

A DESCRIPTIVE ANALYSIS OF THE CODES OF ETHICS FOR EDUCATORS

by

KEN ALLEN BANTER

(Under the direction of) C. Thomas Holmes

ABSTRACT

As organizations evolve and begin to seek more prestige and status with their clientele and society as a whole, they begin the process known as professionalization. This process encourages these organizations to acquire those identifiable characteristics, which were achieved in the professions such as medicine and law. Hart and Marshall (1992) summarized the fundamental characteristics of a profession into five specific criteria. This study examined only two of the five criteria: (a) an established code of ethics for them members of the organization, and (b) how the organization policed itself when the code was violated. The institution of education was one such group that has aspired the status of a true profession. Therefore, the problem of this study was to research what each state has done in developing and enforcing a code of ethics for its educators.

However, since no single code of ethics exists which embodies the entire education profession, a more in-depth study was undertaken. Specifically, the two main objectives of this study were to examine (a) what each state has done in developing a code of ethics for it's educators, and (b) the work the governing board/commission charged with enforcing the code and standards within each state.

A qualitative research design was employed for this study, and written documents produced by states' educational bodies or legislatures were the primary sources of data. Each state was contacted by Internet, e-mail, telephone, or mail to acquire the necessary data to answer this study's research questions. The data collected included mainly brochures, state statutes, or downloaded version of these documents.

The data provided the evidence to conclude that 23 states have enacted codes of ethics for their educators. The names of these codes and the rules or standards contained with the codes vary, but many similarities were found too. The data also supported that each state has established grounds for which an educator's certificate could be denied, suspended, or revoked. Each state has also designated an entity to give the educator due process in enforcing the code of ethics or when grounds exist for probable cause.

INDEX WORDS: Professionalization, Profession, Ethics, Code of ethics,
Professional practices, Professional Standards Commission,
Standards of professional conduct, Enforcement

A DESCRIPTIVE ANALYSIS OF THE CODES OF ETHICS FOR EDUCATORS

by

KEN ALLEN BANTER

B.S., Asbury College, 1979

M.S., Fort Valley State University, 1992

Ed.S., The University of Georgia, 1995

A Dissertation Submitted to the Graduate Faculty of The University of Georgia in Partial
Fulfillment of the Requirements for the Degree

DOCTOR OF EDUCATION

ATHENS, GEORGIA

2003

© 2003

Ken Allen Banter

All Rights Reserved.

A DESCRIPTIVE ANALYSIS OF THE CODES OF ETHICS FOR EDUCATORS

by

KEN ALLEN BANTER

Major Professor: C. Thomas Holmes

Committee: Kananur Chandras
John Dayton
Anthony Strange
Sally Zepeda

Electronic Version Approved:

Maureen Grasso
Dean of the Graduate School
The University of Georgia
December 2003

DEDICATION

I would like to dedicate this paper to my loving and supportive wife Mary Jean Banter, and our wonderful children John, Jeannie, and James Banter. Without their love, encouragement, and understanding, this dissertation would not have come to fruition.

ACKNOWLEDGEMENTS

I first want to thank my doctoral committee from the Program of Educational Leadership at the University of Georgia and from Fort Valley State University. Thank you Dr. C. Thomas Holmes for chairing my committee. Dr. Holmes, your leadership guided me down paths that led me through the approval of my proposal and the defense of this dissertation. Thank you Dr. John Dayton for assisting me through the jungle of referencing legal citations correctly. Dr. Sally Zepeda, you will never know how your kind words destroyed some lingering doubts and fears. Thank you! Dr. Anthony Strange and Dr. Chandras are professors of mine dating back to my masters degree at Fort Valley State College (now University). It was an esteemed honor for me when you agreed to sit on my committee.

I am indebted to Fort Valley State University for working in conjunction with UGA in establishing the doctoral program in educational leadership. I was privileged to be in the first cohort group for this program, and it was a wonderful experience. An added blessing was that all the course work was held in Macon, GA, which meant that the professors from UGA came to us instead of us going to Athens. Having attained my specialist degree from UGA and traveling to Athens during the week and for long weekends, the satellite campus in Macon was a huge benefit. Plus, the professors from both institutions were exceptional. Thank you!

I could never put into words, the love, affection, and gratitude I have for my family. Mary Jean, you were always there for me when I was discouraged. Your kind

and sometimes prodding words were what I needed to hear. You stepped in when I couldn't be there to do the fatherly things as I completed this study. How can we, or Scout Troop 59, ever forget you going to summer camp at Camp Rainey Mountain! It's amazing what we will do for those we love.

Thank you John, Jeannie, and James for being understanding when it was hard to understand why much of my time was spent researching, reading articles and typing. Each of you is a wonderful and unique individual of whom I am very proud to call my child. God has something special for each of you, just continue to follow and trust Him.

Thank you mom, Helen Banter, for supporting and encouraging me throughout my life and in all my endeavors. You have been a positive and influencing factor for me, because you always saw and recognized the good in people. Norris and Jean McKenzie, my parents-in-love as they told me on my wedding day, thank you for many acts of love you bestowed upon my family throughout the doctoral program. And to all my parents, thank you for your prayers.

Dr. John and Helen Rhea Stumbo are very dear friends who helped to make it possible for me to begin the pursuit of my doctorate. Your affirming words and behind the scene acts of kindness are models for me to pass forward. Thank you for your love and friendship.

I could write several pages of kudos to my extended family and friends who provided words of encouragement and assistance during this dissertation process. A special acknowledgement goes to my brothers and sisters: Breece and Linda Banter, Paul and Sherron Boeger, and Norrie and Lynn McKenzie. Thank you for being there for my family and me. You are the greatest!

Now to recognize the friends who helped by being there for me and especially praying for me as I entered the defense of this dissertation. Thank you Kim and Sherry Hatchett for assisting me by typing the codes of ethics for the Appendices section of this dissertation. Thank you Hunt Primary faculty and staff for your love and support (I loved the 50 balloons). And to my new school home, Byron Middle School, thank you for being understanding as I completed my dissertation. You are a wonderful faculty and staff to whom I say a big thank you. My church family at Fort Valley United Methodist Church and the Youth Resource Team have been there for me many times. Asbury College and the Asbury College Alumni Board are very special institutions to me. What makes them special are the people who have encouraged and prayed for me: thanks.

Finally, but not last in importance, I want to thank my Lord and Savior for giving me all the wonderful individuals I have mentioned above. I also thank Him for leading me through this chapter of my life. I have claimed Proverbs 3:5-6 as my life verse and it has proven true time and time again:

Trust in the Lord with all your heart and lean not unto your own understanding. In all your ways acknowledge Him, and He shall direct your paths.

TABLE OF CONTENTS

	Page
DEDICATION	iv
ACKNOWLEDGEMENTS	v
LIST OF TABLES	xiv
LIST OF FIGURES	xv
CHAPTER	
I INTRODUCTION	1
Background of the Study	2
Purpose of the Study	3
Significance of the Study	3
Research Questions	4
Definition of Terms	5
Overview of Method and Procedures	6
Organization of the Study	7
II A DESCRIPTIVE ANALYSIS OF THE CODES OF ETHICS FOR	
EDUCATORS	9
Professionalization	10
Profession	12
Teaching as a Profession	20
Professional Ethics	31

Professional Ethics in Education	36
Code of Ethics	41
Code of Ethics in Education	45
Enforcement of Codes of Ethics	49
Educators and Enforcement of Codes of Ethics	57
Summary	66
III METHOD AND PROCEDURES	74
Problem of the Study	74
Research Design of the Study	75
Research Questions	76
Population	77
Data Collection	77
Analyses	78
Credibility	81
Summary	84
IV DATA ANALYSES	85
Alabama	85
Alaska	86
Arizona	87
Arkansas	88
California	90
Colorado	91
Connecticut	93

Delaware.....	94
Florida	95
Georgia	97
Hawaii	99
Idaho	99
Illinois.....	101
Indiana	102
Iowa	103
Kansas	104
Kentucky	106
Louisiana	107
Maine.....	109
Maryland	110
Massachusetts.....	111
Michigan.....	112
Minnesota	113
Mississippi.....	114
Missouri.....	115
Montana.....	116
Nebraska	118
Nevada.....	121
New Hampshire	123
New Jersey	124

New Mexico	126
New York	129
North Carolina	131
North Dakota	133
Ohio	135
Oklahoma	136
Oregon	137
Pennsylvania	138
Rhode Island	142
South Carolina	143
South Dakota	144
Tennessee	145
Texas	147
Utah	149
Vermont	151
Virginia	153
Washington	154
West Virginia	156
Wisconsin	156
Wyoming	157
V SUMMARY, DISCUSSION, AND IMPLICATIONS	159
Summary of the Study	159
Research Questions	160

Research Design	160
Previous Studies	161
Discussion	162
Code of Ethics	163
Geographical Analysis	165
Analysis of the Codes' Titles	165
Analysis of the Codes' Structure.....	166
Analysis of the Rules.....	170
Analysis of Code Enforcement.....	177
Boards/Commissions Enforcing the Codes of Ethics.....	179
Authority of the Boards/Commissions	180
Analysis of Board/Commission Membership	185
Implications	193
REFERENCES	196
APPENDICES	216
A ALASKA.....	216
B CALIFORNIA	221
C COLORADO	226
D CONNECTICUT	228
E CONNECTICUT	232
F FLORIDA	237
G FLORIDA.....	239
H GEORGIA.....	243
I IDAHO.....	250

J	IOWA.....	255
K	IOWA.....	260
L	KENTUCKY.....	267
M	MINNESOTA.....	271
N	MINNESOTA.....	273
O	MONTANA	276
P	NEBRASKA.....	279
Q	NEW MEXICO.....	292
R	NEW MEXICO.....	297
S	NEW YORK.....	304
T	NORTH CAROLINA	307
U	NORTH DAKOTA.....	314
V	OKLAHOMA	318
W	OREGON.....	321
X	PENNSYLVANIA.....	330
Y	SOUTH DAKOTA	336
Z	SOUTH DAKOTA	340
AA	TEXAS.....	343
AB	UTAH	347
AC	WASHINGTON	354

LIST OF TABLES

	Page
Table 3.1: Sample of Themes and Codes used to analyze documents.....	80
Table 5.1: Title and Structure of the 30 Codes of Ethics for Educators	167
Table 5.2: The Length and Depth of the Rules within the 30 Codes of Ethics for Educators.....	172
Table 5.3: The Themes within the Rules of the 30 Codes of Ethics for Educators	175
Table 5.4: The Board/Commission's Authority.....	181
Table 5.5: The Scope of the Board/Commission's Authority.....	186
Table 5.6: The Membership Composition of the Board/Commission.....	189

LIST OF FIGURES

	Page
Figure 5.1: A map of the United States depicting the states (shaded) with a code of ethics for their educators.....	164

CHAPTER I

INTRODUCTION

Unethical behavior in the workplace has been under the public microscope in government, religious institutions, businesses, and education especially since the Watergate debacle in the early 1970s. Newspaper headlines and nightly newscasts have documented unethical behavior of government officials, church leaders, business CEOs and CFOs, and educators (Rich 1985; Schmeiser 1992; Espo 2002; Jones 2002; Reinolds 2002; Schatz 2002; Sonnenfeld and Mills 2002). Public trust of these organizations has been shaken as individuals within these institutions dishonor their mission and purpose. Even President George W. Bush remarked at the University of Alabama at Birmingham on July 15, 2002, “I expect and you expect and our country expects the highest ethical standards in corporate America.” Sockett (1993) suggested that professional accountability has been a twofold problem. First, a profession must create trust within the organization and among its constituents. Second, the profession must convince a skeptical public that its members can be trusted. In essence, ethical violations have been weakening the foundations of these institutions preventing many from being or becoming true “professions.”

Ethical issues in professional practice have become challenging dilemmas for professions today. In an attempt to maintain public trust and institutional integrity, many professions have developed ethical codes or standards of ethical behavior to provide the practitioners guidance as they perform their professional duties and responsibilities.

However, codes of ethics were not purported to be the magic antidote for unethical behaviors. Therefore, professions needed a board/commission to police their practitioners and determine appropriate sanctions for violations of unethical behaviors. This board should consist of members from the organization so that it would remain kosher with one of the characteristics of a profession: self-regulating (Bartoo 1978; Firth 1978; May 1988; Bull 1990; MacMillan 1993; Carr 2000).

. Third, the values The question of whether educators can consider themselves a professional group has been debated at great lengths (Langford 1978; Frymier 1986; Barber 1988; Heslep 1988; Kimball 1988; Sykes 1989; Soder 1991; Darling-Hammond and Goodwin 1993; Wilson 1993; Hansen 1995; Carr 2000; McNergney and Herbert 2001). The literature also abounds with lists of characteristics and criteria used to describe an ideal profession (Lieberman 1956; Goode 1969; Langford 1978; Bayles 1981; Camenisch 1983; Rich 1984; Frymier 1986; Barber 1988; Hart and Marshall 1992; Darling-Hammond and Goodwin 1993; Kierstead and Wagner 1993; Carr 2000). The content of these various lists of characteristics and criteria of a profession range from as few as 4 to as many as 12. Most researchers would concur that no single professional group completely fulfills all the criteria within these lists. This literature discusses arguments and exhortations intended to resolve the issue of whether teaching is a true profession. The evidence has been inconclusive to many researchers, which leaves the consideration of education as a bonified profession open for debate.

Background of the Study

Banter (1994) investigated seven professional organizations for instructional supervisors and their establishment and enforcement of a code of ethics. He found a code

of ethics existing in three of the seven professional organizations for instructional supervisors. The ethical statements within the four codes served only as ideal behaviors for educational supervisors and were not binding or enforced; however, a national code of ethics for all educators has not been ratified in the United States. Since the United States Constitution does not mention education, the responsibility and authority for public education have been reserved for each of the 50 states. The National Education Association (NEA) made an attempt to establish a national code of ethics, but their code remained only for its members and lacked a strong enforcement component (Rich 1984; Rich 1985; Smith, Travers et al. 1990; McNergney and Herbert 2001). Each state has the discretion to develop or not to develop a code of ethics for their educators.

Purpose of the Study

Two broad components guided the development of this study: ethics and professionalization. One element that can be derived from combining these two components is a code of ethics, which is central to this study. This study was undertaken to provide a descriptive analysis of the code of ethics for educators in each state and the governing board/commission charged with enforcing the codes and standards within each state.

Significance of the Study

Torres (1988) made this relevant conclusion:

Professionalism involves the transference of policymaking authority from the state to an occupation.... Self regulation is considered necessary in professions because the special expertise and training that professionals possess makes others unable to evaluate performance or determine the best policies for such occupations.... Because of the relative autonomy that professions have, they have been said to hold monopolies over certain services.... A professed commitment to service to clients and to a code of ethics are personal assurances that professional

powers will not be misused, while state boards of practice, comprised of colleagues, serve as formal policing and sanctioning bodies. (p. 382)

An examination of the literature did not find where a study was developed to determine the extent to which each state had developed a code of ethics for its educators. Crosby (1993) and Joyner (1999) recommended that a national study be conducted to determine if each state had a code of ethics and if so how those codes are enforced. An analysis of each state's code of ethics would be important since having a code of ethics is a crucial component of any profession.

The Connecticut Education Association (1995), the Education Commission of the States (1994), and Suarez, Polen, and Gottovi (1994) identified states with Professional Standards Boards. These boards had several responsibilities regarding education within their states. One responsibility was to monitor the ethics and professional practices of their educators. A more current study should be conducted to determine if other states have similar boards or commissions with similar authority. An examination of the boards/commissions should also determine if educators comprise their membership as suggested by Cusick (1994).

Research Questions

The research questions driving the research were designed to provide focus and limits within which the study was conducted. They were as follows:

1. Which states have developed a code of ethics for their educators?
2. What are similar characteristics among the states' codes of ethics?
 - 2.1 Does the code of ethics contain general principles or specific rules of conduct (Landis 1972; Rich 1984)?

2.2 What similarities exist among the principles or rules of conduct of the states' codes of ethics?

3. Who or what board/commission, if any, has been charged with the enforcement of the code of ethics?
4. What is the membership composition of the board/commission (do educators comprise the majority)?
5. What is the scope of the board/commission's responsibilities and authority (certification, establish a code of ethics, enforcement, accreditation of teacher education programs)?
6. Is each board/commission autonomous, or does it serve as an advisory function for a state agency?
7. Are the boards/commissions established through legislation?
8. Are educators within each state required to report observed misconduct of their colleagues?

Definition of Terms

Board/Commission – a formal governing body composed of individuals whose purpose is to investigate violations of a code of ethics, and either recommend or decide upon appropriate disciplinary actions if needed. This board/commission may have additional responsibilities or authority such as establishing a code of ethics for teachers, the certification of teachers, and approving teacher education programs.

Code of Ethics – a code of professional ethics and conduct for educators. For the purposes of this study, the terms “professional standards” and “professional practices” were considered as a code of ethics.

Educators – for purposes of this study a broad definition for educators was used. Educators included all certificated personnel by a state Department of Education (teachers, administrators, counselors, and media specialists).

Ethics – the principles of conduct that influence the actions of individuals, groups, or organizations.

Profession – when members of an occupation have attained the following fundamental characteristics: (a) specific body of knowledge; (b) ideal of service; (c) ethical codes; (d) autonomy; and (e) distinctive culture (Hart and Marshall 1992).

Professionalization – the process through which members of an occupation strive to be recognized as a profession.

Overview of Method and Procedure

The state codes that related directly to educators in each of the 50 states of the United States were the focus of this study. The boards/commissions responsible for establishing and enforcing the codes of ethics for educators were also examined as part of this study.

Data Collection Procedures

Each state was contacted by Internet, e-mail, telephone, or mail to determine if the state had a code of ethics for its educators. If one had been developed, information was obtained relating to the questions guiding this study. Data were also gathered in a similar method about the board/commission to enforce the code of ethics.

Analysis

A qualitative research design was employed for this study, and written documents produced by states' educational bodies or legislatures were the primary sources of data.

Variations of Gall, Gall, and Borg's (1999) interpretational analysis and Weber's (1990) content analysis methods were used for this study. Each relevant document was coded if it contained certain themes related to the research questions and comparisons were made to arrive at a larger, consolidated picture of the various codes of ethics and the governing boards/commissions. To verify the accuracy of the data and its analysis, a "respondent validation" technique was used in which contact was made with a person or persons in each state who was knowledgeable about the code of ethics and the board/commission to enforce the code.

Organization of the Study

Chapter I presents an overview of the study. Sections included are an introduction, background of the study, purpose of the study, significance of the study, research questions, definition of terms, overview of method and procedure, limitation, and organization of the study.

Chapter II presents a review of literature relating to the professionalization of educators. The chapter begins with the concept and process of professionalization for any group desiring to attain professional status. The chapter then discusses the definition and characteristics of a profession. The notion of teaching being a profession is also discussed. The chapter then reviews the literature relating to ethics, a code of ethics, violations to and enforcement of the codes of ethics by professions, and the sanctions placed on the professionals by the profession because of a code violation. Chapter II concludes with a summary of related literature.

Chapter III describes, in detail, the methods and procedures for conducting this study. Sections included in the chapter are the problem of the study, the purpose of the

study, research questions, population, data collection, and analysis of data. Chapter IV is a report of the results and findings from the data analysis. Each state, any code of ethics for educators from the 50 states, and the board/commission within each state was analyzed using descriptive analysis procedures. The results are summarized and presented in table format. Chapter V contains a summary of the study, the implications drawn from the analyzed data, and recommendations for further study.

