



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

SENATE BILL NO. 34

PRINTERS NO. 1606

PRIME SPONSOR: Smucker

COST / (SAVINGS)

FUND	FY 2013/14	FY 2014/15
General Fund	\$0	See Fiscal Impact

SUMMARY: Senate Bill 34 amends the Professional Educator Discipline Act. It would take effect in 60 days.

ANALYSIS: This legislation makes extensive substantive and editorial changes to the Professional Educator Discipline Act.

It expands the disciplinary jurisdiction of the Professional Standards and Practices Commission (PSPC) to include educators holding Private Academic School certification and those educators working for private entities that contract with public schools. The PSPC would continue to direct the Pennsylvania Department of Education (PDE) in suspending the certificate and employment eligibility of an educator indicted or convicted for serious crimes outlined in the Public School Code. The PSPC would also have the power to establish fines and fees for violations of this act and for costs related to reinstatement hearings. The bill also provides procedural guidelines for conducting suspension and reinstatement hearings.

This legislation allows the PSPC to participate in alternative dispute resolution programs to allow for flexibility, early resolution and cooperation in resolving charges. The Commission may also develop outreach programs and professional development courses to improve the quality of practice and ethical conduct in the teaching profession.

This bill expands PDE authority and responsibility concerning investigations into educator misconduct complaints. In conducting its investigations under this act, the department may investigate any and all allegations of misconduct in the complaint or complaints and any other misconduct concerning the educator that is discovered in the course of the investigations.

The legislation expands the mandatory reporting requirements to the PDE for chief school administrators when an educator is dismissed for cause, to include convictions, guilty pleas, or pleas of nolo contendere to any misdemeanor or felony. It also includes resignations for alleged sexual misconduct or physical abuse, or if the person has been named as the perpetrator of a founded report of child abuse.

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.

The bill makes changes to the Act concerning discipline for criminal offenses and the processes for revoking and reinstating an educator's certification. It also specifies that nothing shall prevent the Department from pursuing discipline under the Act against any educator who has been acquitted, who has participated in an alternative disposition program or for whom the criminal charges were withdrawn or dismissed. There are also sections added concerning the imposition of discipline for additional grounds enumerated in the legislation, the imposition of discipline for founded reports of child abuse, and disciplinary actions for offenses committed in other states, territories, or nations that are substantially similar to grounds for discipline under this Discipline Act.

The duties of school entities are further clarified as well. Timelines for school entity investigations into alleged educator misconduct are established. School entities must cooperate with Department investigations by providing any information, documentation and physical evidence the Department reasonably requests. In addition, school entities are prohibited from entering into any agreement with an educator or educator association in which a school entity agrees not to comply with its mandatory reporting duties or other duties outlined in the Discipline Act. Any agreement or provision of an agreement contrary to these requirements is void and unenforceable.

This legislation also makes changes to the Act concerning hearings and hearing officer reports, appeals, reinstatements, immunity from civil liability, subpoenas, and when information related to investigations is and is not confidential.

All fees, fines, costs and civil penalties shall be paid into the State Treasury through the department and credited to a restricted receipts account established in the General Fund that shall be known as the Professional Educator Discipline Account. Funds in the account may be utilized for the expenses of the Department and the Commission in the implementation of their respective duties under this act.

FISCAL IMPACT: From 2008 to 2011 the Department reports an average of 240 new professional educator disciplinary complaints per year. In 2012 the number of new complaints increased to 563. In response to this increased caseload, the budget for 2013-14 included a \$25 increase in teacher certification fees that provides an additional \$775,000 for the Department. The Department of Education believes the enactment of Senate Bill 34 could increase the disciplinary caseload of PDE and the PSPC. However, the increased certification fee along with provisions allowing the Commission to issue fines and fees to educators as penalties related to misconduct and reinstatement will likely offset the additional costs.

PREPARED BY: Jeff Miller
House Appropriations Committee (R)

DATE: December 9, 2013