ethicsfaq>

Ethics Toolkit

<https://www.pde.pa.gov/ethicstoolkit>

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THE CHOICES WE MAKE...

You said that you had things to teach me.  
And now, I see it all so clear.  
We're led, each moment that we live in,  
To the only choice we're given.  
Will we live by love or fear?

All we do, is face up to those choices,  
And obey our inner voices  
And hope we find our way.  
  
And all the choices we make  
Will shape our lives forever,  
Ev'ry path we take  
When push comes down to shove,  
Ev'ry moment counts.

It's always now or never.  
And although, god knows,  
You chose the life you chose,  
I'm here because, just once,  
You chose to love...

Feel free to reach out to [paulfox.usc@gmail.com](mailto:paulfox.usc@gmail.com)

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# Ethical “Fact Scenarios” for Additional Collegial Analysis

## Planning School Ethics Training – SAS Institute 2024: Purposeful Leadership

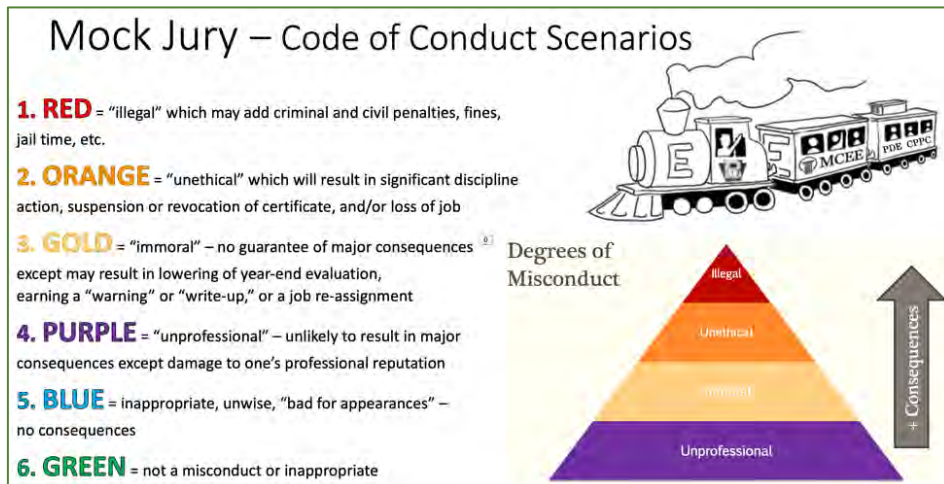
For use with the newly revised PDE Act 49 Certification Professional Ethics Competencies © 2024 Paul K. Fox

### “Mock” Case Studies for More Sessions of Interactive Discussion

1. Mr. S is a high school teacher who has been tutoring Melissa on an Advanced Placement course after school for several months. Although Melissa’s academic performance has been improving, Melissa’s parents meet with the principal about concerns they have regarding Mr. S’s relationship with Melissa. During their tutoring sessions, Mr. S has given Melissa gift cards as rewards for her academic progress, driven Melissa home after tutoring sessions, and even begun to communicate with Melissa via text messaging during the evenings.

While they have no proof of any impropriety, Melissa’s parents are concerned. When the principal meets with the teacher, Mr. S argues that his behavior is not inappropriate and that he is simply offering assistance to a student in need.

2. Rich W. is a high school band director who gives pet names to the female students in his ensembles. He calls them “darling” and “sweetheart” but always refers to the male students by their first name. Some of the female students are upset with this and arrange to meet with the principal to discuss their concerns.
3. Melissa S. is a third-grade teacher in a rural school. Near the end of the year, Rodrigo enrolls in her class, even though he cannot speak English. Ms. S. is frustrated because she feels she does not have the training to work with a student like Rodrigo and complains in class that “people shouldn’t come here if they can’t even speak our language.” One of the students complains to her parents about what Ms. S said.
4. In the hallway one day, students from one of your classes stop and ask you what you think of Mr. T. When you ask why this would be important to them, they explain that Mr. T. had gone on a tirade in their class and complained about your ability as a teacher. One of them says that Mr. T. says that you were the worst teacher in the school.
5. An itinerant special needs teacher travels from school to school. After leaving Elm elementary school, the teacher travels to Central elementary. A Central teacher has a biological child who attends Elm elementary. Because of recent discipline issues with some of the special education students, the teacher at Central begins to ask the itinerant instructor about the behavior of some of the children at Elm elementary. The itinerant begins to share some of the concerns and specifics about the IEPs of those children who were involved in a recent behavioral incident.
6. Elizabeth L. taught at Webster Hills Middle School. In her free time, Ms. L. was also a cheerleader for a local sports team. As a reward for their performance on a recent exam, Ms. L. performed one of her cheerleading routines for her eighth graders in her classroom. Unbeknown to Ms. L, one of the students in the class used his cell phone to videotape the cheerleading routine. The student posted the video online and the video drew the attention of district personnel and community members. Several parents were outraged and complained about the suggestive nature of the cheerleading routine.



#### In Depth Discussion Questions (adapted from the CSDE)

1. What possible issues/concerns might this scenario raise?
2. How could this situation become a violation of your school entity policy, CPPC other PA regulations, statutes, MCEE, or caselaw?
3. In this situation, what are some potential negative consequences for the students, fellow educators, and the school community?
4. At this point, what responses/actions will result in a more positive outcome and/or what proactive measures might be considered?

For more articles on school ethics and additional scenarios, please visit  
<https://paulfox.blog/category/ethics/>

## Small Group Discussion Questions:

Adapted from  
Module 5 of the  
CSDE TEAM Manual

1. What possible issues/concerns might this scenario raise?

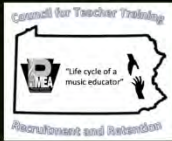
2. How could this situation conflict with school policy, the PA Code of Conduct/EDA, Model Code of Ethics for Educators, or case law?

3. In this situation, what are some potential negative consequences for the educator's students, fellow educators and the school community-at-large?

4. What responses/actions will result in a more positive outcome and/or what proactive measures might be considered?

5. Please take 10 minutes to prepare a reply with educators in your breakout room.

You need not agree!



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## Sample Case Study

### Fact Scenario: Teacher/Student Relationship

- MT, a male high school band director, flirted romantically with a female band student during her 9<sup>th</sup> & 10<sup>th</sup> grade years. They developed a sexual relationship over her 11<sup>th</sup> & 12<sup>th</sup> grade years. Sexual intercourse occurred after-school in the band room office.
- MT's class preparedness did not appear to suffer while the sexual relationship continued.
- Their relationship continued after the student graduated and attended college. Her parents complained to the school. MT was told by his supervisor to end the relationship. MT did not end the relationship.
- Student broke off the relationship with MT. Student then later told her parents of the sexual nature of the relationship during high school.
- Parents contacted the school again. MT was still employed at the school.
- School administrator contacted and met with former student in person. School administrator filed Educator Misconduct Complaint with PDE.

Additional discussion questions:

1. What if the relationship was always of mutual consent?
2. What if the teacher did not teach the student while she was enrolled in his school?
3. What if the relationship did not start until after the student graduated?
4. What if his student was over the age of 18 during the time of the relationship?