CHAPTER II

A DESCRIPTIVE ANALYSIS OF THE CODES OF ETHICS FOR EDUCATORS

REVIEW OF LITERATURE

Many discussions, debates, and writings over the last four decades have resonated the emphasis of the professionalization of teaching (Langford 1978; Frymier 1986; Barber 1988; Heslep 1988; Kimball 1988; Sykes 1989; Soder 1991; Darling-Hammond and Goodwin 1993; Wilson 1993; Hansen 1995; Carr 2000; McNergney and Herbert 2001). All would concur that two crucial ingredients for any group to attain professional status would be a code of ethics and self-regulation. However, documented research regarding the formal codes of ethics for educators across the United States has been found lacking. Literature was found that examined some states' efforts to move towards a board/commission comprised of educators to deal with certification, accreditation of teacher education programs, establishing a code of ethics, and enforcement (Education Commission of the States 1994; Suarez, Polen et al. 1994; Connecticut Education Association 1995). This literature should be updated and be inclusive of all 50 states.

This review of literature focused on the concepts of professionalization and ethics. The review has begun with literature regarding the process of professionalization for any group attempting to become a profession. The discussion proceeded to ethics and codes of ethics. The violations to and enforcement of codes of ethics were then discussed. The chapter concluded with a summary of the literature review.

Professionalization

Most of the research and literature regarding the concept of professionalization emanated from those involved in studying the sociology of occupations. Beckman (1990) had an interesting perspective on this literature. He believed that the rising volume of sociological and historical work on professionalization had flooded the field with a variety of conceptual approaches, which has led to refinement but confusion as to what professionalization is. Some of these varied descriptions of professionalization follows. Vollmer and Mills (1966) believed the literature described professionalization as a process by which an organized occupation obtains the exclusive right to perform a particular kind of work, control the training and access to the training, and control the right of determining and evaluating the way the work is performed. Selander (1990) described the term as, “The aspiration that an occupational group cherishes to reach exclusive societal advantages and preference of interpretation within their special field of knowledge and praxis” (p. 139). Krey and Burke (1989) believed that the natural maturation of a group and the individuals within the group will eventually lead to professionalization of the occupation. Siegrist (1990) simplified professionalization as a “process whereby an activity or occupation become a profession” (p. 177). Beckman concluded that, “The ideal scientific statement denotes exactly something and connotes nothing, the ideal poetic statement denotes exactly nothing and connotes everything. Many statements about professionalization seem in this sense rather poetic” (p. 115).

Kultgen (1988a) synthesized the literature to discuss the evolution of professionalization among occupational groups. In the eighteen and nineteenth centuries, the “learned” professions of law, medicine, and ministry had developed the features that

experts now associate with full-blown professions. Their drive was to attain recognition from the populace, raise their status level (and remuneration), and keep want-to-be practitioners from their craft. To accomplish these tasks, these groups (except the ministry) organized associations that set standards, sponsored schools for the training of future practitioners, controlled the entry into the group, and regulated practice. In essence, these groups were turning their organization and role of “work” into a profession by improving their status and practice (Hoyle 1980; Beckman 1990).

Sykes (1989) discovered that many groups have attempted to follow the path formed by the medical profession as a way to professionalize. This model required:

1. a set of professional courses to be taken within the undergraduate curriculum, together with a difficult entry examination to medical school,
2. graduation from an accredited medical school,
3. completion of a rigorous professional examination, and
4. completion of an accredited residency. (p.256)

This model has become the most respected, guaranteeing a very select clientele for the profession. Other would-be professions aspired to reach such requirements of admission, but few have gained the necessary components. Sykes admitted that the lure to professionalize was so powerful because occupations have no alternatives by which to receive elevated status, income, autonomy, and competence.

For educators, Darling-Hammond (1989) equated teacher professionalism to professional accountability. The premise behind teacher accountability was the idea to strengthen teaching quality. However, teachers should only be held accountable for following standard operating procedures such as implementing curricular and testing policies, grading policies, and promotion and retention guidelines. Darling-Hammond warned

how governmental agencies may try to broaden the scope of teacher accountability to also include meeting the needs of the students. This would be a grave mistake to place that burden on educators. Therefore, Darling-Hammond stated professionalism depended upon the affirmation of three principles in the conduct, accountability, and governance of a profession. The first principle was a solid knowledge base by which sound decisions about the unique needs of clients could be made. The second principle was the pledge by the practitioner that the client's welfare would be his/her first concern. Finally, the profession was to assume the responsibility to write, train its members, and enforce professional standards of practice and ethics.

Whatever the definition(s) one has decided to adopt, professionalization is definitely a process leading a group to become a profession. Dripps (1984) best captured the thought of this section.

Varied definitions of professionalism abound. Two concepts keep emerging. They include the concept that professionalism required a voluntary or enforced commitment to a service ideal. They also include the concept that professional status speaks of ethical standards and a process for professional self-governance. It is from these two concepts that an occupational group is able to build an argument to professional status. (p. 11)

Profession

The idea of profession came from a religious context. It derived from the commitment to learning and service made during the profession of the monastic vows. This act of commitment and declaration to enter into a distinct way of life was the statement the emerging groups of medicine and law wanted to make about their craft. These original three, theology, medicine and law, became known as the learned professions.

Professionals claimed the exclusive right to practice the craft, which they profess to know and give advice from their special knowledge. Medicine and law again looked at their

monastic counterparts for one of the requirements of all professions: public trust. Monks, during confessionals, could hear all and tell nothing. Likewise, the laity were to trust the doctors and lawyers and tell them all secrets, which had bearing upon the clients' needs and the professionals' judgment and skill. From the formation of these three professions, other occupational groups such as architects, accountants, educators, engineers, pharmacists, psychologists, and social workers have also attempted to organize themselves into professions. However, according to Hoyle (1980), only architecture and engineering have attained professional status within the last century.

Zimmer-Loev (1996) suggested that a profession should have a philosophy that describes its mission, its purpose, and its objectives and guides its primary activities. Sullivan (1995) discussed how professions should have a unique identity because it has a way of practicing its craft different from the semi-professional or skilled laborers. With this concept in mind, a profession has claimed a monopoly over a specific craft. This autonomy factor has supported a profession's claim to regulate itself and to discourage competition. In fact, the American Bar Association (ABA) and the American Medical Association (AMA) have standards and principles in place to prevent unauthorized practice of their craft (Kultgen 1988a).

Darling-Hammond and Goodwin (1993) described the process for any group becoming a profession as, "neither a dichotomous event nor a state of grace clearly granted to an occupation. Rather it describes points along a continuum" (p.19). Hoyle (1980) also spoke of a profession continuum for occupations desiring that status. At one end of the continuum would be the "ideal type" professions of medicine and law. Scattered along the continuum would be the semi, quasi, or emergent professions, which have some but

not all the characteristics of the ideal type professions. Finally, there are the trades, crafts, and routine non-manual occupations which meet only some of the main criteria of a profession and are positioned at the opposite end of the spectrum.

A voluminous amount of literature was found on the term profession. Some scholars approached the concept of profession from the assumption that it was a value-laden term. Other scholars viewed profession as a symbol for a desired conception of one's work and of one's self within that work. Radical critics of professions believed the term to be ideological, used as a bargaining tool to improve a groups' status, rewards, and conditions of work (Hoyle 1980).

The literature also had a varied repertoire of definitions as did professionalization. Most of these definitions provided lists of characteristics or criteria of a profession. Frymier (1969) stated for any group to be truly professional they must possess the following six characteristics:

1. Provide an essential service for other people,
2. Have a methodology which is unique and peculiar to that professional group,
3. They build their practice upon the best that men know – research,
4. They make judgments and decisions which affect the lives and well-being of those they serve,
5. They have a code of ethics, and
6. Use the power of the professional organization to impose a discipline upon their membership to insist that every member of the group adhere to the ethical way. (pp. 91-93)

He believed these six criteria were the basic requirements for any group, no more or no less. The lack of attainment of just one of them would prohibit the group from being considered a profession. Frymier eloquently described the importance of autonomy

within the group. He stated that professional organizations must draw circles around themselves to restrict entry into the group and to police those within the circle.

Kierstead and Wagner (1993) took a different approach with their list of 12 characteristics of a profession. They stated that no profession would meet all the criteria mentioned but did not state which ones, if any, carried less weight. They listed that a profession:

1. Provides an essential service to society,
2. Is concerned with an essential part of life,
3. Possesses a body of knowledge needed for practice of the skill,
4. Decides about clients based on the most valid knowledge available,
5. Is founded on basic knowledge from which it develops its own knowledge and skills,
6. Is organized into associations and is given broad autonomy to license, limit membership, and police its own,
7. Agrees to performance standards,
8. Goes through protracted and monitored preparation,
9. Elicits a high level of public trust for performance,
10. Has a strong service motivation and lifetime commitment to competence,
11. Gives its members authority to practice, and
12. Has relative freedom from direct supervision and takes responsibility for its actions. (pp. 147-148)

Similar lists of criteria and characteristics of professions were also found in Barber (1988), Bayles (1981), Camenisch (1983), Carr (2000), Downie (1990), Goodlad (1991), Hoyle (1980), Langford (1978), Rich (1984), and Sullivan (1995). However,

Hart and Marshall (1992) analyzed the literature relating to characteristics of a profession and found commonalities. They examined 10 works from 1930 to 1983 which included Dreeben (1970), Edmonson (1930), Goode (1969), Greenwood (1957), Horton (1944), Lieberman (1956), Ornstein (1979), Tyler (1964), and Weil & Weil (1971). The various authors' descriptions of the characteristics of a profession varied from 2 criteria to as many as 13 criteria. Hart and Marshall categorized the similarities within these lists into five fundamental aspects of a profession: (1) specific body of knowledge; (2) ideal of service; (3) distinctive culture; (4) ethical codes; and (5) autonomy (p. 2).

While many scholars have written about the benefits professions provide society, there are other scholars who decry the distrust of the professions. Some have said that the term profession has been overemphasized incorrectly by sociologists that it now carries little worth. Other writers made claims that the professionals were arrogant and sought self-interests over the best interests of their clients. The ideologies, some moderates would argue, that assisted occupations to emerge as professions were not the perceptions of the laity. Unfortunately, the methods used by some occupations to gain professional status were questionable if not unethical. There was even a radical movement found in the literature to deprofessionalize. These concepts will be summarized below.

As mentioned earlier, the literature suggested many ways a group of people can begin the process to consider themselves a professional group. However, Freidson (1994) warned that over the years researchers have deprecated the value of the characteristics of professions. He urged instead,

Discussing the process by which occupations claim or gain professional status. The outcome of such a position, however, is to avoid entirely any *conscious*

definition while in fact covertly advancing an implicit and unsatisfactorily vague definition of a profession as an occupation that has gained professional status. (p. 15)

Freidson concluded that researchers must prohibit themselves from treating profession as if it were a generic rather than a changing historic concept. He agreed that specialized knowledge and skill were the foundational components of an emerging profession.

However, he purported that institutions must discriminate between the knowledge and skills that are genuinely valuable to society and the knowledge and skills that are not.

Once accomplished, the institutions can become self-regulating and prevent their knowledge and skills from becoming a source of exploitation and injustice by their members towards the public.

Many scholars (Larson 1977; Goldman 1980; Ellin 1982; Baumrin and Freedman 1983; Callahan 1988; McDowell 1991; Goldberg 1993; Getz 1996) have concurred with Freidson (1994) that some professionals have sought their own self-interests. They believed the potentiality of conflicts between self-interest, client interests, and the larger public interests would augment if professions do not regulate themselves. They perceived those occupations that demand professional status from society were trying to dominate others and cause harmful consequences. These authors have suggested that the very existence of professions has had a negative impact on society.

Larson (1977) had studied professions and rationalized that professions no longer serve the interests of humanity or even the professionals. She cited four inconsistencies between profession ideologies and true depictions of the professions:

1. Professional ideologies portray their groups as oriented to service rather than profit. However, professions pursue high socio-economic status and differentially serve the interests of the ruling elite,

2. The ideology justifies the exceptional reward of professionals by imputing to them superior ability and merit, ignoring the fact that the privileges of education and autonomous practice are provided by society.
3. The ideology depicts professional work as somehow more elevated than non-professionals, thus establishing a social distance between professionals and other workers.
4. The ideology depicts professions as collegial communities voluntarily subscribing to a superior ethic. The reality is that self-regulation, other than that designed to make professionals faithful agents of whoever pays their keep, is an illusion. (p. 412)

Three other scholars Kultgen (1988b), Perkin (1989), and Thompson (1997) agreed with some of Larson's viewpoints. Overall, they believed that some professionals have practiced arrogance and a collective condescension towards the laity. These four "reality" depictions of the professions by Larson may have provided a forbidding glimpse of societies' perception.

In 1980, Hoyle made an argument for professions to be deprofessionalized. His position attacked five of the basic characteristics of professions mentioned previously. First, he believed that the functions of practitioners were no more crucial to society than many other occupations. Secondly, the skills required for a systematic body of knowledge has been greatly exaggerated of the professions were no less self-interested than those of others. Fourth, autonomy was unnecessary and was proposed only as a means of avoiding accountability to society and clients. Finally, the prestige and rewards enjoyed by the profession had not been bestowed by a grateful society but had been acquired through the exercise of power and influence. Whether his assumptions have tangible merit will not be argued within this research. However, autonomy has been a major theme throughout.

One possible explanation for the cry to defrock the professions has been the proliferation of emerging professions. There has been an explosion of additional occupations demanding professional status over the last century (Hughes 1988; Kultgen 1988a; Sinclair, Simon et al. 1996). Unfortunately, some of these marginal professions took nontraditional paths to gain the recognition and status that their counterpart organizations had attained. Barber (1988) studied to what lengths these marginal groups took to claim the “holy grail.” First, these groups would excuse their inadequacies by pointing to the early stages of the established professions. Next, a vague code of ethics would be published and unenforced by ineffective machinery. There would also be an attempt to develop professional associations to bring their scattered group under one umbrella. Titles would be invented such as “Fellow” to bring dignity to their work and promote public licensure to promote professional behavior. These marginal groups would often fight for a place in university curricula and the legitimacy that this brings. A massive public relations campaign would ensue to gain the blessing of the laity, while at the same time attempt to stigmatize rival groups offering competitive services as “quacks” or “charlatans.”

Professions in essence have intangible contracts with society. This contract must be based on mutual respect, trust, and dependence. In this reciprocal agreement, society affirms the knowledge and skills acquired by the professional. Society believes that the professional will use the specific knowledge and skills to preserve, protect, and defend the individual clients and society as a whole. Society also expects good, sound, and reliable decisions and actions by the professionals. Therefore, professionals should be moral and ethical agents of their craft. There is an obligation that professionals will

institute mechanisms to ensure that neither individual professionals nor the profession will deviate from society's expectations. If professionals abide by the affirmations, obligations, and expectations that society has placed on them, and if professions regulate themselves by ethical codes of conduct, harmony will exist between them.

Becker (1962) stated, "Among the more desired and admired statuses is to be a member of a profession" (p. 44). However, if a professional abuses his/her duty to clients and the ethical standards set by the profession, then a long shadow of distrust will be cast upon the whole profession. It is essential for the profession to maintain its integrity with society and uphold its ethical/moral base. Professions must flush out those within their craft who abuse the standards and privileges and eject them from the "circle" as described by Frymire (1986).

Teaching as a Profession

Sykes (1989) stated that teaching revitalized its efforts to professionalize shortly after World War II. The main thrust of this effort was through unionization. The organizations that led the movement, mainly the American Federation of Teachers (AFT) were committed to collective bargaining, due process procedures, strikes, political action at state and national levels, and being adversarial towards administrators and school boards. Sykes believed that unions posed a threat to the pursuit of professionalization. The main difference being professions seek control over standards of work as essential to their autonomy. Whereas, unions seek contract requirements with specified rules and guidelines that delimit the responsibility of workers. According to Sykes, no precedent has been set where a heavily unionized occupation attained professional status. Fortunately, teaching unions, while still prevalent, have accomplished the goals with

which they set out, and appeared to be less dominating. Teacher salaries have increased attributed to bargaining, due process rights have been established, and fewer teachers are striking.

Carr (2000) stated, “The professional status of teaching is an important one, and that however we answer it has significant implications for our precise conception of the ethical issues which it characteristically engenders” (p. 21). Some would see teaching as a vocation (like the priesthood) and feel called and compelled by a sense of responsibility to perform their work (McNergney and Herbert 2001). Carr would add to vocation two different ways to conceptualize teaching: as a trade and as a profession. A trade would be comparable to plumbing or electrical work. These skilled craftsmen/women are complimented on a professional job only when it is efficiently executed and well finished. However, a true professional only requires a sense of professionalism and professionalism. Therefore, Carr made the point that the dividing line between professions and non-professions was artificial. He reasoned that education should be considered as a special occupational category of a professional group.

A study was completed in 1988 by Ratigan to determine if educators considered themselves members of a profession. Ratigan surveyed 473 Iowa educators (teachers, elementary principals, secondary principals, superintendents, and the department of education) and college deans’ perceptions of the statement and received 89% agreement with the statement. Educators had a 99% agreement whereas only 67% of college deans agreed. A significant number of college deans (17%) responded they disagreed that educators were members of a profession. Therefore, it seemed that college deans were less likely to believe the surveyed statement than the public school educators were.

However, Goodlad (1991) cautioned any group to elevate themselves to professional status without the blessing of society. He stated that many teachers may consider their occupation a profession, but society has looked skeptically at that claim. Goodlad elaborated,

A vocation is not a profession because those in it choose to call it one. It must be recognized as such. Teachers may refer to themselves as professional because they have passed examinations on a core of generic understanding and principles regarding teaching. But they are unlikely to be publicly regarded as professionals merely for doing so, because people in many other occupations earn licenses in this way and are regarded neither by themselves nor by the public as professionals. (p. 29)

Bull (1990), Kimball (1988), MacMillan (1993), McNergney and Herbert (2001) and Strike (1991) wrote of teacher autonomy being an area that would prevent the professionalization of teaching. Bull considered teaching as a “public profession” which limits the autonomy teachers should have in making decisions concerning licensing. He believed teachers and the general public should share responsibility to ensure teacher competence in our democratic society. McNergney and Herbert would agree with Bull but preferred the phrase “people’s profession” when debating if teaching is a profession. They believed the demands placed on teachers by the state and federal governments, the parental and community involvement within the schools, the public’s increasing knowledge of curriculum and instruction in the classroom combine to weaken teacher autonomy. Kimball and MacMillan thought that professional status for teaching would never be attained as long as teachers do not have the authority to make and carry out decisions within their area of expertise. Kimball stated, “There is scarcely a professional decision that a teacher makes that the local politician or used-car salesman on the school board is not legally empowered to reverse” (p. 8). Strike agreed with Bull, Kimball, and

MacMillan that conflicts will always abound between teacher autonomy and the democratic control over education.

