

# PROPOSED RULEMAKING

## 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) proposes to amend 22 Pa. Code Chapter 235 (relating to code of professional practice and conduct for educators) to read as set forth in Annex A.

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 include technology related standards and to make the Code relevant and applicable to current educators. In addition to technology related guidelines, the proposed amendments present new or expanded guidelines addressing educators' ethical responsibilities to students, colleagues and the profession. Following is a summary of this proposed rulemaking.

#### *Summary*

Throughout this proposed rulemaking, the term "professional educator" is replaced by the term "educator" to make this proposed rulemaking consistent with the Educator Discipline Act (act) (24 P.S. §§ 2070.1a—2070.18c).

Section 235.2(c) (relating to introduction) clarifies that the inclusion of specified violations of the Code as an independent basis for a public or private reprimand does not preclude the Department of Education (Department) from pursuing discipline, including suspension or revocation, on other available grounds.

Section 235.3(c) (relating to purpose) clarifies that the purpose of the Code is to set expectations for educators, guide educational practice and inspire professional excellence.

Section 235.3a (relating to definitions) adds definitions for the following key terms: "boundaries;" "dual or multiple relationships;" "educator;" "electronic communication;" "fiduciary relationship;" "harm;" "safe environment;" "safety;" "school entity;" "sexual misconduct;" and "transparency."

Section 235.4 (relating to professional practices) sets forth professional practices that all educators are expected to adopt and maintain throughout their careers. The proposed amendments to subsection (b)(1) specify that educators are expected to comply with all laws and written school entity policies rather than certain enumerated laws. The expectation that educators abide by all laws and school entity policies is consistent with the Commission's definition of duty in 22 Pa. Code § 237.8 (relating to negligence), the breach of which may support a finding of negligence and the imposition of discipline. Specifically, that section provides in pertinent part that a duty may be established by law or by school rules, policies or procedures. Existing § 235.4(9) has been deleted to avoid inconsistency with proposed § 235.5a(c) (relating to commitment to students). The amendments

also present new or expanded guidelines addressing the following key concepts: the fiduciary relationship; boundaries; dual or multiple relationships; nondiscrimination and respect for cultural and other differences; role modeling; maintaining the dignity and integrity of the profession; and educators' use of social media and other forms of electronic communication.

Section 235.5 (relating to conduct) specifies those sections of the Code that, if violated, may constitute an independent basis for a public or private reprimand. Existing §§ 235.6—235.11 have been replaced by proposed §§ 235.5a, 235.5b and 235.5c (relating to commitment to colleagues; and commitment to the profession). However, much of the existing language has been maintained. Existing § 235.6 (legal obligations) has been incorporated into proposed § 235.4(b)(1). Existing §§ 235.7—235.11 have been incorporated into proposed §§ 235.5a—235.5c virtually without change. The purpose of the restructuring is to frame the educator's ethical responsibilities within the contexts of the educator's commitment to students, colleagues and the profession, thereby highlighting the key principles underpinning good practice in the field.

Section 235.5a sets forth standards for professional conduct in fulfillment of the educator's commitment to students. The proposed amendments emphasize the importance of fostering a positive learning environment and protecting students from all forms of harm. The proposed amendments also add standards addressing an educator's use, possession or distribution of alcoholic beverages or illegal or unauthorized drugs, and maintenance of confidentiality. Subsection (d) has been updated to reflect and correspond to the addition of "sexual misconduct" in the act. Subsection (j) defines and prohibits inappropriate communication, including inappropriate communication achieved through electronic communication, with a student or minor.

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.

Section 235.5c sets forth standards for professional conduct in fulfillment of the educator's commitment to the profession. The proposed amendments add or expand standards addressing: misrepresentation and document fraud; reporting and cooperation during official investigations and proceedings; security of standardized testing; nondiscrimination; and improper personal or financial gain. Proposed § 235.5c(g) maintains the anti-discrimination language found in existing § 235.8 (relating to civil rights), while adding color and gender identification or expression to the list of bases of discrimination. This section is consistent with the Pennsylvania Human Relations Act (PHRA) (43 P.S. §§ 951—963). While the PHRA does not explicitly enumerate sexual orientation or gender identity or expression, in guidelines released in August 2018, the Pennsylvania Human Relations Commission stated explicitly that it interprets the existing protections against sex discrimination to include protections for sexual orientation and gender identity or expression. The proposed § 235.5c(g) eliminates the § 235.8

requirement that discrimination be found to exist by an agency of proper jurisdiction to be considered an independent basis for discipline. The Commission proposes to eliminate this requirement because enforcement of the Code should not be dependent on the action or inaction of another agency.

*Statutory Authority*

This proposed rulemaking is authorized by section 5(a)(10) of the act (24 P.S. § 2070.5(a)(10)).

*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 proposed rulemaking has no fiscal impact and imposes no additional reporting or paperwork requirements on affected parties.

*Effective Date*

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

*Sunset Date*

There is no sunset date. The effectiveness of this proposed 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 this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Education Committee and the House Education Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if the IRRC has any comments, recommendations or objections to any portion of this proposed rulemaking, it may notify the Commission and the Committees within 30 days after the close of the public comment period. The notification shall specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Commission, the General Assembly and the Governor, of any comments, recommendations or objections raised.

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Shane Crosby, Executive Director, Professional Standards and Practices Commission, 333 Market Street, 14th Floor, Harrisburg, PA 17126-0333, within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Persons needing additional information regarding this proposed rulemaking may contact Shane Crosby at (717) 787-6576.

MYRON YODER,  
*Chairperson Pro Tempore*

**Fiscal Note:** 6-340. No fiscal impact; (8) recommends adoption.

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.

(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. Nothing in this chapter shall be construed to affect in any way the Department of Education's authority to initiate an action under the act to discipline an educator's certificate or employment eligibility, or both.

§ 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. [ **Profes-**

**sional 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 proposed to be 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. "Electronic communications" include 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 § 1.2 of the act (24 P.S. § 2070.1b).

*Sexual misconduct*—As defined in § 1.2 of the act (24 P.S. § 2070.1b).

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

#### § 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—235.5c may constitute an independent basis for private or public reprimand.

(*Editor's Note:* The following sections are proposed to be 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 not knowingly or intentionally distort or misrepresent evaluations of students or facts regarding students.

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

(c) 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) Shall not be on school premises or at a school-related activity involving students, while under the influ-

ence of, possessing or consuming alcoholic beverages or illegal or unauthorized drugs.

(h) 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) Shall refrain from inappropriate communication with a student or minor, including, but not limited to, inappropriate communication achieved by electronic communication. Factors that may be considered in assessing whether the 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;

(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 use coercive means or promise special treatment to influence professional decisions of colleagues.

(e) 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) 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 apply for, accept or assign a position or a responsibility on the basis of professional qualifications.

(b) 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 certified appropriately for the position.

(c) 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) Shall not falsify records or direct or coerce others to do so.

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

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

(l) Shall not knowingly misappropriate, divert, or use moneys, personnel, property or equipment committed to their charge without proper authorization for personal gain or advantage.

#### § 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 employes, 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. ]

[Pa.B. Doc. No. 19-570. Filed for public inspection April 19, 2019, 9:00 a.m.]