Finn, who served in President Reagan's administration as assistant secretary for educational research and improvement, made an interesting observation in 1990 about the future of the teaching profession. He stated,

The big tussle now is going to be over who is in charge. Five years ago, something remarkable happened...Governors and legislators and business leaders began to make the big decisions about what was going to happen in American education...But what is happening is that the profession is fighting back and trying to retrieve control, and it is doing so under the heading of professionalization and decentralization and autonomy and school site management, and I think it's a very sophisticated campaign by the profession to put itself back into the driver's seat. It carries with it the suggestion that the lay policy makers should butt out. And I think that would be a horrendous blunder for this country. (Fernsternacher 1991, p. 130)

Finn suggested that the demand for control over professional activity within the school setting must be balanced between educators, school board, parents, students, and the community.

To illustrate this balanced approach to decision making in the schools, some states have enacted legislation calling for the formation of school councils. Kentucky was one of the first states to implement school councils in the 1990s with the hopes of reforming education practices within the state. Governor Roy Barnes of Georgia was able to get his education package passed in 2000, which will require all public schools in Georgia to have a school council by October 1, 2003. The councils in Georgia will be comprised of the principal who will also serve as the chairperson, two teachers, two parents, and two members of the business community. The proposed purpose of the school councils will be to broaden the influence and participation of the larger community in school decisions, and ultimately help improve student achievement. Judy Bell, a current business member

of the Northgate school council in Fayette County Georgia, expects better communication between the schools and the community when she stated that the councils gave, “Someone else beside a paid educator to represent their [public and community members] views and opinions” (Donsky 2001). However, Deron Boyles a Georgia State University education professor believed having school councils, “Ultimately sets up a system wherein teachers are forced to follow mandates that have been essentially dictated by chambers of commerce” (2001). School councils are decreasing the autonomy educators have in the decision making process of school related issues. The Georgia school councils are required to report to the system school board at least once a year. If action is needed from the board on any recommendation, the school board will have 60 days to respond. Possible recommendations can relate to school issues but not personnel concerns. However, the council can make recommendations regarding a vacancy in the principal’s position (MacDonald 2000; 2001; Ghezzi 2001).

In addition to the autonomy question mentioned by the above researchers, Lashley and Galloway (1983) cited three other deterrents to the professionalism of teaching: (1) dissatisfaction with teacher preparation, (2) low level status accorded teachers, and (3) teachers’ beliefs about the teaching profession. They suggested teachers should begin to cast a new image of themselves and take steps to becoming more professional. Wong (1991) would be in agreement with Lashley and Galloway’s notion that teachers lack professional characteristics. Wong believed teachers as a whole do not want to improve themselves by reading professional journals or attending professional conferences. He also discovered that a lot of teachers did not want their colleagues to read, learn, or

improve. Wong's recommendation was for teachers to "avoid thoughts and people who will tend to limit" their aspirations as a professional (Videotape series: Part 7).

Kierstead and Wagner (1993) would also concur with Lashley and Galloway's (1983) belief of teachers having a low status among the public and are therefore not widely accepted by the public as professionals. They reported the public ranking of eleven careers/professions' value to society in which the public ranked school teachers and administrators third and fourth respectively. The two careers/professions to rank higher were the clergy and physicians. However, the public was then asked to rank the eleven careers/professions according to their prestige or status in society. Public school administrators and teachers ranked fifth and sixth respectively. Berliner, an authority on teacher expertise, stated,

Only teachers themselves can change the public's perception of teachers. Teachers need to provide more leadership, to be more politically active, and to show that they are concerned about the community. They should share their intellectual skills with the public by writing op-ed pieces and letters to the editor and by speaking at public meetings. No one else can change the perception of teachers except teachers themselves, but there are three million of them. And they ought to be out there-and much more active then they are now. (Scherer 2001)

Soder (1991) also raised an issue with the perceptions of teachers and society about the teaching profession. His concern was that teachers considered their occupation to be a profession but the public looked askance at the teachers' claims. Soder probed the literature to uncover society's view of teachers over the past two centuries. What he found were uninviting depictions of educators ranging from the imagery of Ichabod Crane in *The Legend of Sleepy Hollow* to fussy schoolmarms, as well as "unsaleable men and unmarriageable women" (p. 61). Soder cited Buley (1950) who described educators from the early 19th Century as usually ignorant, inept, impractical, and queer. Yet

another scholar Carr (2000) conjectured that even in the last three decades teaching attracted far less social esteem or economic advantage than other careers or professions, such as a fashion designer or a professional football player.

Scholars considered another area where teachers fall short of being included as a professional group was their base of theoretical knowledge. Carr (2000) stated, “Teaching lacks a convincing case for a necessary body of theoretical knowledge which would justify the regarding of teaching as a truly professional practice” (p. 48). Bull (1990) emphatically declared the knowledge base of teaching to be empirically, conceptually, and politically insecure to justify the professionalization of teaching. Likewise, Soder (1991) commented it would be hard for educators to demonstrate any body of knowledge about pedagogy that could be transferred from one generation to the next. The literature also debated whether teacher-training programs actually provide the educational theory to grasp the complex understanding of esoteric professional skills of pedagogy and management. Carr made a convincing argument that most of the professional knowledge that teachers possess is mainly craft knowledge. Classroom management techniques, learning modalities, teaching styles, and effective communication were some of the skills Carr mentioned. Strike and Ternasky (1993) suggested educators do not possess a unique knowledge base different from that found in homes, offices, and places of worship.

Teachers must acquire the necessary skills and knowledge to perform their professional duties effectively. President George W. Bush has formed his education reform blueprint on the premise that “No Child Left Behind” (Educational Research Service 2001). The reform agenda will be implemented through the reauthorization of

the Elementary and Secondary Education Act. This blueprint includes seven performance-based titles, of which the second is entitled “Boosting Teacher Quality.” The Bush plan is requiring only quality and effective teachers to be placed before our nation’s students. The plan will also hold states accountable to ensure that minimally qualified teachers will not enter the classrooms.

However, America now faces a teacher shortage and projections anticipate the United States will need 2.2 million new teachers in the next decade (Gerald and Hussar 1998). Currently, some states are dealing with teacher shortages through alternative certification programs. These programs allow a person with a four-year bachelor degree (not in education) attain certification with only a few weeks of intense training in classroom management techniques, writing lesson plans, and teaching/learning styles. While helping to alleviate teacher shortages, studies have concluded that recruits from these alternative programs tend to have difficulty with curriculum development, teaching methods, classroom management, and student motivation. Therefore, these programs do not produce a stable, high-quality teaching force especially for schools in disadvantaged urban or rural areas (Futrell 1985b; Berry 2001; Darling-Hammond 2001; Finn and Madigan 2001; Ingersoll 2001; Peske, Liu et al. 2001; Tell 2001; Hardy 2002). Also, the alternative certification process weakens the education profession as a whole. In essence, anyone with a college degree can become a classroom teacher. Would the public accept similar credentialing procedures for doctors?

An enforceable code of ethics for educators is another area which leaves teaching as a professional group in question. As mentioned earlier, one characteristic of a bonafide profession is a code of ethics by which a professional association may police its

members. The National Education Association (NEA) has had a code of ethics for teachers dating back to 1929. However, the NEA code has been enforced (teachers either being expelled from or censured by the NEA) less than ten times since 1959. Also, not all teachers across America belong to the NEA which poses another problem of the code not being comprehensive (Rich 1984; Smith, Travers et al. 1990; Strike 1991; McNergney and Herbert 2001).

The question can then be raised, to whom are teachers held accountable? Since the states have taken the responsibility of educating their citizenry, some states have developed a code of ethics for their educators. Some states have also organized boards/commissions to investigate violations of the code. However, these codes may not be uniform from state to state. Therefore, there is not a consistent national code of ethics for all educators. These final four statements are the basis of what this study intends to analyze in greater detail.

Since 1985, a reemphasis has been placed on making teaching a “true” profession. Soder (1986) recommended a new professionalization movement for educators. He reviewed the literature to reveal that when teachers considered the “real” professions worthy of emulation, they adverted almost exclusively to medicine and law. However, Soder argued that teaching could not achieve the desired prestige and status by following the medical and law models. To affirm his hypothesis, he analyzed and compared six major criteria doctor’s followed to achieve professional status to educator’s progress to do likewise. He concluded that education failed to meet any of the six major criteria, and believed the probability of future attainment of the criteria by following the medical

model would be almost nil. Soder suggested a new avenue should be designed and constructed to professionalize education.

Sykes (1989) would agree with Soder (1986) that teaching is unique and could not in any crude way emulate other fields. Sykes suggested that scholarly educators should identify one or more prominent aspects of professionalism and develop parallels in education. He supported three trends scholars should examine: (a) create standards controlled by the profession, (b) establish a postbaccalaureate professional school, and (c) introduce advanced positions into teaching. Sykes beliefs were greatly shaped by the reports from the Carnegie Task Force on Teaching as a Profession and the Holmes Group.

In the spring of 1986 two major education reports were published that redefined the teaching profession. Since the appearance of *A Nation Prepared* by The Carnegie Forum on Education and the Economy and *Tomorrow's Teachers* from the Holmes Group of Education Deans, major debates and restructuring have taken place to empower teachers, reform teacher education programs, and implement national teaching standards. Two recommendations emphasized in the Carnegie and Holmes reports dealt with the importance of teacher autonomy and the development of a professional school. Teachers have been given more authority over curricular and school issues since these reports were printed. However, parents and community leaders were also empowered under the guise of all parties being part of a democratic society. Another result of the reports was the establishment of the National Board for Professional Teaching Standards. The mission of this Board was to develop high and rigorous standards for what accomplished teachers should know and implement. When a teacher has received National Board Certification,

the Board boasts that the teacher will be considered a professional teacher. These reform efforts have been the catalyst for change in teaching, but causing the public to look at teaching as a professional group can be debated (Carnegie Forum on Education and the Economy 1986; Holmes Group 1986; Sykes 1989; Soder 1991; Fraser 1992).

In summary, the question if teaching can be defined as a true profession has been considered by scholars an important question to answer, which also means there has been no clear definitive affirmation. Instead of claiming the term “profession”, some scholars have used the verbiage of vocation, trade, semi-profession, public profession, and people’s profession to describe the state of teaching. All of these terms denote lesser value and prestige than the esteemed professions of medicine and law.

Educators have considered themselves a profession as Ratigan’s (1988) study concluded. However, no group can elevate themselves to professional status without the blessing of society. Since the education of our nation’s children has been delegated to each state, there is a constant struggle between teacher autonomy and the democratic society. Scholars have argued that there must be a balanced approach to educational decisions between educators, school boards, parents, students, and the community. Some states have organized school councils composed of the school’s principal, teachers, parents, and business leaders to make decisions about the school’s operation and budget. These councils, and similar committees and groups that make educational decisions that are not comprised entirely of educators, will continue to weaken any hopes of teaching becoming a true profession because it erodes one characteristic of a profession: autonomy.

Other areas where teachers have fallen short of fulfilling the characteristics of a professional group was their theoretical knowledge base, low status of teachers among the public, alternative certification avenues during periods of teacher shortages, and an inconsistently enforced code of ethics for teachers. Studies have in fact concluded that teachers have a low status among the public and are therefore not widely accepted by society as professionals. However, two major education reports published in the late 1980s are redefining teaching and placing emphasis on teaching standards and professional teachers. Unfortunately, efforts to make teaching a profession have been thwarted by unethical conduct by educators.

Professional Ethics

A review of the literature revealed a potpourri of descriptions concerning ethics. Gross (1993) suggested that the central objective of ethics would be to determine what is good, what is right, and what one ought to do. Albert Schweitzer defined ethics as, “The name we give to our concern for good behavior. We feel an obligation to consider not only our own personal well being but also that of others and of human society as a whole” (Pivar 1979 p.1). Pivar also contended ethics could be considered an implied set of instructions for a way of life because ethics does not deal with a “set of hard-and-fast scientific percepts, but rather with subjective, emotional feelings” (p. 1). Kultgen (1988) referred to ethics as ideals and aspirations. As this potpourri simmers, the aroma one would enjoy would be the realization that ethics can be considered the foundation of peace within a society. Vallance (1995) captured this aromatic sensation when he wrote,

Ethics is not simply a glorified intellectual game, of no practical relevance. We become moral individuals [agents], as Aristotle says, by practice, good at being truthful by habitually telling the truth; becoming characteristically honest by trying always not to be dishonest. (p.13)

Down through the centuries, individuals who performed similar tasks or crafts eventually formed into groups and began to call themselves trades, societies, federations, associations, or professions. As these groups realized the influence and power their collective mission and purpose possessed, some of these groups wrote ethical standards or guidelines for their members. The most notable ancient ethical code was the Hippocratic oath written by Hippocrates, the renowned physician and medical teacher of ancient Greece. He wrote a code of ethical conduct for his medical students, which even today is widely respected by physicians (see appendix 1). The code was built upon one main principle that the doctor's primary concern should be for his or her patient's well being above any personal interest or profit (Heslep 1988; Hart and Marshall 1992; MacFeely 1995; Carr 2000).

Therefore, professional ethics can refer to the ethics of the entire family of vocations, occupations, or professions. Camenisch (1983) described professional ethics as the "fit" between the individual's conduct and the norms, values, aims, and mission of the group to which he/she belongs. Beyles (1981) defined professional ethics as, "All issues involving ethics and values in the roles of the professions and the conduct of the professions in society" (p. 3). Luckowski (1996) stated,

Professional ethics is the application of an individual's ultimate concerns about human conduct to their professional lives. It is a concern with how the professional's actions affect others, especially those within their client groups, and with how the client groups' interests should be taken into account. To the degree that these values are also found in a public set of laws or a profession's code of behavior, they are reinforced and possibly enforceable. (p. 3)

Professional ethical behavior by members of any group providing services to the public has been cited by scholars as crucial for the group to maintain its credibility and

professional status. MacFeely, (1995) stressed that professions must put a priority on ethics by, “Keeping ethics in the spotlight, setting up ethic forums, reviewing organizational policies, and keeping the public informed” (p. 33). MacFeely also stated that professions go to great lengths to develop elaborate standards and ethical codes but spend little effort in informing and training their members about these standards and codes. One could conjecture that this lack of emphasis by professions to advise their members to adhere to proper ethical behavior in the performance of their craft might account for the many publicized indiscretions by the professionals.

Several debacles that have recently occurred within the accounting profession illustrated what could happen to a profession when its members make unethical decisions. Arthur Andersen, one of America’s five leading accounting firms, found itself in the center of public and congressional antipathy under allegations their accountants knowingly misstated auditing reports of the Enron Corporation. Andersen auditors were performing two opposing duties for Enron. They were Enron’s outside auditors since the 1980s but were also hired in the 1990s to conduct Enron’s internal audits. In essence, the firm was working on the accounting systems and controls on one hand and then attesting to the numbers they produced on the other. Enron began to deceive their shareholders of the company’s total debt by hiding millions of dollars worth of debt in off-balance sheet companies. These companies were solely created for the cover up. Unfortunately, Andersen’s auditors did not raise a red flag but instead certified Enron’s accounting practices. As it became more apparent that Andersen’s accountants were responsible for improperly auditing Enron’s financial records, the public and politicians alike decried angrily for reform within the accounting profession. Becker a small

investor holding Enron's stock declared, "I feel thoroughly disillusioned and disgusted. These people cannot police themselves. Greed is their driver. It's time for stockholders to start showing their disillusionment in tangible ways" (Byrne, Lavelle et al. 2002). President Bush, the House, and the Senate made proposals for the formation of an "independent" board to discipline unethical auditors, completely separate of the accounting profession. Another direct result of these infractions was the bankruptcy of Arthur Andersen in 2002 (Byrne, Lavelle et al. 2002; Byrnes, McNamee et al. 2002; Clark and D'Addio 2002; Geewax 2002; Johnson 2002).

Therefore, professional ethics and ethical decision making must become part of a professional's life. A conscientious, ongoing effort must be made by each profession to ensure that members and even future members are fully aware of the standards and ethical codes purported by the profession. Carr (2000) emphasized the importance of ethical training when he stated, "Professions should require alongside training in theoretical and technical knowledge, some explicit instruction in the moral presuppositions of professional involvement" (p. 26). With proper training and frequent peer discussions about professional ethics, it has been suggested that professionals will more likely make fewer unethical decisions. According to Keith-Spiegel, Wittig, Perkins, Balogh, and Whitley (1993), researchers believed that very few professionals intentionally behave in a way they know to be unethical. However, they also stated ethical problems often arise when professionals try to rationalize their decisions. Listed below were some of the most common attempts to rationalize questionable ethical decisions:

1. If there's no rule against it, it's ethical,

2. It's not illegal, it's acceptable,
3. I'm just fighting fire with fire,
4. No one is getting hurt,
5. It's OK because I am not personally gaining anything,
6. I can still be completely objective, and
7. But everyone else does it. (p. 159)

The adage "When in doubt, don't do it" would be of value to a professional when he/she attempts to rationalize ethical decisions.

Professions must examine their primary objectives to determine where their members may encounter ethical problems, then develop ethical standards or codes so that professionals can avoid the potential problem, inform their members of the standard, and finally provide the necessary training to implement the standard. Langford (1978) provided two functions of professional ethics to guide the professions in assisting their members when ethical issues arise. The first function of professional ethics would be to warn members of the consequence to them if certain kinds of conduct are exhibited. The second function would be to provide guidance to professionals in circumstances of special difficulty. Rich (1985) believed there were four functions of professional ethics:

1. Assure clients that professional services will be rendered in accordance with reasonably high standards and acceptable moral conduct.
2. Ethical codes assure the public at large that the professional is serving the public interest and should continue to enjoy public trust, confidence, and support.
3. Provide a code of uniform rules and behavioral standards by which professional conduct can be properly regulated.
4. A code helps demarcate an occupation as possessing one of the hallmarks of a profession. (p. 21)

Professional Ethics in Education

Strike (1995) believed professionals should be educated on ethical issues that directly pertain to their practice. He stated:

Professionals achieve a sense of professional identity and a professional value system by engaging in dialogue with a professional community during which time they acquire a language distinctive to the profession that contains, among other things, criteria, explicit and implicit, or making ethical professional decisions. (p.36)

However, Strike blamed the hierarchical authority structure of schools for not allowing teacher discourse about ethical issues. Teachers were rarely asked to engage in moral dialogue with other educational professionals about the ethical issues of their practice in Strike's opinion. The practice of teaching was often solitary and not conducive to professional collegial interaction.

Professional ethics for teachers should concentrate primarily on improving teachers' ethical reasoning and judgments. Classroom situations often call for a teacher to be an autonomous moral agent who makes and carries out ethical judgments. Consequently, a teacher must be just, humane, and caring. The question that looms over professional ethics for teachers is how does an educator develop this ethical reasoning?

One method for developing ethical reasoning came from Sichel (1993) who argued that schools should create school ethics committees (SEC). The SEC would be comprised of school personnel whose purpose would be to provide a forum of discussion and debate on ethical problems and dilemmas that educators were actually facing. Sichel believed that the complex moral problems encountered by educators today could not be adequately resolved through the knowledge and skills of any one person such as the principal. He advocated using a variety of school personnel, which would bring together

an eclectic panel with different knowledge, skills, perspectives, resources, experiential backgrounds and expectations. The goal of the SEC would be to assist teachers in acquiring a greater understanding of ethical problems and dilemmas, how to resolve them, and how the solution(s) might affect teachers, students, and others.

Sottile (1994) completed a study to determine if teachers were equipped to solve concrete ethical problems and to think clearly about the moral complexities of the schools and the overall profession. In essence, were teachers educated in the area of teacher ethics? Sottile asked 30 practicing teachers what were the most common ethical issues they faced as a teacher. The top three ethical situations denoted by the teachers were (1) psychological (emotional abuse), (2) confidentiality, and (3) physical abuse. However, Sottile discovered that none of the teachers had participated in a specific undergraduate course or workshop in the area of ethics. He concluded that teacher education programs should offer a course(s) specifically on teacher ethics. He envisioned the course(s) focusing on examining existing ethical codes pertaining to teaching, case studies and scenarios, and theoretical models of ethical reasoning. A shortfall of Sottile's study was the lack of data describing the population and statistical data to support his results.

Mead (1988) completed a pilot study of teachers' daily ethical decision making. His population sample derived from southern Michigan teachers who were interviewed using an instrument developed by the McBer Company. Mead's analysis of the interviews revealed that teachers adhere to a highly personalized ethical code, which was shaped early in their lives. This personalized code was not a result of teachers' careful reflection among fellow professionals in training or collegial discourse concerning ethical issues. Instead, Mead rationalized that teachers' conventional morality was a construct

built from their personal past experiences. His conclusions reinforced the need for training on ethical decision making and an understanding of ethical codes for educators.

A review of the literature uncovered three studies relating to teachers' knowledge of and instruction on ethical codes. There were two studies (Dripps 1984; Ratigan 1988) dealing with Iowa educators' perceptions of the functions and purposes of Iowa's Code of Conduct and Code of Ethics developed by the Iowa Professional Teaching Practices Commission (IPTPC). Dripps surveyed 335 Iowa educators (teachers, superintendents, principals, Department of Education personnel, and instructors of teacher preparation programs) and determined that teacher preparation programs in Iowa were not providing instruction on either the Codes or the existence of the IPTPC. Ratigan reviewed 473 surveys from Iowa educators (teachers, principals, superintendents, State Department of Education personnel, and deans of education at Iowa's teacher preparation institutions) to measure their knowledge and awareness of the IPTPC. Ratigan's results indicated that only 30 percent of the educators knew and understood the Code of Conduct and 81 percent had not received undergraduate instruction on the Code of Ethics.

The third study (Joyner 1999) completed, focused on Georgia educators. This study also used a survey to assess public school educators' knowledge of the Standards of Conduct in the Code of Ethics for Georgia Educators and their ability to apply those Standards in case scenarios. Joyner received 1,111 responses from administrators, teachers, counselors, and media specialists. The survey results indicated that 57% of the respondents had received instruction on professional ethical behavior. Additionally, a total of 53% stated they had received instruction of the Standards of Conduct for Georgia Educators through staff development, graduate school, a workshop, or a conference.

However, only 55% believed they had sufficient knowledge and understanding of the Standards and 76% expressed interest in learning more about the Standards.

Hart and Marshall (1992) surveyed the literature to find a lack of ethics training of future teachers at universities and colleges of education. They suggested that teacher preparation programs were obligated to make every effort to develop strong ethical decision making within its students. Hart and Marshall believed ethics training of future teachers would strengthen the teaching profession and protect the students with whom the future teachers would work. A more recent study by Joyner (1999) found that 85% of Georgia teacher preparation institutions provided instruction in professional ethics for future educators through courses and seminars.

Heslep (1988) developed a five-step decision making process for public school administrators to utilize while performing his/her professional duties and ethical dilemmas develop. Heslep stated that the five steps are not invariable and may be condensed or augmented depending upon the situation. The five-step process is summarized below:

1. Make as clear as practically possible the meanings of all statements involved in the professional ethics with which one is concerned while considering the standards, principles, and rules with which they are to comply.
2. Examine the ethics of concern for possible inconsistencies or contradictions.
3. Identify whatever good reasons there are for the statements of the given professional ethics by identifying evidence and justifications supporting standards, directives, and rights.
4. Determine the relevance of the ethics to the ethical concerns of public school administrators in the state.
5. Apply the ethical statements that they regard as rationally grounded to actually professional ethical cases.

Professional organizations (or emerging professions) have a responsibility to safeguard themselves and the public from unethical decisions or actions by their members. The words of Thomas (1990) hallmarks this crucial theme when he stated:

The professions have long carried distinct moral obligations with respect to public and private decision making and behavior. What we do as professionals and how we do it, whether in commercial or nonprofit context, our sense of integrity, and our regard for self and others, affect the lives of everyone. There is no individual or group who is not touched-directly or indirectly for better or worse-by how we deal with increasingly difficult and varied ethical matters. To address these matters is our task, our charge, and the highest order of professional responsibility to those around us. (p. v)

The literature emphasized the importance of but lack of ethical training for professionals. Also, cited studies concluded that a majority of professionals were not knowledgeable of their profession's code of ethics and standards. Therefore, professions must commit themselves to keep professional ethics, codes of ethics, and standards a high priority for their membership.

Therefore, it would be questionable if a professional could rely on his/her personal moral scrupulousness to ensure ethical behavior. This belief would allow professionals to apply their individual values, beliefs, and/or experiences to make ethical decisions and judgements. This would be neither fair nor reliable to the profession or the public.

Professions must have the right structure in place if the ethical professional organization is to be achieved. This can be accomplished through a code of ethics which identifies for the profession and the professional the expected operational values and standards of conduct.

Code of Ethics

All professions are concerned about the education, certification, standards of performance, and benefits for their members. However, some professions have raised the standard by also concentrating their energies to promote professional ethical practices among their members. In their quest for demanding ethical behavior within the group, some professions developed courses in professional ethics as a way to highlight effective practices and expose dangerous conduct. The professions have also established ethics committees and developed codes of ethics to provide valuable guidance for their members' conduct. The ethics committees provided assistance and resolutions when urgent and persistent ethical issues were unclear in the code. The code of ethics could be considered the profession's Bible by laying down the ethical foundation upon which the professional's conduct should mirror. However, Hart and Marshall (1992) believed adherence to a code of ethics was only one level of the foundation. They purported ethical behavior as being more complex than following the rules of a code of ethics. Therefore, the professional should be guided by a sound philosophy of his/her profession and learn to think, act, and acquire the attitudes of the profession.

Formulating and enforcing a code of ethics is one critical characteristic of those occupations regarded as professions. Rich (1984) declared, "A clearly stated and developed code of ethics that is impartially and rigorously enforced is a hallmark of a profession" (p. 26). Several additional scholars have also suggested that a code of ethics was crucial to the formation of a profession. Heller (1983) stated that a trademark of any quality profession was its willingness to establish and abide by a code of ethics. Cobb and Horn (1989) believed that a code of ethics can be a unifying force and influence

many events for a profession. Sockett (1991) held the opinion that as professions evolved, they were guided by a code of professional ethics. Later, Sockett (1993) commented that codes of ethics had become “a familiar art of the rhetoric” as professions began to take control of their craft. Likewise, MacFeely (1995) felt that as organizations matured, they developed ethical codes to guide their members’ actions while performing their professional duties and responsibilities. Finally, Smith, Travers and Yard (1990) held a similar conviction by stating:

One common criterion among all attempts to achieve professional status is the existence of a positive, comprehensive, lucid, and enforceable code of ethics written by practitioners for practitioners. Codes of ethics enhance public and professional trust and allow for a greater voice in determining who enters the profession, who stays, and who should be censured or expelled. (p. 1)

Hart and Marshall (1990) synthesized the literature regarding professions and their code of ethics. They generalized that a profession’s code of ethics served three primary purposes:

1. They warn members of a profession of the consequences of certain conduct.
2. They provide guidance to members sharing times of special difficulty or uncertainty.
3. Ethical codes enhance the public’s trust for the profession by publicly acknowledging its commitment to service. (p. 5)

In addition to Hart and Marshall’s (1990) three primary purposes, Heslep (1988) provided reasons why professions established ethical practices for themselves. Heslep’s research on this topic found that professions hoped to build an ethical reputation acceptable to the public, which concurred with Hart and Marshall’s purposes for a code of ethics. However, Heslep also believed the professions established this ethical

reputation with the public to prevent governmental or other outside forces from overseeing their members' behavior.

Gorlin (1986) reviewed the literature and found that codes of ethics varied by professions. The length of the codes of ethics and/or rules governing professional deportment varied greatly from two pages for educators to more than forty pages for lawyers. Landis (1972) also intensively studied twelve organizations that had adopted ethical codes. He discovered that these organizations described their codes of ethics as "standards of practice," "rules of professional conduct," "canons of ethics," or "principles of conduct." Also, Rich's (1984) research of codes of ethics by the professions found similar structures or framework within the codes. Most of the codes contained a preamble, a body, and a section on implementation and enforcement of the code. Rich also discovered that the codes were mainly based on obligatory statements expressed as general objectives, ideals, principles, standards, rules, and/or procedures.

Landis's (1972) review of the codes of ethics from twelve organizations revealed similarities within the methods of formulation, language, and effectiveness of the codes. Landis discovered three methods the twelve organizations used to formulate their codes. The physicians were greatly influenced by the English when the American Medical Association (AMA) first developed their code in 1848. A few of the twelve codes were actually authored by one person appointed by the organization to write the code of ethics. Finally, a majority of the organizations chose to write their codes by a committee whose sole purpose was to formulate the ethical principles and standards for the group.

Landis (1972) found four types of documents when he examined the language used by the twelve organizations in writing their codes of ethics. Some of the codes

contained a collection of specific rules of conduct. A few of the codes' language consisted of a collection of articles ranging from precise definitions of situations to general principles or remote ideals. The third category of documents was a group solely containing general principles with no standards or specific rules. The final category of the codes Landis studied was a collection of general principles, which were constantly applied to situations through the rulings of a practice committee and common law.

Also, Landis (1972) evaluated the effectiveness of the professional codes of these twelve organizations. He concluded the organizations' members better observed a code of ethics when a large proportion of the constituents approved the code. Landis also believed the critical determinant of a code's effectiveness would be the organization's enforcement procedures when members violated the code. However, he found only five of the twelve groups studied ever attempted to enforce their code.

Sockett (1990, 1993) wrote how codes of ethics were important principles in the life of a professional. He believed a code of ethics should describe what the professional should do in his/her work and contain the best practices of wisdom and virtue. Above all, he believed codes must require policing of the membership by the profession. Sockett felt that codes were meaningless if they did not provide for sanctions when professionals violated their code of ethics. He stated:

A code with sanctions provides the professional with two things: (1) pressure to adhere to the code as a guide to follow, not as a set of regulations to obey, and (2) the presumed autonomy of the profession and its members, the freedom to make professional decisions without interference from nonprofessional persons or governmental bodies. (1990, p.239)

Code of Ethics in Education

Currently, the education profession as a whole has not developed a code of ethics. As mentioned earlier, each state has the option of developing a code for its educators.

Historically, Rich (1984) found codes of ethics for teachers were first developed by state associations of the National Education Association (NEA) and not by state statute. The first state association code of ethics for teachers was adopted by the Georgia Education Association (a member of the NEA) in 1886. Other state associations soon followed Georgia's initiative with most adoptions occurring from 1920 to 1930. These codes typically emphasized three main areas cooperation with the associations, upholding the child's welfare, and live by high standards. The NEA itself appointed a committee in 1924 to study and develop a national code for teachers to supercede the various state associations' codes. Finally, the national code was adopted in 1929 but has been revised in 1941, 1944, 1952, 1963, 1968, and 1975. Although heralded as a national code of ethics for teachers, only members of the NEA are subject to the tenets of the code.

However, enforcement of the code by the various associations was rare. Typically, ethics issues were adjudicated at the local and state associations and not at the national level (Hart & Marshall, 1992; Smith, Travers, & Yard 1990; Lieberman, 1988).

Since a national code of ethics for all educators has not been developed, several professional organizations for educators have written codes for their specific members. The Council for Exceptional Children (CEC), the American School Counselor Association (ASCA), the Association for the Advancement of Health Education (AAHE), and the American Association for Counseling and Development (AACD) were a few examples (Association for the Advancement of Health Education, 1994; Cobb & Horn,

1989; Egan, 1990; Smith, et al., 1990). These codes contained general statements and principles about ethical behaviors for educators in the specific fields of special education, health education, or counseling. Violations to these codes might cause revocation of membership within the organization but not loss of one's credential.

Similar codes of ethics were also found in professional organizations for educators in supervisory roles. Banter (1994) completed a study to determine if codes of ethics existed for instructional supervisors within their various professional organizations.

Banter examined the following seven professional organizations: American Association of School Administrators (AASA), Association for Supervision and Curriculum Development (ASCD), Council of Chief State School Officers (CCSSO), Council of Professors of Instructional Supervision (COPIS), American Educational Research Association /Special Interest Group/ Supervision of Instruction (AERA/SIG/SI), National Association of Elementary School Principals (NAESP), and National Association of Secondary School Principals (NASSP). Banter found a code of ethics existing for the members of the AASA, NAESP, and NASSP but not within the other four professional organizations for educational supervisors. However, the ethical statements within the codes served only as ideal behaviors for educational supervisors and were not binding or enforced.

Heslep (1988) researched the steps educational supervisors took to professionalize and establish a code of ethics. He found that school administrators did not begin to professionalize in a conscientious way until after WW II when the AASA became the torchbearer for the cause. The AASA began to strengthen graduate programs for school administrators and help revise certification requirements. In the early 1960s, the AASA

recognized the need to codify administrators' beliefs on ethics and finally adopted a code of ethics in 1966, which was later revised in 1973. However, Heslep noted little had been done to enforce ethical standards among public school administrators.

The examination of the literature did not find where a study was developed to determine the extent to which each state had developed a code of ethics for its educators. Crosby (1993) and Joyner (1999) recommended that a national study be conducted to determine if each state had a code of ethics and how those codes were enforced. An analysis of each state's code of ethics would be important since it has been documented that a code of ethics is a crucial component of any profession.

Landis (1972) studied the code of ethics of twelve professional organizations (noneducational), and surmised a code of ethics for educators must consider the following six ideals he gleaned from his study. First, the code should be written to protect the education profession and the public. Secondly, the code should consist of specific rules and set standards for control. A third consideration when establishing a code should be a provision for case study when gray situations arise. A fourth area would be to realize that a code should be an evolving document and therefore contain a mechanism for revision when necessary. Fifthly, the code should allow for the integration of a "local contact" for professional and informal discussion and a "large contact" like a state standards board when code violations occur. Finally, a commission should be established to conduct an investigation of alleged violations and to conduct trials or other disciplinary proceedings.

Landis's 1972 study also revealed seven situations, which have given rise to writing codes of ethics in education. One cause was school boards having too much

autocratic control over teachers. The other six situations revolved around conflicts. These conflicts stemmed between teachers and supervisory officials, teachers and parents, teachers and students, teachers and their professional organizations, fellow colleagues competing for the same position, and superintendents and universities that supplied teachers.

Petronicolos (1992) explored an interesting avenue concerning codes of ethics for educators. He studied 121 cases involving educational disputes between 1966 and 1985 in which the United States Supreme Court reached a decision, and their affect on the implementation of codes of ethics for educators. Through the Supreme Court writings, Petronicolos believed that the Supreme Court held four crucial understandings about codes of professional ethics. First, codes of ethics functioned as internal control mechanisms for professional associations and helped the associations to establish the high status of a professional and gain public trust. Secondly, a code of professional ethics encompassed standards based upon principles of morality and good practice. Third, professionals entered their professions with the highest skills and expertise from courses of study and field training. Lastly, professional ethics allowed enough freedom for the professional to act autonomously. However, the Supreme Court's decisions on these 121 cases led Petronicolos to conclude that the Court has created confusion as to an educator's authority, thus impeding implementation of a code of ethics. The prime case he referenced was the Court's ruling in the case of *New Jersey v. T. L. O.* (1985).

A review of the literature also found a cautious or suspicious attitude towards a code of ethics for educators. Gross (1993) and Langford (1978) believed some of the current proposals for education reform included "accountability" components for educators.

However, their research found some of the proponents for teacher accountability held Hobbesian beliefs. The Hobbesian view assumes no one will behave ethically except under immediate threat of punishment or when coerced into acting responsibly. Gross and Langford raised their suspicions when one reform method to hold an educator accountable would be through the development and enforcement of a code of ethics. They envisioned serious injustices would occur toward educators if the code of ethics contained subjective standards. The writers of ethical codes for educators should presume that educators are responsible and serious about regulating their profession. Other scholars Black (1997) and Cusick (1994) also considered what effects the various proposed education reforms would have on educators. They argued that educators for the most part enjoyed a high degree of autonomy, self-regulation, policy-making, and writing their codes of ethics. However, they cautioned the educational reforms being considered may decrease these prerogatives and have an adverse affect on the teaching profession. They envisioned educators would begin to share some of these powers with a more inclusive group of governmental agencies, politicians, parents, business executives, and consultants as the educational reforms evolve. Cusick's investigation led him to conclude that the effects of the reforms on educators will increase the importance of codes of ethics, state boards, policing, and sanctioning.

Enforcement of Codes of Ethics

This review of the literature has emphasized the importance of a code of ethics and the profession's ability to police itself by enforcing the ethical codes. Corwin stated back in 1965 that "professional status is most effectively guaranteed when professional codes are safeguarded by law but enforced by their own members (p. 243)."

This statement epitomized the focus of this review. The professional status Corwin eluded to can not be granted by the organization unto itself, but can only be bestowed by the public. The public's trust can be gained when they believe the profession and its members are committed to integrity, public safety, confidentiality, truthfulness, and professional competence. The public must also be assured that the profession will discipline its members when individuals waver from the code of ethics. Therefore, a strong relationship can be drawn between the profession, its code of ethics, and the profession's enforcement of the code of ethics in determining public trust.

A profession that has written and enforced a code of ethics has also assumed autonomy over its destiny. According to Hart and Marshall (1992), professional autonomy will afford the organization the competency to be self-regulating. The profession will have the ability to set certification standards, control who enters the craft, require continued professional development, control the conduct of its members, and judge the competence of another professional.

The methods of enforcing codes of ethics have varied widely among the professions. Law probably has the greatest control over its members' conduct since the American Bar Association's codes were adopted by courts or legislatures and carry legal force. Most organizations have standards boards or commissions to investigate violations to determine cause and the consequence if probable cause existed. The literature denoted various types of sanctions could be imposed upon an ethics violator. The most widely used forms of sanctions by the professions were the following: censure, professional ostracism, boycott, suspension or expulsion from professional membership, withdrawal

of other types of professional privileges, suits from malpractice, and suspension or revocation of license/certificate to practice (Rich 1984; Schmeiser 1992).

An explanation of these various types of sanctions is elaborated below. Censure can be given by the profession's authoritative body and can be translated as a stern warning to the individual to either amend his/her professional conduct or face more serious actions from the profession. Primarily, professions whose members have private practices such as lawyers and doctors have used Professional ostracism. When professionals are refusing to refer clients or patients to a colleague, the professional is being ostracized. A boycott will occur when clients are refusing to seek the services of an unethical professional. One's membership in a professional organization may be suspended or revoked for minor or major infractions such as failure to pay dues, or committing sexual harassment towards a client. However, the most severe sanction that can be levied against a professional would be the suspension or revocation of one's license/certificate. This action will deny the professional the privilege of practicing his/her craft (Kultgen, 1988a; Rich, 1984).

Sockett (1991) had an engaging perspective on sanctions and their relationship to professional autonomy. He stated:

Sanctions protect the weak. The willingness to put oneself under a sanctions system is, in part, to offer trust. By establishing and living by a sanctioned code of ethics, members of a profession protect themselves and their professional realm of autonomy by assuring the public that all members must live up to the profession's ideals. (p. 238)

With this thought in mind, Sockett also recommended that professions should listen to their clients' concerns as codes of ethics are developed. This feedback would help to

establish the trust between the profession and the public, which codes of ethics help to ensure.

Sanctions justly imposed have done more than deter professionals from falling into the same trappings as the defrocked colleague. Documented sanctions have also communicated condemnation and disapproval to offenders, a clear statement of society's values, vindication to victims and their families, and the public can trust the profession to regulate itself (Gross, 1993). However, Rich (1985) reported that public skepticism of professions have increased because of their failure to police their ranks effectively. Over the last two decades, publicized accounts of unethical behaviors by many professionals across the spectrum of professions have only augmented the public skepticism of the professions' ability to regulate their members. Hart and Marshall (1992) remarked that writing and enforcing the standards and codes of ethics were the prime responsibilities of the professional organization. However, Krause (1996) believed if professional organizations do not regulate their standards and members' actions, then the state will begin to regulate the profession. The result would be a tremendous loss of professional autonomy.

One aspect of professions being self-regulating discussed in the literature was a professional informing on neglect and abuses by the organization or misconduct by fellow colleagues. Some might consider this spying or call this whistle blowing, and most would consider that the informant had committed an act of disloyalty and created an atmosphere of disharmony and distrust within the organization. Bayles (1981) stated, "Almost every profession has an ethical rule requiring professionals to report norm violations, and in each profession this is probably the most violated of all norms " (p.

193). The stakes for blowing the whistle could be high because the informant might face demotion, unemployment, ostracism by colleagues, relocation to a remote area, criticism by colleagues and the public, as well as mental and emotional stress (Kimbrough 1985; Bok 1988; Kultgen 1988a; 1992).

The literature reported why professionals have been most hesitant to expose unethical conduct within the organization:

1. They almost always experience retaliation;
2. their professional competence is usually attacked;
3. they are called traitors, rat finks, and other degrading names;
4. their lifestyles, sex lives, and mental stability may be questioned; and
5. physical assaults, abuse of their families, and even murder are not unknown as retaliation (James 1988).

Research was found in the literature that recommended peer intervention be a used tactic when one profession member directly observed another member violate a code. Several researchers (Keith-Spiegel, Wittig et al. 1993) offered the following suggestions for approaching colleagues who have exhibited unethical behavior:

1. Objectively determine what ethical principle, policy, or moral code of conduct has been violated.
2. Assess the strength of your evidence that a violation has been made.
3. Be aware of your own motivations to engage in (or to avoid) a confrontation.
4. Consultation with a trusted and experienced colleague.
5. Schedule a confrontation in advance, but not in a menacing way.
6. Remain calm and self-confident.
7. Set the tone for constructive and educative sessions.

8. Allow the suspected offender time to explain and defend in as much detail as is required.
9. If the colleague become abusive or threatening, attempt to head toward a more constructive state.
10. If the suspected offender is a friend or acquaintance with whom there have been no previous problematic interactions, the “teammate role” described above is easier to implement.
11. If the suspected offender is someone you dislike, the disposition will be, by definition, more difficult.
12. If the suspected offender is of higher rank or holds a position of power over you, you may be able to get the support of someone not affected by the person’s position. (pp. 161-163)

However, many professions have taken steps to protect the rights of colleagues reporting misconduct. Some professions have allowed the informant to keep his/her anonymity. In fact, several professions required their members to report unethical behavior or face sanctions from the profession. The largest professional engineering association the Institute of Electrical and Electronics Engineers required their members to speak out against abuses that threatened the safety, health, and welfare of the public. The United States code of Ethics for government servants asked them to expose all corruption by placing loyalty to the highest moral principles and to country above loyalty to persons, party, or government (Rich 1984; Bok 1988).

Gibbs, Sigal, Borowitz, Orosy-Fildes, and Ivey (1993) completed a study to determine whether or not members of the American Psychological Association (APA) were aware of unethical behaviors in their colleagues, and if so, what they had done about it. Surveys were mailed to 500 randomly selected academic psychologists from the 1991 APA Directory. Only 158 were completed and returned (44 female, 101 male, and

13 did not identify their gender). Faculty-student boundary violations were the most frequently reported as outlined below:

1. Insulted, ridiculed, etc., a student in the student's absence – 54%
2. Became sexually involved with a student – 52%
3. Insulted, ridiculed, etc., a student in the student's presence – 26%
4. Made deliberate or repeated sexual comments, gestures or physical contact that was unwanted by the student – 24%.

The APA code of ethics specifically stated that when a psychologist becomes aware of a violation against the code, s/he should first communicate the concern with the colleague directly. Only 17% chose to speak directly to the colleague about the incident. None of the respondents had informed the APA Ethics Committee of the derelictions they observed. Only 50% of the academicians stated they took either “nothing” or “speaking to another faculty member” as their method of handling the witnessed infraction of the code of ethics.

Some companies have faced sanctions from outside their professional organizations such as the Federal Government as a result of whistle blowing by an employee. TAP Pharmaceutical Products Inc. was fined \$875 million for defrauding Medicaid programs and paying kickbacks to doctors over their prostate cancer drug Lupron. Federal prosecutors issued the charges after receiving inside information and supporting documents from Douglas Durand, TAP's vice-president for sales. At the time of the settlement, a TAP executive was quoted, “Whatever may have happened in the past, we are determined that TAP today and tomorrow will live up to high standards of integrity and business ethics” (Haddad and Barrett 2002).

America(ns) has(have) taken a more positive view of whistle blowers especially after the commendation of Persons of the Year from *Time* upon three such whistle blowers: Cynthia Cooper of Worldcom, Coleen Rowley of the FBI, and Sherron Watkins of Enron. These three women took huge professional and personal risks to blow the whistle on what went wrong at their respective organizations, and in so doing reminded Americans what courage and values are all about. Lacayo and Ripley (2002-2003) best summarized why these women were selected:

They were people who did right just by doing their jobs rightly-which means ferociously, with eyes open and with the bravery the rest of us always hope we have and may never know if we do. Their lives may not have been at stake, but Watkins, Rowley and Cooper put pretty much everything else on the line. Their jobs, their health, their privacy, their sanity-they risked all of them to bring us badly needed word of trouble inside crucial institutions. Democratic capitalism requires that people trust in the integrity of public and private institutions alike. As whistle-blowers, these three became fail-safe systems that did not fail. For believing-really believing-that the truth is one thing that must not be moved off the books, and for stepping in to make sure that it wasn't, they have been chosen by *Time* as its Persons of the Year for 2002. (p. 32)

The American Society of Association Executives (ASAE) published a book entitled *Ethics* in 1993. The book examined some of their Association members' codes of ethics and discussed topics such as "upholding" a code of ethics and "policing members' ethics". The book concluded with a listing of those Association members who included enforcement procedures as part of their codes of ethics. The eclectic list was comprised of 31 Association members ranging from Air Conditioning Contractors of Arizona to Technical Association of the Pulp & Paper Industry, Inc. However, some important data was missing from this segment. Neither the total number of Association members nor the actual enforcement procedures within the codes of ethics of these 31 members were provided.

As mentioned earlier, most professions have enacted standards boards or commissions to investigate violations to determine cause and the consequence if probable cause existed. These boards or commissions are composed of profession members who evaluate and judge the actions of their peers. These members must take their duty and responsibilities with great seriousness. Kultgen (1988a) suggested that with only meager authority, limited resources, a passive public and a defensive profession, disciplinary bodies are powerless to penalize any but the grossest malefactors. He believed that enforcement of professional ethical codes was geared to punish a few culprits to reassure the public that it is governing itself but not reveal that abuses are prevalent.

If corruption becomes widespread in a group of professionals, the result will be an unprofessional board passing judgment of the professionalism of colleagues with whom the board is in cahoots. If the public's perception was that the profession was unable to police their members effectively, public outcry for reform may bring outside regulation of the profession. Such was the result of the auditing profession after the Enron and Worldcom accounting debacles in 2002. Unfortunately, it was reported back in 1983 that the American Institute of Certified Public Accountants had not expelled one of its members or revoked the license of any CPA (1983). The professions' ethics boards must retain tight control over its members' ethical conduct through enforcement of the code of ethics to remain autonomous (Koehn 1994).

Educators and Enforcement of Codes of Ethics

Every state has procedures in place to discipline educators who have not followed predetermined policies, rules, codes of ethics, or some other form of regulation.

Disciplinary actions can be implemented at the school level, system level, or state level.

These actions will range from a minor reprimand to an actual revocation of the educator's certificate. However, when investigating violations and issuing decisions of corrective action, the governing body must ensure the educator's due process rights are preserved. An examination is needed to discover exactly how violations to educators' codes of ethics are enforced.

The literature review recorded the concerted initiatives by the NEA, the American Federation of Teachers (AFT), and others to establish boards composed of educators whose purpose was to develop and enforce professional standards and ethical codes (Bain 1970; Ward 1978; Ornstein 1981; Shanker 1985; Jordan 1988; Connecticut Education Association 1995). The 1970 president-elect of the NEA Helen Bain announced that her platform would be to establish professional practices boards in each state which would give teachers more control over teacher education licensure, in-service education, and the ethical conduct of their peers. Bain envisioned the boards would be given their powers through state statute, connected to the department of education, and financed through the general budget of the state. She believed these boards should have broad representation of the teaching profession and must give educators the legal right to do the following:

1. Make and enforce policy decisions related to licensure of all educational personnel.
2. Determine, adopt, and enforce accreditation standards for teacher education.
3. Develop and adopt a code of ethics and rules of procedure in accordance with due process.
4. Enforce standards of teaching practice and ethical conduct. (, p. 413)

Bain also realized that her vision for self-governance for the education profession would not be easily implemented and cited two reasons. First, the traditional decision making

process of educational policy had been done by lay personnel. Secondly, a redivision of authority within the teaching profession would be required to move towards self-governance and away from the firmly established bureaucracy.

A study was completed in 1989 by Scannell, Andersen, and Gideonse to determine the impact of the autonomous Professional Standards Boards and Professional Practices Boards (PSPB) envisioned by Bain (1970). The study was supported by the Association of Colleges and Schools of Education in State Universities and Land Grant Colleges and Affiliated Private Universities (ACSECULGC/APU). The researchers gathered data and information through direct interviews, telephone interviews, correspondence and analysis of pertinent documents from four states with PSPB: California, Minnesota, Oregon, and Nevada. One main conclusion of their study was that the PSPB did not create a profession; the profession created them. They also found opposition to the PSPB. Some interviewees believed lay personnel should maintain control of the PSPB because of the public nature of education. As a result of the study, the ACSECULGC/APU made a resolution to continue supporting the concept of the PSPB if the boards' membership would also include the general public, which was contrary to Bain's vision. The ACSECULGC/APU also agreed to develop a plan for coordination among the states' legislatures in establishing autonomous PSPB.

In 1988, Collier and Holmes (1989) surveyed PSPBs and found nine states with boards at that time. Another study was completed in 1994 (Suarez, Polen et al.) that also examined the PSPB. However, the number of PSPB had increased to 11 with the additions of Iowa, Kentucky, Georgia, Indiana, Wyoming, North Dakota, and West Virginia. The duties and responsibilities of most of these 11 boards were to set standards

for the license and fees of educators, issue, renew, and revoke licenses, monitor professional practices, and approve teacher education programs. The boards' membership ranged from 9 to 18 and was composed by teachers, administrators, teacher education institutions, and local school board members. The researchers found opponents to the PSPB who cited their dislike of the shift of responsibility from the state boards and departments of education to an autonomous board.

An in-depth examination of Iowa's PSPB was conducted by Dripps (1984). Iowa officially named their board the Iowa Professional Teaching Practices Commission (IPTPC) which was formed in 1967. The IPTPC was given the responsibility of developing criteria of professional practices relating to Iowa educators' contracts, competent performance, and professional ethics. The commission was responsible for gathering evidence and holding hearings in response to complaints of violations to the code of ethics and standards the IPTPC had developed. When warranted, the commission could warn, reprimand, suspend, or revoke a certificate due to a violation of the professional practices. However, Dripps concluded that the IPTPC did not effectively police the ranks of the Iowa's educators because the commission was not properly funded. The commission's operating budget and staff were inadequate to perform their duties and responsibilities, and effectively litigate their caseload. Dripps found the fiscal budget for 1981-1982 was about half the \$135,000 budget of a similar commission for Iowa's legal profession. Also, only one fulltime employee was found with the IPTPC, the executive director, who served as investigator, lead counsel, and office manager. Dripps recommendation was for the Iowa legislature to adequately fund and staff the IPTPC.

Another study was completed by Ratigan (1988) of Iowa educators' perceptions of the IPTPC, which has educators policing their own ranks and removing colleagues if they were found in violation of established professional standards. When specifically asked if educators should have the authority to suspend and reinstate the licenses of educational personnel, only 54% agreed and 33% were uncertain. The researcher believed the high uncertainty percentage might be partially accounted for by the question of "who" was to decide the suspension or reinstatement because several teachers wrote comments on their survey: "who will decide".

A 1988 report by the Florida Education Practices Commission (FEPC) examined this commission's efforts to police Florida's educators. The FEPC was created in 1980 as an autonomous quasi-judicial agency attached administratively to the Florida Department of Education. Commission members are appointed by Florida's State Board of Education upon nomination by the Commissioner of Education. The EPC members are represented by five teachers, five administrators, and three lay persons (two of whom are district school board members. The commission made final determinations in matters pertaining to disciplinary action against holders of Florida's teaching certificates. The effects of this organization on the policing of the education profession in Florida are considerable. The 1987-1988 annual report analyzed the 165 cases that were filed before the EPC. Determinations by the commission resulted in 68 certificate revocations, 23 suspensions of certificates, 6 certificates being denied, the reissue of 6 certificates after previous denials, and 62 other penalties ranging from reprimands, fines, to probations. Therefore, it could be concluded that Florida's EPC effectively adjudicated 100% of the

cases brought before it and was a strong policing agent. However, it should be noted that 23% of the EPC members were noneducators.

MacMillan (1993) also examined Florida's EPC and gave a few cautionary notes. Although the EPC rendered penalty decisions in regard to cases where the code of ethics was violated, the EPC was not responsible for investigating and determining probable cause. That was a function of the Commissioner of Education through the staff of the Professional Practices Services of Florida. Also, MacMillan also asserted that the EPC was merely a bureaucratic creature of the state. He pointed out that the commission was actually an arm of the state legislature rather than the teaching profession attempting to asseverate its own accountability.

The National Association of State Directors of Teacher Education and Certification (NASDTEC) has served as a national clearinghouse and collection point for professional educator discipline actions taken by the 50 states. It has maintained a data bank of all disciplinary actions reported by the states which in turn has been a screening devise for states to use in determining whether a certification applicant meets the moral character standard for professional license. The NASDTEC has collected information on teaching certificates that were annulled, revoked, suspended, voluntarily surrendered, or denied and the cause for the action. Andrews (1999) found that no hard interpretation of the NASDTEC data existed to indicate that the number of professional discipline cases were increasing across the United States.

Crosby (1993) examined the actions taken by Florida's Professional Practices Services which investigates violations by educators to the state's codes of ethics. From 1969 to 1988, Crosby found more than 1,800 educators had their teaching certificates suspended

or revoked for unprofessional conduct or incompetence. He noted that the number of investigations drastically increased during the 1980s. Also, Crosby denoted the number of cases which were “stipulated” augmented as the quantity of investigations increased. Stipulations were defined as formal agreements between the educator and the PPS commissioner in which rarely contain an admission of guilt and the charges are reduced to a misdemeanor. The PPS has benefited by the stipulations because the case is disposed through probation, which has reduced the time commitment by the PPS. However, Crosby warned that the PPS reliance upon stipulated agreements to accommodate caseloads had serious implications for effectively enforcing the code of ethics.

In Georgia, the General Assembly passed the Professional Teaching Practices Act in 1967, O. C. G. A. Section 20-2-790, et seq., which declared teaching a profession and established the Professional Practices Commission (PPC). The Commission served as the governing body of educators’ conduct in the state and was charged with adopting a code of ethics, prescribing standards of performance, and investigating violations of the code by Georgia educators. Composition of the Commission included 8 teachers (4 elementary and 4 high school), 4 educational administrators (1 elementary school principal, 1 high school principal, and 2 local superintendents), 4 professional educators, and 1 representative from the state board of education. The PPC had the jurisdiction and authority to investigate complaints brought against any holder or applicant of a Georgia Educator Certificate to determine probable cause. If probable cause was found, the educator could petition the PPC and ask for a hearing tribunal held before three members of the Commission. However, upon completion of an investigation into possible violation(s), the Commission could not take

any action against the educator. The PPC could only furnish findings of fact, conclusions of law, and recommendations to the local or state boards of education, the Professional Standards Commission (PSC), or any combination of these (Georgia Professional Practices Commission 1994). These procedures met the requirements of Georgia's Fair Dismissal Act (1987) as outlined by Prager (1988).

The Georgia PPC could recommend no action be taken against the educator in question, a warning and reprimand, termination, suspension, nonrenewal of contract, or revocation or denial of the educator's certificate. For example, the PPC made recommendations on 31 cases requested by the PSC during fiscal year 1992. After consideration of the PPC's recommendations in each case, the PSC took the following actions: (a) denied 6 certificates; (b) suspended 3 certificates; (c) revoked 17 certificates; (d) issued 1 public reprimand; (e) granted 1 right to reapply for a certificate; (f) issued 2 certificates; and (g) dismissed the charges in 1 case with a provision for follow-up monitoring of the individual (Blackmon and Hill 1992).

However, Georgia's governor Zell Miller initiated legislation to abolish the PPC and transfer its duties and responsibilities to the PSC in 1998. The main reason given was to help streamline the investigative process and place all functions of enforcing the code of ethics under one umbrella. As a result of the passage of Senate Bill 535, the newly created Professional Practices Section of the PSC took most of the former responsibilities of the now defunct PPC. The code of ethics developed by the PPC was abolished and the PSC wrote and adopted a new code of ethics that became effective July 1, 1999. The new code not only governs the actions of certificated personnel but now governs the actions of paraprofessionals, aides, and substitute teachers (Torrey 1999). Modifications

to this new code were requested and the PSC made appropriate corrections and adopted the current code which became effective October 15, 2002 (Georgia Professional Standards Commission 2002).

Several states' Department of Education such as Florida, Georgia, North Dakota, and Oregon have written in their codes of ethics that educators must report alleged code violations by fellow colleagues. Failure to report the possible violation will be cause for a breach of the code by the nonreporting educator. What other states have made this requirement of their educators?

Finally, Rich (1984) discussed seven measures professional organizations should take to improve the enforcement of ethical codes. Rich was referring to the NEA when he mentioned professional organizations, but state departments of education, professional practices boards/commissions, or any educational professional organization could undertake his recommendations. The first measure he recommended was the development of a universal code of ethics for all educators across the United States. Secondly, Rich suggested that certificate revocation should be employed more frequently whenever the seriousness of the misconduct would warrant strong disciplinary measures. The third recommendation called for the NEA to take a more proactive stand and initiate investigations of violations rather than waiting for referrals. Fourthly, Rich stated the NEA must encourage local and state affiliates to pursue cases vigorously and handle them more vigorously. He also comprehended the need for a systematic study of professional ethics during pre-service and in-service opportunities as a fifth measure the profession should take. As a sixth dimension to improve code enforcement, principals needed to provide greater on-the-job supervision of probationary teachers. Lastly, Rich

perceived the need for lay representation in developing and revising ethical codes, and on disciplinary boards.

Since there is no single teacher organization that represents all educators, Hostetler (1989) asserted that all teachers can and should take an active role in policing their profession. The various teacher organizations should work in conjunction with the state agencies that enforce codes of ethics to protect the rights of educators. Hostetler suggested that teacher organizations and state agencies should also address ethical matters through negotiations so that both parties share the responsibility of developing and enforcing professional standards. He believed if educators did anything less, they would fail in their obligations to the profession and the public.

Summary

The review of literature began with a discussion on professionalization. Several definitions and viewpoints on professionalization were discussed. Collectively, the various scholars described professionalization as a process by which an organized group or occupation becomes a profession. The first three occupations to lead their groups to gain the status of profession were law, medicine, and ministry. These groups organized associations that set standards, sponsored schools for the training of future practitioners, controlled the entry into the group, and regulated practice. This process used by these three professions led Dripps (1984) to conclude that professionalization must include the concepts of a voluntary or enforced commitment to a service ideal, ethical standards, and a process for professional self-governance.

Becoming a profession was the prize at the end of the professionalization process. The term profession arose from a religious context as when a monk entered into a distinct way

of life with a commitment to learning and service. This ideal was also the desired achievement of the individuals practicing law and medicine in the early eighteenth and nineteenth centuries. As these groups and others evolved into professions, so too did the defining points of a profession. A profession needed a philosophy that described its mission and it needed to be autonomous or self-regulating to discourage competition. Eventually, scholars were describing a profession through a list of characteristics that varied from 2 criteria to as many as 13. Hart and Marshall (1992) categorized the similarities within these lists into five fundamental aspects of a profession: (1) specific body of knowledge; (2) ideal of service; (3) distinctive service; (4) ethical codes; and (5) autonomy.

Several scholars have written that professions need to deprofessionalize or be de-emphasized because they have lost contact with their true purpose and mission. Some writers made claims that some professionals were arrogant and sought self-interests over the best interests of their clients. A few scholars depicted the professions as mainly serving society's elite, establishing a social distance between themselves and other workers, touting autonomy as a system to avoid accountability with society, and gaining prestige and rewards through power and influence but not from a grateful society. These realities and/or perceptions were only augmented by the many public indiscretions by members of the various professions in recent years.

Professions have intangible contracts with society based upon mutual respect, trust, and dependence. The profession must use the specific knowledge and skills to preserve, protect, and defend society. In return, society expects good, sound and reliable decisions and actions from the professions. However, if a professional abuses his/her duty to

clients and the ethical standards set by the profession, then a long shadow of distrust will be cast upon the whole profession.

The review of literature revealed an ongoing debate if teaching can be considered a true profession. Some writers used the terms vocation, semi-profession, public profession, people's profession, and special occupational category to define teaching as a separate professional entity. However, Ratigan's (1988) study found that 99% of Iowa's educators believed they were members of a profession. But, Goodlad (1991) cautioned any group to elevate themselves to professional status without the blessing of society. Several scholars believed the issue of educational autonomy would prevent teaching from attaining professional status, because many believed too many factors such as parental and community input weakened teacher autonomy.

Some states such as Kentucky and Georgia have established school councils to provide a balanced approach to the control of local schools. The composition of the school councils have historically been the principal as chairperson, two teachers, two parents, and two members of the business community. There were two reasons cited as to the purpose of school councils. The first stated reason was to broaden the influence and participation of the larger community in school decisions. The second and primary reason was to help improve student achievement.

Scholars also discussed several additional deterrents to the professionalization of education. Areas mentioned were the dissatisfaction with teacher preparation; low level status accorded teachers; educators unwillingness to read, learn, or improve themselves professionally; no unique theoretical knowledge base, alternative certification programs;

no national code of ethics; inconsistently enforced code of ethics; and society's doubt of teaching being a profession.

Professional ethics was also reviewed in the literature. Scholars have depicted ethics as the good, truthful, honest, and moral words and actions of an individual. Professional ethics dealt with this ethical behavior in relation to a member of a profession. Ethical discourse was found as far back as Aristotle and Hippocrates. Sound professional ethical behavior by members of a profession was crucial for a profession to maintain its credibility and professional status. However, it was noted that professions have not spent adequate time and resources to inform and train their members about professional ethics. The many recent publicized indiscretions by professionals were evidence to support the scholars' opinion. Carr (2000) stated, "Professions should require alongside training in theoretical and technical knowledge, some explicit instruction in the moral presuppositions of professional involvement" (p. 26). Emphasis was also placed on the professional following a code of ethics, which identifies for the professional the operational values and standards of conduct for the profession.

Professional ethics in education was considered most crucial because educators served as role models for our nation's youth. However, scholars also found educators lacking the appropriate training in professional ethics. Three studies by Dripps (1984), Joyner (1999), and Ratigan (1988) supported this theory. The scholars recommended that teacher education programs should offer specific courses on teacher ethics, which would strengthen the profession and protect the students. A preponderance of literature existed to emphasize that educators were also not knowledgeable of their profession's code of ethics and standards.

Formulating and enforcing a code of ethics was considered to be one critical characteristic of all professions. Rich (1984) declared, “A clearly stated and developed code of ethics that is impartially and rigorously enforced was a hallmark of a profession” (p. 26). Three primary purposes of codes of ethics were found in the literature. Codes of ethics served to warn members of certain conduct, provide guidance to members, and enhance the public’s trust in the profession (Hart and Marshall 1992). The literature review also elaborated upon the contents, language, structure, and effectiveness of the codes of ethics purported by the various professions.

A unified, national code of ethics for educators was not found in the literature. However, professional organizations that represent educators and some states have written codes of ethics for their specific members or certificate holders. Codes of ethics were found for members of the AACD, AAHE, AASA, ASCA, AFT, CEC, NAESP, NASSP, and the NEA. Landis (1972) surmised a codes of ethics for educators must consider the following ideals: (1) it should be written; (2) it should include specific rules and standards; (3) it should provide for case studies of ethical situations; (4) it should be revised routinely; (5) It should contain local and state venues for informal and formal accountability; and (6) it should provide a board or commission to investigate and enforce violations to the code.

Four scholars warned that educational reform proposals might thwart educators’ attempts to professionalize. Efforts to hold educators more accountable for their students’ academic achievement may make the codes and standards more subjective. The educational reforms have also been pushing for educators to share their power with noneducators when making school policy and decisions. Cusick (1994) concluded that

the effects of the reform on educators would increase the importance of codes of ethics, state boards, policing, and sanctioning.

The examination of the literature did not find where a study was developed to determine the extent to which each state had developed a code of ethics for its educators. Crosby (1993) and Joyner (1999) recommended that a national study be conducted to determine if each state had a code of ethics and how those codes were enforced. An analysis of each state's code of ethics would be important since it has been documented that a code of ethics is a crucial component of any profession.

Hart and Marshall (1992) remarked that writing and enforcing the standards and code of ethics were the prime responsibilities of the professional organization. The methods of enforcing codes of ethics have varied widely among the professions. Most organizations have standards boards or commissions to investigate violations to determine probable cause and issue appropriate consequences. The most widely used forms of sanctions found in the literature were censure, professional ostracism, boycott, suspension or expulsion from the professional membership, withdrawal of professional privileges, suits from malpractice, and suspension or revocation of license/certificate to practice.

Scholars suggested that almost every profession had an ethical rule requiring professionals to report unethical behaviors by colleagues. However, this rule was probably the most violated of all. A study (Gibbs, Sigal et al. 1993) surveyed members of the APA to determine if they were aware of unethical behaviors by fellow colleagues and what they had done about reporting the misconduct. Faculty-student boundary violations were reported the most by those surveyed. However, none of the respondents

had informed the APA Ethics Committee of the violations and only 17% chose to speak directly to the colleague.

If the public's perception was that the profession was unable to police their members effectively, public outcry for reform may bring outside regulation upon the profession. To remain autonomous, the professions' ethics boards must maintain tight control over its members' ethical behavior through prudent enforcement of the code of ethics.

For educators, every state has procedures in place to discipline educators who have not followed predetermined policies, rules, codes of ethics, or some other form of regulation. Disciplinary actions can be implemented at the school level, system level, or state level. The investigating body may choose to dismiss the charges, reprimand, suspend for a set number of days, nonrenew the certificate, terminate employment, or suspend or revoke the certificate of the individual depending upon the severity of the offence.

Several states have established professional standards and/or practices boards/commissions to develop standards of practice, codes of ethics, investigate violations of the standards or codes, and levy appropriate sanctions. These boards' membership ranged from 9 to 18 with a majority being educators and a modest representation of laity. Several studies examined the impact of these boards upon the education profession. Dripps (1984) found that Iowa's IPTPC did not effectively police its ranks primarily due to limited staff and an inadequate operating budget. Florida's EPC effectively policed and adjudicated the cases brought before it, but MacMillan (1993) pointed out that the EPC was actually an arm of the state and not the education

profession. Evidence was found to suggest that as the caseloads increase, the number of cases that were disposed through stipulation increased too. Reliance upon stipulated agreements to accommodate time constraints had serious implications for effectively enforcing the code of ethics. Georgia's PPC was abolished in 1998 by the governor and the duties and responsibilities were transferred to the PSC. Therefore, these boards/commissions have undergone tweaking over the years but have remained to be the primary agent of enforcing educators' codes of ethics. A more current study is needed to examine the codes of ethics and the standards board/commissions of each state.

CHAPTER III

METHODS AND PROCEDURES

Two broad components guiding the development of this study: ethics and professionalization. One element that can be derived from combining these two components is a code of ethics for a professional group, which was central to this study. Therefore, this study was undertaken to provide a descriptive analysis of the code of ethics for the education profession. However, since no single code of ethics exists that embodies the entire education profession, a more in-depth study was undertaken. Specifically, the two main objectives of this study were to examine: (a) what each state has done in developing a code of ethics for its educators, and (b) the governing board/commission charged with enforcing the code and standards within each state.

Descriptions of the research methods and procedures for this study were presented in this chapter. The sections include Problem of the Study, Research Design of the Study, Research Questions, Population, Data Collection, and Data Analysis. Also discussed were the credibility issues of reliability and validity with this study. A brief summary concluded this chapter.

Problem of the Study

As organizations evolve and begin to seek more prestige and status with their clientele and society as a whole, they begin the process known as professionalization. This process encourages these organizations to acquire those identifiable characteristics that were achieved by the model professions of medicine and law. Hart and Marshall (1992)

summarized the fundamental characteristics of a profession into five specific criteria. This study examined only two of the five criteria: (a) an established code of ethics for the members of the organization, and (b) how the organization policed itself when the code was violated. The institution of education was one such group that has aspired the status of a true profession. Therefore, the problem of this study was to research what each state has done in developing and enforcing a code of ethics for its educators.

Research Design of the Study

A qualitative research design was employed for this study. In qualitative research, the investigator assembles a puzzle void of a preconceived picture. However, the researcher discovers a picture that develops as the parts are collected and examined (Bogdan and Biklen 1998). Creswell (1998) described the qualitative inquiry process when, “The researcher builds a complex, holistic picture, analyzes words, reports detailed views of informants, and conducts the study in a natural setting” (p. 15). Geertz (1973) and Shank (1994) envisioned qualitative research as a systematic empirical inquiry into meaning through a clear, “thick description” of what is present.

Qualitative research has also been described as an umbrella for a variety of research methods that share some common strategies and assumptions (Merriam 1998; Denzin and Lincoln 2000). Multiple scholars have discussed the various traditions of qualitative research methods such as case study, connoisseurship, constructivism, critical theory, ethnography, field study, grounded theory, and phenomenology (Glaser and Strauss 1967; Van Maanen, Dabbs et al. 1982; Jacob 1987; Tesch 1990; Lancy 1993; Strauss and Corbin 1998). The process of qualitative data analysis has been described as highly intuitive. According to Merriam (2001), the correct way to analyze data in a

qualitative study is to do it simultaneously with data collection. Merriam asserts that the researcher;

Knows what the problem is and has selected a sample to collect data in order to address the problem. But the researcher does not know what will be discovered, what or whom to concentrate on, or what the final analysis will be like. The final product is shaped by the data that are collected and the analysis that accompanies the entire process. Without ongoing analysis, the data can be unfocused, repetitious, and overwhelming in the sheer volume of material that needs to be processed. Data that have been analyzed while being collected are both parsimonious and illuminating. (p. 162)

Research Questions

The following research questions guided this study:

1. Which states have developed a code of ethics for their educators?
2. What are similar characteristics among the states' codes of ethics?
 - 2.1 Does the code of ethics contain general principles or specific rules of conduct (Landis 1972; Rich 1984)?
 - 2.2 What similarities exist among the principles or rules of conduct of the states' codes of ethics?
3. Who or what board/commission, if any, has been charged with the enforcement of the code of ethics?
4. What is the membership composition of the board/commission (do educators comprise the majority)?
5. What is the scope of the board/commission's responsibilities and authority (certification, establish a code of ethics, enforcement, accreditation of teacher education programs, etc.)?
6. Is each board/commission autonomous, or does it serve as an advisory function for a state agency?

7. Are the boards/commissions established through legislation?
8. Are educators within each state required to report observed misconduct of their colleagues?

Population

The purpose of this study was to analyze what each state has done to establish and enforce a code of ethics for its educators. Therefore, the population for this study was the 50 states of the United States and any code of ethics designed for educators. Some states have ethical codes or standards for state employees. This study limited its scope to the codes of ethics specifically for educators. Also, included in this study were the boards or commissions established to enforce the ethical codes for educators within each state.

Data Collection

Patton (1990), surmised that qualitative methods may consist of three types of data collection: (1) in-depth, open-ended interviews; (2) direct observation; and (3) written documents. This study used written documents as its primary source of data. Bernard and Ryan (1998) suggested there has been an increased interest in the systematic analysis of documentary data in a diversity of fields both inside and outside the social sciences. Documentary accounts from newspapers, police reports, judicial records, political party platforms, bodies of regulatory law, biographies, and historical archives of various organizations have provided a rich body of descriptive data for qualitative analysis (Bogdan and Biklen 1998).

This study collected documents produced by states' educational bodies or legislature. Each state was contacted by Internet, e-mail, telephone, or mail to acquire the necessary data to answer this study's research questions. The data collected included

mainly brochures, state statutes, or downloaded versions of these documents. Merriam (2001) addressed the validity of documents obtained by the Internet by asserting that on-line data collection offers an electronic extension of traditional forms of data collection through interviews, clinical observations, and examinations of documents and artifacts. However, Merriam cautioned researchers' use of data acquired through Web pages as being unstable. Information cited on a Web page today may be gone tomorrow or the content has changed so radically as to be unrecognizable. To ensure the validity of documents obtained by Internet, this researcher verified the legitimacy of the documents through e-mails or telephone calls to the Web page's sponsor, which in most cases was the state's Department of Education.

Analyses

Data analysis in qualitative research has been a systematic and comprehensive process that should run concurrent with data collection (Tesch 1990). Marshall and Rossman (1995) also promoted the integration of data collection and data analysis for the emergence of significant findings grounded in empirical data.

Patton (1990) suggested:

Document analysis in qualitative inquiry yields excerpts, quotations, or entire passages from organizational, clinical, or program records; memoranda and correspondence; official publications and reports; personal diaries; and open-ended written responses to questionnaires and surveys." (p. 12)

Gall, Gall, and Borg (1999) described an "interpretational" approach to analyzing qualitative data. The authors defined interpretational analysis as, "A systematic set of procedures to code and classify qualitative data to ensure that the important constructs, themes, and patterns emerge" (p. 298). The coding can be completed manually or

through the use of a software program. Gall, Gall, and Borg outlined the following six steps of interpretational analysis:

1. Prepare a database containing all the data (documents, records, etc.) collected,
2. Number each line of text sequentially and then divide the text into meaningful segments,
3. Develop meaningful categories to code the data,
4. Code each segment,
5. Combine all segments with similar codes, and
6. Generate constructs that emerge from the categories (p. 298).

Another method found in the literature similar to interpretational analysis of documentary accounts was content analysis (Weber 1990). The heart of content analysis has been the coding of documents in relation to selected topics, themes, or ideas. These codes were then correlated across numerous documents to establish prevalent patterns.

Variations of Gall, Gall, and Borg's (1999) interpretational analysis and Weber's (1990) content analysis methods were used for this study. Each relevant document was coded if it contained certain themes related to the research questions. Table 3.1 lists the themes and codes developed by the researcher.

Table 3.1 Sample of Themes and Codes used to analyze documents.

Theme (Research Question)	Code
Code of Ethics (1)	COE
General Principles/Rules (2)	GP
Board/Commission (3)	B/C
Membership of Board/Commission (4)	M
Responsibilities of Board/Commission (5)	R
Autonomous (6)	AU
Advisory (6)	ADV
Established by the Legislature (7)	L
Educators Required to Report Violations (8)	V

After a document was coded, a database of each state's code of ethics and its governing board/commission was prepared using Microsoft Excel software. Two tables were developed by this researcher to format the data for easier analysis of the coded documents' content. Research questions 1, 2, and 8 were categorized in a table titled Characteristics of Codes of Ethics by State. Research questions 3, 4, 5, 6, 7, and 8 were categorized in a table titled Characteristics of Board/Commission to Enforce Code of Ethics.

A variation of the constant comparative method of data analysis developed by Glaser and Strauss (1967) was also employed by this researcher to analyze the data. The basic strategy of this method is to constantly compare. The researcher takes specific information from a document and compares it with similar information from another document. These comparisons lead to tentative categories that are then compared to each other and to other instances.

Comparisons are constantly made within and between levels of conceptualization until a theory can be formulated. Bodgan and Biklen (1998) inferred that the constant comparative method was most often used in conjunction with multiple-site participant observation studies. However, the concept of identifying and focusing on key categories among the documents was an important way of controlling the scope of data collected. The ultimate goal of the analysis is the emergence of a larger, consolidated picture of the various codes of ethics and the governing boards/commissions.

Credibility

The credibility of any research study is solidified if it is valid and reliable. Silverman (2000) verbalized the importance of this concept when he stated, “Unless you can show your audience the procedures you used to ensure that your methods were reliable and your conclusions were valid, there is little point in aiming to conclude a research dissertation” (p. 175). Hammersley (1990) further qualified validity and reliability as follows. Validity relates to truth and, in respect to research, “the extent to which an account accurately represents the social phenomena being studied” (p. 57). “Reliability refers to the degree of consistency with which instances are assigned to the same category by different observers or by the same observer on different occasions” (Hammersley 1992, p.67)

Reliability

The reliability of a qualitative study has come under much scrutiny. According to Bogdan and Biklen (1998), “Qualitative researchers tend to view reliability as a fit between what they record as data and what actually occurs in the setting under study, rather than the literal consistency across different observations” (p. 48). Qualitative researchers have been more concerned with the accuracy and comprehensiveness of their data than the reliability of the study. Therefore, two researchers that have studied the same phenomena may collect different data and produce different findings under a qualitative study. However, both studies would be considered reliable unless they yielded contradictory or incompatible results.

Shank (2002) was bold enough to suggest that, “There is no one good set of policies or concepts that can ensure qualitative accuracy” (p. 92). He elaborated further

that concepts like trustworthiness or triangulation may work well in some situations but not others. However, the researcher should and must take a method-by-method approach to ensure the accuracy of the study.

The reliability of this study should not pose a major problem since this study relies heavily upon official documentary accounts. Perakyla's (1997) viewpoint was that reliability was more of an issue for researchers when their study involved interpretation and analysis of field notes, interviews, and observations rather than written texts. The documents analyzed in this study were official documents generated by either state departments of education or state legislatures. A replication of this study could easily generate this data for analysis. However, one must keep in mind that state laws and policies are enacted, revised, amended, and repealed on an annual basis. Therefore, the content of the data may change but the reliability of the data should be stable.

Validity

Miles and Huberman (1994) suggested that one key procedure to validate your study is to "weight your evidence" properly. Some data are stronger than other data such as firsthand documents verses secondhand. The documents gathered and analyzed for this study were official documents, or their corresponding downloaded versions of each state.

To verify the accuracy of the data analysis, this researcher used "respondent validation" techniques (Silverman 2000). An attempt was made to contact a person in each state who was most knowledgeable about the code of ethics and the board/commission enforcing the code. For some states, this person was two separate individuals. This person validated the coding methods used by this researcher and that

the data was worded correctly in the text of this study and recorded accurately on the tables for proper analysis. According to Reason and Rowan (1981), “Good research goes back to the subjects with the tentative results, and refines them in the light of the subjects’ reactions” (p. 56). However, only five states Connecticut, Georgia, Louisiana, Montana, and Rhode Island responded to my requests. Individuals from these five states stated I had correctly recorded their data and no revisions were necessary.

As qualitative researchers strive to make meaning clear through thick description, one must be careful to avoid idiosyncratic descriptions as discussed by Shank (1994). The researcher must not skew the data by evoking his/her own bias into the analysis. Merriam (2001) as well as Bogdan and Biklen (1998) noted that clarifying the researcher’s biases and assumptions at the onset of the study can be an effective strategy to enhance validity and avoid idiosyncratic descriptions. In an effort to further ensure the reliability and validity of data, the researcher identified his own experiences and biases by reporting his own perspectives below:

1. This researcher was interviewed by a representative of Georgia’s Professional Practices Commission as part of an investigation of the school’s principal in 1994. It was an eye-opening experience which fortunately led to no criminal charges, loss of status, or loss of pay for the principal.
2. This researcher believed that all educators should behave in an ethical manner and abide by a code of ethics to maintain the credibility of our profession and with our stakeholders.
3. This researcher believed that educators should be held accountable for violations of a code of ethics and report known violations by colleagues.

Summary

A qualitative research design was employed for this study to develop a thick description of what each state has done in compiling a code of ethics for its educators and establishing a governing board/commission to enforce the code. Each state, the District of Columbia, and the Virgin Islands were contacted by phone, mail, or the Internet. This researcher requested official documents from the departments of education or state legislatures that record the actual code of ethics, policy, or law that answer the guiding research questions. The documents were examined and coded using variations of Gall, et al's (1999) interpretational analysis and Weber's (1990) content analysis methods. A list of the themes and codes used to analyze the data was described within this chapter. Issues related to the reliability and validity of this study were also discussed.

CHAPTER IV

DATA ANALYSES

The purpose of this study was two fold: (a) examine what each state has done in developing a code of ethics for its educators, and (b) examine the governing board/commission charged with enforcing the code within each state. All 50 states were contacted as well as the District of Columbia, Department of Defense Schools, and the United States Virgin Islands. Each code's contents were coded and similar characteristics were analyzed. Data containing information about the board/commission to enforce the code of ethics were also coded and analyzed for membership composition, responsibilities, authority, and how it was established. A variation of the constant comparative method of data analysis was also employed for this study.

The data analysis of each state's code of ethics and the board/commission enforcing the code is stated below in alphabetical order. If a state did not have an established code of ethics, an attempt was made to describe the reasons an educator's certificate could be suspended or revoked. Tables summarizing the data related to the states' code of ethics and the board/commission that has the authority to discipline an educator for unethical behavior are located in the Appendixes.

Alabama

Alabama does not publish a code of ethics for its educators. However, the State Superintendent of Education has been given the authority under existing Alabama legal standards to refuse to issue, suspend, and revoke a certificate. Any certificate held by a

person who has been proven guilty of immoral conduct or unbecoming/indecent behavior in Alabama or any other state or nation may be revoked in accordance with Ala.Code §16-23-5 (1975). A certificate may also be revoked if the certificate was intentionally altered to mislead or defraud.

Alaska

All members of the teaching profession in Alaska are obligated to abide by the code of ethics and the professional teaching standards that were adopted by the Alaska State Professional Teaching Practices Commission (PTPC) (Alaska Admin. Code tit. 4, § 18.010 [a] [12][1966]). The code entitled Code of Ethics and Teaching Standards was rewritten in 2000 and is recorded in Alaska Admin. Code tit. 20, §10.020 (2000). The code consists of the following three sections: (1) obligations to the students, (2) obligations to the public, and (3) obligations to the profession. The code promulgates the ethical standards by which members of the Alaskan education profession are judged. A violation of an ethical standard by an Alaskan educator is grounds for discipline by the PTPC and may result in a reprimand, certificate suspension, or revocation by the PTPC.

Alaska Stat. § 14.20.030 (1999) establishes the causes for certificate revocation or suspension by the PTPC or the commissioner of education. These causes are listed below:

1. Incompetency,
2. Immorality,
3. Substantial noncompliance with the school laws of the state or the regulations of the department, or
4. A violation of ethical or professional standards or contractual obligations.

The Alaska PTPC was created by the Professional Teaching Practices Act in 1996 which established the nine-member commission. The commission consists of five classroom teachers, one principal, one superintendent, one representative from the Alaska Department of Education and Early Development, and one representative from higher education. The governor appoints all commission members for staggered three-year terms (Alaska Stat. §§ 14.20.380, 14.20.390, 14.20.400 [1999]).

One of the commission's responsibilities is to develop criteria of professional practices in ethical and professional performance. The PTPC has the duty to conduct investigations and hearings on alleged violations of ethical or professional performance. Power has been afforded the commission to warn or reprimand members of the teaching profession. Also, the commission has the power to suspend or revoke teaching certificates for one of the causes mentioned above (Alaska Stat. §§ 14.20.450, 14.20.460, & 14.20.470 [1999]).

Arizona

The state of Arizona does not have a code of ethics for its educators. However, certificated personnel may have their certificate revoked if they fail to comply with certain state statutes (Ariz. Rev. Stat. §§ 15-501, 15-507, & 15-508 [2000]). The state board of education (Board) has the duty and power to impose disciplinary action upon certificated personnel, which may include a letter of censure, suspension, suspension with conditions, or revocation of a certificate upon a finding of immoral or unprofessional conduct. The Board also has the obligation to adopt the rules and procedures for the state department of education to investigate every written complaint alleging that a certificated person has engaged in immoral conduct.

An advisory committee entitled the Professional Practices Advisory Committee (Committee) has been established by the Board to conduct hearings and screenings to determine whether grounds exist to impose disciplinary action against a certificated person. The Committee also determines if grounds exist to approve or deny an initial applicant for a certificate. The Committee is strictly advisory and may only make recommendations to the Board. The Committee consists of seven members comprised of one elementary classroom teacher, one secondary classroom teacher, one principal, one local superintendent or assistant/associate superintendent, two lay members, and one local governing board member. The Committee members serve four years and may be reappointed (Ariz. Admin. Reg. 7-2-205).

Arkansas

Arkansas does not have a code of conduct for its educators but has legislation addressing criminal and other offenses that can lead to the denial or revocation of a license.

Arkansas' State Board of Education requires a background check for first-time applicants and license renewal. The Board may place an educator on probationary status, suspend, or revoke a license if found guilty or nolo contendere on any of the following offenses:

1. Capital murder;
2. Murder;
3. Manslaughter;
4. Battery;
5. Aggravated assault;
6. Terroristic threatening;
7. Kidnapping

8. Rape;
9. Sexual assault;
10. Incest;
11. Engaging children in sexually explicit conduct for use in visual or print media;
12. Distribution to minors;
13. The manufacture, deliver, or possession with intent to manufacture or deliver any controlled substance;
14. Sexual indecency with a child;
15. Endangering the welfare of a minor;
16. Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child;
17. False imprisonment;
18. Permanent detention or restraint;
19. Permitting child abuse;
20. Negligent homicide;
21. Assault;
22. Coercion;
23. Public sexual indecency;
24. Indecent exposure;
25. Endangering the welfare of a minor; or
26. Criminal attempt, criminal solicitation, or criminal conspiracy. (Ark. Code Ann. § 6-17-410 [1995])

Beginning August 1, 2003, the State Board of Education established the Professional Education, Development, Licensure, and Assessment Board. This advisory

board to the state board establishes rules and regulations; plus reviews, evaluates, and recommends requirements for the licensure of educators. The board consists of 15 members. The state board selects 12 members, and 3 ex officio members are from the Arkansas Department of Education.

California

The state of California does not have a document titled code of ethics for consideration in this study. However, California has established rules that are binding upon every person holding a credential to perform educational services. These rules are referred to as Rules of Conduct for Professional Educators (Commission on Teacher Credentialing 1993). These rules are under the jurisdiction of the Commission on Teacher Credentialing (Commission). A willful breach of these rules may be cause for private or public admonishment; credential denial, suspension, or revocation by the Commission. An educator may face disciplinary sanctions if the person falls into one or more of the following categories listed in the Teacher Preparation and Licensing Act of 1970:

1. Lacks qualifications prescribed by law or regulations,
2. Is physically or mentally unfit to perform duties,
3. Is addicted to the intoxicating beverages to excess,
4. Is addicted to the use of controlled substances,
5. Committed any act involving moral turpitude,
6. Has had a certification document revoked,
7. Engages in deception or fraud in the credential application,
8. Fails or refuses to furnish reasonable evidence of identification or good moral character,

9. Is convicted of any offense defined in subdivision 1 of Section 314 of the Penal Code prior to September 7, 1955,
10. Has been determined to be a sexual psychopath,
11. Is convicted of any sex offense,
12. Is convicted of a controlled substance offense,
13. Is found to be insane through a criminal proceeding, or
14. Is convicted of a violent or serious felony.

A landmark decision by the California State Supreme Court directly effected the statutes and regulation governing teacher discipline in California. From the court's decision, in order for revocation of a credential to be upheld, the conduct of the holder must indicate professional unfitness. The Commission has the authority to issue consequences to a credential holder if cause is determined for a rule violation. The composition of the Commission includes six teachers, four public representatives, one school administrator, one nonadministrative services representative, one local school board member, one college/university faculty member, and one designee from the Office of Superintendent of Public Instruction. In addition to the voting members on the Commission, is there a representative from the Association of Independent California Colleges and Universities, Regents, California Postsecondary Education Commission, and California State University who serve in ex officio capacities.

Colorado

Colorado has designated 11 standards against which charges of unethical behavior by a license holder will be judged. The Colorado State Board of Education has the authority to deny, annul, suspend, or revoke a license if an applicant or holder is found guilty of any of the 11 Standards of Unethical Behavior which are listed below:

1. Failure to protect the student from conditions harmful to health and safety;
2. Discrimination against age, gender, national origin, race, ethnicity, color, creed, religion, language, disability, socio-economic status, or status with regard to marriage or sexual orientation;
3. Failure to keep in confidence information obtained in the course of professional services;
4. Directing an unqualified person to carry out professional responsibilities;
5. Deliberately distort or suppress curricular materials or educational information;
6. Falsification or misrepresentation of records or facts;
7. Make false or malicious statements about students or school personnel;
8. Accept anything of substantial value from any person if that offer is for the purpose of influencing favor or a reasonable person could construe;
9. Fail to conduct financial transactions which are consistent with applicable law, rule, or regulation;
10. Engage in immoral conduct which affects the health, safety, or welfare of children or the community; and
11. Sell or engage in unlawful distribution of prescription drugs, dangerous nonprescription substances, alcohol or tobacco. (Colorado State Administrative Procedures Act [1994])

In addition to these Standards of Unethical Behavior, the Colorado State Board may deny, annul, suspend, or revoke licenses if the holder is: (a) determined to be mentally incompetent, (b) convicted or pleads *nolo contendere* for a violation of any law of the state, (c) guilty of the illegal sale of controlled substances, (d) found guilty of a felony, or (d) becomes professionally incompetent.

Once a complaint is filed against the educator with the Colorado Department of Education, the Department will present its findings and recommendations to the State Board of Education for action. The State Board of Education is comprised of eight

elected officials representing seven Congressional Districts and one Member-at-Large. The Board has been granted the power and authority to regulate educator licensing under Article IX of the Constitution of the State of Colorado. The Board may choose to dismiss the charge or deny, revoke, annul, or suspend the license. If a formal hearing is conducted, the hearing and subsequent proceedings shall be conducted by an Administrative Law Judge appointed by the Division of Administrative hearings in accordance with (Colorado State Administrative Procedures Act [1994]).

Connecticut

The State of Connecticut Department of Education (State of Connecticut Department of Education) has developed a pamphlet for all educators entitled *Connecticut Code of Professional Responsibility for Teachers*. The code is a set of principles that the teaching profession and the public expect from teachers. These principles were established to serve as standards to guide teacher “conduct and the judicious appraisal of conduct in situations that have professional and ethical implications” (p. 1). This code of professional responsibility for teachers reflects the intent of Conn. Agencies Regs. § 10-145d-400a (1993). A similar code (Conn. Agencies Regs. § 10-145d-400b [1995]) exists for Connecticut administrators too. The code for teachers contains three sections entitled Responsibility to the Student, Responsibility to the Profession, and Responsibility to the Community. Within each of the three sections, a subsection containing a total of nine “shall not” obligations of the teacher. These obligations state that the educator shall not:

1. Abuse his or her position as a professional with students for private advantage;
2. Sexually or physically harass or abuse students;

3. Engage in any misconduct which would put students at risk;
4. Obtain licensure or employment by misrepresentation or fraud;
5. Misrepresent his, her or another's professional qualifications or competencies;
6. Engage in any misconduct which would impair his or her ability to teach;
7. Exploit the educational institution for personal gain; and
8. Be convicted in a court of law of a crime involving moral turpitude or of any crime of such nature that violates such public trust. (p. 2)

The Code of Professional Responsibility for Teachers (Conn. Agencies Regs. § 10-145d-400a [1993]) serves as a basis for decisions by Connecticut's Commissioner of Education and the Connecticut State Board of Education pertaining to licensure and employment of an educator. If an educator violates one of these principles, a written request for certificate revocation can be filed with the Commission of Education. The Commissioner then causes an investigation to be made to determine probable cause. If probable cause exists, a hearing shall be conducted before the State Board of Education. The Board consists of eleven members who are appointed by the Governor with the advice and consent of the Connecticut General Assembly. Nine voting members serve four-year terms, and two nonvoting student members are appointed to serve a one-year term. The Commissioner of Education serves as an ex officio, nonvoting secretary to the State Board. The Commissioner of Higher Education also serves as an ex officio, nonvoting member.

Delaware

The state of Delaware has not developed a code of ethics for its educators. The Delaware Department of Education may deny or revoke a license for unfitness, immorality, misconduct in office, incompetency, willful neglect of duty, disloyalty,

falsification of credentials, misleading statements on the license application, or failure to disclose a criminal conviction. The educator charged with any of these actions is entitled to a full and fair hearing before the Delaware Standards Board (Professional Development and Educator Accountability Act, 2000).

The Standards Board works in conjunction with the Department of Education and the State Board of Education relating to educators' professional development, licensure requirements, certification requirements, teacher preparation, recruitment, and retention (Professional Development and Educator Accountability Act, 2000). The Standards Board may make recommendations to the Department regarding rules and regulations pertaining to licensure and certification. However, the Secretary of Education in Delaware has the authority to issue, deny, or revoke the license or certificate of an educator.

Florida

The Florida Education Standards Commission has developed the *Code of Ethics and the Principles of Professional Conduct of the Education Profession in Florida* ((Florida Education Practices Commission 2001). This pamphlet outlines the Florida State Board of Education Rule (Fla. Admin. Code Ann. r. 6B-1.001 [1982 & Supp. 1998]) which lists the code of ethics for its educators, and the State Board of Education Rule (Fla. Admin Code Ann. r. 6B-1.006 [1982 & Supp. 1998]) which states the principles. Florida's code of ethics consists of three nondisciplinary statements pertaining to the education profession in general. These three ethical statements include wording such as "The educator values the worth and dignity of every person", "The educator's primary professional concern will always be for the student", and "The

educator strives to achieve and sustain the highest degree of ethical conduct” (p. 2).

However, a violation of the Principles of Professional Conduct could lead to the suspension or revocation of an individual educator’s certificate or other penalties as provided by Florida law.

The Principles of Professional Conduct (Fla. Admin Code Ann. r. 6B-1.006 [1982 & Supp. 1998]) have three main divisions: (a) obligation to the student, (b) obligation to the public, and (c) obligation to the profession of education. Each division has a list of obligations or principles by which the educator must abide or face disciplinary action. The Obligation to the Student division contains nine principles, the Obligation to the Public division contains five principles, and the Obligation to the Profession contains seventeen principles

Any report of a violation of the principles by an educator or certificate applicant shall cause an investigation by the Office of Professional Practices Services (OPPS). The OPPS determines probable cause of allegations of unprofessional, incompetent, unethical, or criminal conduct. The OPPS is one branch of the Bureau of Educator Standards under the Division of Professional Educators. Once probable cause has been determined, a panel of the Education Practices Commission (EPC) acts as the final agency in disciplinary actions to hear cases and render decisions regarding penalties. The EPC may dismiss complaints or impose one or more of the following penalties:

1. Denial of an application for a teaching certificate,
2. Revocation or suspension of a certificate,
3. Imposition of an administrative fine not to exceed \$2,000,
4. Placement on probation for a period of time,

5. Restriction of scope of practice of the educator,
6. Reprimand, and/or
7. Sanction. (Fla. Stat. ch. 231.262[6] [1982])

The EPC is an autonomous, quasi-judicial agency administratively assigned to the Department of Education. It operates as a circuit court and is not responsible for investigations or prosecutions. It is composed of seven teachers, five school administrators, and five lay citizens, two of whom formerly served as members of district school boards. The members are nominated by the Commissioner of Education, appointed by the State Board of Education, and confirmed as commissioners by the Florida Senate.

Georgia

The Georgia Professional Standards Commission (PSC) adopted the current Code of Ethics for Educators in October of 2002. The code of ethics defines the professional behavior for educators and serves as a guide to ethical conduct. The code contains definitions of terms and ten standards as displayed. Each standard represents conduct generally accepted by the education profession. Examples of unethical conduct are provided for each standard. In addition to these standards, disciplinary action may be taken by the PSC against a certificate holder for nonpayment of child support or for defaulting on a student loan guaranteed by the Georgia Higher Education Assistance Corporation.

The Georgia General Assembly created the PSC in July 1991. The PSC's membership categories are statutory and consist of nine practicing classroom educators, two local school administrators, two higher education faculty, three private sector

representatives, and two local board of education members. Of the eight major purposes of the PSC, there are four that directly relate to a code of ethics for educators:

1. To adopt standards of professional performance and a code of professional ethics for educators both of which shall represent standards of performance and conduct, which are generally accepted by educators of this state;
2. To investigate reports of specified criminal conduct, violations of professional or ethical conduct, and violations of certain rules, regulations, and policies by school system educators;
3. To enforce the requirement that local school systems promptly report specified criminal acts of school system educators to the commission; and
4. To impose disciplinary action or a denial of a certificate against an educator. (Ga. Code Ann. § 20-2-982 [1994])

The PSC determines if an investigation is warranted upon receipt of a complaint of alleged unethical behavior. The case is then assigned to an ethics investigator who conducts interviews and reviews pertinent supporting documents. An investigative summary of the case is then prepared for the Commission to determine if probable cause exists and take disciplinary action against the educator's certificate. The PSC action may be to revoke, suspend, reprimand, warn, or monitor. The educator may appeal the decision of the PSC to the Office of State Administrative Hearings (OSAH). Then, a hearing is held before an Administrative Law Judge who hears testimony and reviews evidence associated with the case presented by both the educator and the Commission. The Judge then renders an initial decision either concurring with or modifying the Commission's action. The educator and the PSC have 30 days in which to request a review of the Judge's decision. If a review is requested, a hearing is scheduled before the Commission who makes a final decision to either accept or reject the Administrative Law Judge's initial decision and closes the case (Georgia Professional Standards Act, 1998).

Hawaii

The state of Hawaii does not have a specific code of ethics for its educators. However, the State Legislature created the independent Hawaii Teacher Standards Board (TSB) (Haw. Rev Stat. § 302A-801) in 1995 to set licensing and credentialing standards for public school teachers. The TSB consists of 13 members including six licensed teachers, three educational officers, the chairperson of the board of education or the chairperson's designee, the superintendent or the superintendent's designee, a representative of independent schools, and the dean of the University of Hawaii college of education or the dean's designee. The governor appoints the teachers, the educational officers, and the representative for the independent schools. The TSB members may serve no more than three consecutive three-year terms.

The TSB has been granted many powers and duties authorized by state law. In regards to this study, the board may issue, renew, revoke, suspend, and reinstate educators' licenses and credentials. Causes for sanctions can be inefficiency or immorality, willful violations of policies and rules of the department, or for other good and just cause (Haw. Rev Stat. § 302A-609 [1995]). The board has established its own procedures for conducting hearings and conforms to Hawaii's guidelines. The board also serves as the final adjudicator for appeals relating to licensing and credentialing sanctions.

Idaho

Educators' conduct in Idaho is governed by the *Code of Ethics of the Idaho Teaching Profession*. A code of ethics was first drafted in the 1970s and was last revised in 1996. The code contains four general principles: (a) commitment to the student, (b)

commitment to the public, (c) commitment to the profession, and (d) commitment to professional employment practices. Each principle contains six to nine standards by which to judge conduct, and each standard begins with the words *shall* or *shall not*. A violation of the code of ethics is grounds for suspension or revocation of an educator's certificate by the Idaho Professional Standards Commission (PSC) under Idaho Code § 33-1208 (1996).

The PSC was established in 1972 (Public Schools Professional Standards Act) as an advisory body to the State Board of Education. The 18 members of the PSC are appointed by the State Board of Education for a three-year term. The PSC composition includes seven certificated public school teachers, one member of the Idaho Association of School Superintendents, one member from the Idaho Association of Secondary School Principals, one member from the Idaho Association of Elementary School Principals, one member from the Idaho Association of School Trustees, one member from the Idaho Association of Special Education Administrators, one member from the education departments of the private colleges of the state, two members from the education departments of the public institutions of higher education, one member from the colleges of letters and sciences of the institutions of higher education, one member of the staff of the Idaho State Department of Education, and one member of the staff of the Division of Vocational Education. In addition to developing and recommending a code of ethics to the State Board of Education, the PSC also provides leadership in identifying needs of teachers; makes recommendations to the State Board of Education concerning teacher preparation programs, certification standards, and professional practices of the teaching profession; and conducts hearings related to violations of the code of ethics.

Any Idaho school board or individual, other than a student, may make an allegation of ethical misconduct of a certificate holder to the PSC. The Executive Committee of the PSC then reviews the allegation to determine probable cause. If sufficient grounds exist, a formal complaint is filed with the PSC and a hearing is held. A recommendation from the hearing is given to the full PSC who then makes a final decision in the case, which shall be subject to judicial review (Idaho Code § 33-1209 [1996]).

Illinois

The Illinois State Board of Education has not adopted a code of ethics for its educators. The board has the powers and duties to grant, suspend, and revoke teachers' certificates (105 Ill. Comp. Stat. 5/2-3.9 [1998]). The board may take disciplinary action against an educator for any of the following reasons:

1. Immorality;
2. Condition of health detrimental to the welfare of pupils;
3. Incompetency;
4. Unprofessional conduct;
5. Neglect of any professional duty;
6. Willful failure to report an instance of suspected child abuse or neglect;
7. Failure to establish satisfactory repayment on an education loan;
8. Violation of the standards, ethics, or rules to the security, administration, monitoring or scoring of, or the reporting of scores from any assessment test;
9. Neglect or unnecessary delay in making of any required report; or
10. Any other good cause. (105 Ill. Comp. Stat. 5/21-23 [1998])

The State Board consists of nine members who are appointed by the governor with the advice and consent of the Senate. The appointees represent the following regional areas of Illinois: two represent counties other than Cook County and the five contiguous to Cook County; two shall represent Cook County; two shall represent the five contiguous counties of Cook County; and three shall be selected as members-at-large. The State Teacher Certification Board (STCB) was created to advise the State Superintendent of Education and State Board on teacher certification concerns. This 19 member board holds hearings and makes recommendations to the State Board concerning certificate renewals, suspensions, and revocations. However, the State Board makes the final decision on certification issues (105 Ill. Comp. Stat. 5/1A-1 *et seq.* [1998]).

Indiana

Indiana does not have a code of ethics for its educators but has created the Indiana Professional Standards Board (IPSB) to have the sole authority governing teacher preparation, testing, licensing, induction, and relicensing (Ind. Code 20-6.1-3 *et seq.* [1972]). The General Assembly established the IPSB through legislation in 1992, which transferred these duties and powers from the State Board of Education. The IPSB has 18 voting members appointed by the governor and who serve staggered four-year terms. The membership breakdown includes: one local superintendent, two principals, one special education director, three faculty members of teacher training institutions, nine teachers, one member of the business community, and one member must be a member of the governing body of a local school corporation. The state superintendent serves as an ex-officio voting member for a total of 19 members (Ind. Code 20-1-1.4 *et seq.* [1972]).

Since Indiana does not have a code of ethics, educators' certificates may be suspended or revoked by the IPSB for any of the following reasons:

1. Immorality;
2. Misconduct in office;
3. Incompetence;
4. Willful neglect of duty; or
5. Conviction of a felony. (Ind. Code 20-6.1-3 *et seq.* [1972])

The IPSB initiates an investigation against an educator's certificate upon receipt of a written recommendation from the state superintendent. The educator is afforded full due process rights of notification, hearing, legal representation, and an appeal process.

Iowa

Iowa has established statutory provisions of which all educators should be cognizant or else be in violation of Iowa's school laws. In forming these statutes, the Board of Educational Examiners framed the Criteria of Professional Practices and Criteria of Competent Performance as part of Iowa's school code (Iowa Code § 282-12.1 *et seq.* [1972 & Supp. 2001]; Iowa Code § 282-13.1 *et seq.* [1978 & Supp. 1990]). The criteria is divided into two parts: (a) conviction of crimes, sexual and other immoral conduct with or toward students, and alcohol or drug abuse; and (b) ethical practice toward other members of the profession, parents, students, and the community. A violation of any of these criteria may result in a filed complaint with the board of educational examiners by a licensed practitioner, local boards of education, parents or guardians, or the executive director of the board of examiners. The complaint must be filed within three years of the alleged occurrence.

The Board of Educational Examiners is composed of eleven members appointed by the governor for a four-year term. The membership includes five classroom teachers, four school administrators, and two public members, one of whom is the director of the Department of Education. The Board is created to be the licensing authority for Iowa's educators and has the power to issue and deny licenses. The Board was also given the responsibility to develop a code of professional practices and ethics for educators (Iowa Code § 282-12.1 *et seq.* [1972 & Supp. 2001]).

Once the board receives a complaint that meets jurisdictional requirements, an investigation may be requested to determine probable cause. Once determination is made that one or more of the criteria has been violated, a hearing shall be conducted to impose possible disciplinary actions. According to (Iowa Code § 282-11.33 [1973 & Supp. 2002]), the board may revoke, suspend, prohibit practice, require additional education or training, order a physical or mental evaluation, order alcohol and drug screening, reprimand, or order any other resolution appropriate to the circumstances of the case.

Kansas

Although the state of Kansas does not have a code of ethics for its educators, the State Board of Education may publicly censure, suspend, or revoke any license it issues for misconduct or other just cause. The State Board has established the following 13 grounds for disciplinary action:

1. Conviction of any crime punishable as a felony;
2. Conviction of any crime involving a minor;
3. Conviction of any misdemeanor involving theft;
4. Conviction of any misdemeanor involving drug-related conduct;

5. Conviction of any act defined in any section of article 36 of chapter 21 of the Kansas statutes annotated;
6. Conviction of an attempt under K.S.A. 21-3301, and amendments thereto, to commit any act specified in this subsection;
7. Commission or omission of any act that injures the health or welfare of a minor through physical or sexual abuse or exploitation;
8. Engaging in any sexual activity with a student;
9. Breach of an employment contract with an education agency by abandonment of the position;
10. Conduct resulting in a finding of contempt of court in a child support proceeding;
11. Entry into a criminal diversion agreement after being charged with any offense or act described in this subsection;
12. Obtaining, or attempting to obtain, a license by fraudulent means or through misrepresentation of material facts; or
13. Denial, revocation, cancellation, or suspension of a license in another state on grounds similar to any of the grounds described in this subsection.
(Kan. Admin. Regs. 91-22-1a)

A member of the teaching or administration profession may file a complaint with the Kansas Professional Practices Commission (KPPC) alleging that a license holder has engaged in conduct prohibited under Kan. Admin. Regs. 91-22-1a . The KPPC will give the educator notice of the allegation and an opportunity for a hearing. All hearings before the KPPC are conducted in accordance with the provisions of the Kansas administrative procedure act (Kan. Admin. Regs. 91-22-22). Following the hearing, the KPPC issues an initial order and a recommended disposition of the case, which may be any of the following: (a) dismissal of the complaint; (b) denial, suspension, or revocation of the respondent's license; or (c) public censure of the respondent (Kan. Admin. Regs. 91-22-25). The KPPC's recommendation is delivered to the State Board for final approval of

disciplinary action against the educator. The KPPC is comprised of nine members appointed by the state board of education. The appointments include the following: (a) five classroom teachers, (b) four administrators from public schools, and (c) the commission of education as secretary (Teaching and School Administration Professional Practices Act [1969 & Supp. 1984]).

Kentucky

The General Assembly of the Commonwealth of Kentucky enacted the Kentucky Education Reform Act of 1990. The Act required the Education Professional Standards Board (EPSB) to develop and enforce a professional code of ethics for Kentucky school certified personnel (16 Ky. Admin. Regs. 1:020, 1:028, and 1:140 [1990]). The EPSB produced the Professional Code of Ethics for Kentucky school certified personnel (16 Ky. Admin. Regs. 1:020 [1990]). The code of ethics has a preamble, an introduction, and is divided into three sections, (a) students, (b) parents, and (c) education profession. Each of the three sections contains six to eight statements about what the educator shall or shall not do to uphold the responsibilities of the education profession.

The EPSB oversees the education profession in the state of Kentucky and has many duties and responsibilities as stated in. The board was originally under the Kentucky Department of Education but became an independent agency in 2000 attached to the Office of the Governor. The board is appointed by the Governor and consists of nine teachers, two school administrators, one representative of local school boards, three representatives of higher education, and two *ex officio* members: the Commissioner of Education and the President of the Council on Postsecondary Education. The EPSB may initiate an action to revoke or suspend a Kentucky educator's certificate upon report of a

violation of the code of ethics, criminal prosecution, certificate revocation or suspension from another state, unsatisfactory criminal records check, or violation of 16 Ky. Admin Regs. 1.120(1) (1990) summarized below:

1. Immorality;
2. Misconduct in office;
3. Incompetency;
4. Violation of the school laws of the state;
5. Willful neglect of duty;
6. Conviction of a misdemeanor involving a student;
7. Conviction of a felony;
8. Sexual contact with a student; and
9. Giving false information on certificate application.

The full board or a hearing officer then schedules a hearing to determine if probable cause exists. The EPSB has five days after the hearing to render a final decision to revoke or suspend a certificate. The board has the discretion of stipulating a length of time that the certificate can be revoked or suspended.

Louisiana

A code of ethics for Louisiana educators does not exist. A Louisiana teaching certificate shall be suspended or revoked if the certificate holder has been convicted of any offense stated in Louisiana Child Protection Act (1986 & Supp. 2001) or any felony offense whatsoever. Those offenses include the following:

1. Rape;
2. Sexual battery;

3. Intentional exposure to AIDS virus;
4. Kidnapping;
5. Criminal neglect of family;
6. Incest;
7. Criminal abandonment;
8. Felony carnal knowledge of a juvenile;
9. Indecent behavior with juveniles;
10. Pornography involving juveniles
11. Molestation of a juvenile;
12. Prostitution;
13. Massage; sexual conduct prohibited;
14. Pandering;
15. Crime against nature;
16. Contributing to the delinquency of juveniles;
17. Cruelty to juveniles;
18. Cruelty to infirmed;
19. Child desertion;
20. Obscenity;
21. Sale of minor children; and
22. Manufacture or distribution of a controlled dangerous substance.

La. Rev. Stat. § 17:15 (1986 & Supp. 1999) further states that no person (teacher, substitute teacher, bus driver, substitute bus driver, janitor, or a school employee) may be hired or can expect continued employment who could be placed in a position of

supervisory or disciplinary authority over school children and has been convicted or has pled nolo contendere to a crime listed in Louisiana Child Protection Act (1986 & Supp. 2001).

When the Louisiana Department of Education receives notification and evidence that a teacher has been convicted of a specific crime listed in Louisiana Child Protection Act (1986 & Supp. 2001), the educator's certificate is suspended pending official action by the Board of Elementary and Secondary Education (BESE). The BESE notifies the educator of the certificate suspension and that a hearing will be conducted by the Board to consider revocation. The hearing is limited to a determination of the individual's true identity and true conviction status. The BESE has also established procedures and guidelines for the reinstatement of an educator's certificate (Louisiana State Board of Elementary and Secondary Education 1980)

The Louisiana BESE was established in 1973 as a constitutional body and became the administrative policy-making body for all elementary and secondary schools in the state. Eight members of the BESE are elected from the eight BESE districts, and the Governor appoints three additional at-large members. The Board also has a student representative who serves on the Student and School Standards/Instruction Committee. The student is selected each year through a competition process sponsored by the Louisiana Association of Student Councils (La. Rev. Stat. § 17:1 [1975 & Supp. 1991]).

Maine

The state of Maine does not have a code of ethics. However, the education section under Me. Rev. Stat. Ann. tit. 20-A, pt 6, ch. 502 §13020 (1983) provides the

guidelines for the revocation or suspension of a teaching certificate. The following are grounds for revocation or suspension:

1. Physical or sexual abuse or exploitation of a child;
2. Fraud or gross incompetence;
3. Immoral conduct; and
4. Criminal offenses (Me. Rev. Stat. Ann. tit. 5, pt. 14, ch. 341 § 5302 [1977]).

Maine's state board of education has adopted procedures for the commissioner of education to follow in seeking the revocation or suspension of a certificate in the District Court.

Maryland

Maryland's State Superintendent of Schools has statutory authority (Md. Code Ann., Educ. § 13A. 12.05 [1987]) to suspend or revoke an educator's certificate if he/she:

1. Plead guilty or nolo contendere, or is convicted of a crime involving:
 - a. Contributing to the delinquency of a minor,
 - b. Moral turpitude, or
 - c. A controlled dangerous substance;
2. Willfully and knowingly:
 - a. Makes a material misrepresentation on an application,
 - b. Files a false report about a matter on an application, or
 - c. Commits a violation of the test security and data reporting policy;
3. Knowingly fails to report suspected child abuse;
4. Knowingly fails to report suspected child abuse;
5. Is dismissed or resigns after notice of allegations of misconduct;

6. Has had a certificate suspended, revoked, or voluntarily surrendered in another state; or
7. Commits a crime of violence.

The Md. Code Ann., Educ. § 13A. 12.05 (1987) also outlines the reporting procedures, hearing procedures, decisions, reconsideration of decisions, and reinstatement procedures for the State School Superintendent to follow. A local superintendent of schools, an administrator of a nonpublic school, or the Assistant State Superintendent of Certification and Accreditation are required to submit written charges of alleged misconduct of an educator to the State Superintendent of Schools. The State Superintendent must notify the educator of the charges and advise the educator of the right to a hearing. If the educator requests a hearing, the State Superintendent refers the case to the Office of Administrative Hearings. At the conclusion of the hearing, the administrative law judge will submit a proposed decision to the State Superintendent, which is based on findings of fact, proposed conclusions of law, and recommendations. The State Superintendent of Schools will then make the final decision in all cases dealing with the revocation or suspension of a certificate.

Massachusetts

The research found no code of ethics for educators in Massachusetts, but Mass. Regs. Code tit. 603 § 7.0 (1985) establishes the general provisions for educator licensure within the state of Massachusetts. Only the Commissioner of Education may suspend, revoke, or limit the scope of the educator's license for any of the following reasons:

1. The license was obtained through fraud or misrepresentation of a material fact;
2. The holder of the license is unfit to perform the duties for which the license was granted;

3. The holder of the license has pleaded guilty, received deferred adjudication, or been convicted in a court of law of a crime involving moral turpitude or of any other crime of such nature that in the opinion of the Commissioner the person so convicted discredits the profession, brings the license into disrepute, or lacks good moral character;
4. The holder has had one or more licenses or certificates surrendered, suspended, or revoked as part of an administrative proceeding in another jurisdiction for reasons that are sufficient for suspension or revocation of a Massachusetts license; and
5. There exists other good cause for suspension or revocation of the license including, but not limited to, gross misconduct or negligence in the conduct of the license holder's professional duties and obligations, commitment of an offense against any law of the Commonwealth related to the license holder's professional duties and responsibilities, or willful action in violation of Board regulations or Department orders. (Mass. Regs. Code tit. 603 § 7.14[6] [1985])

The Department of Education must determine probable cause before disciplinary action against a license holder can be taken. Once determined, the Department will notify the accused educator of the charges and the right to request a hearing. The Commissioner or designee has 60 days to begin the hearing if requested, and the hearing must be conducted in accordance with the state's adjudicatory rules of practice and procedures. The Commissioner or designee has 30 days at the hearing's completion to render a written decision to either dismiss the case, suspend, revoke, or limit the scope of the license holder.

Michigan

Michigan does not have a code of ethics to govern the conduct of its educators. However, certificates may be denied, suspended, or revoked by the state board of education for the following reasons:

1. Fraud, material misrepresentation, or concealment in the application for a certificate;

2. Failure or ineligibility to meet the criteria for eligibility for a certificate;
3. Conviction, as an adult, of an act of immoral conduct contributing to the delinquency of a child; or
4. Conviction of a felony involving moral turpitude (Mich. Admin. Code r. 390.1201 pt. 10 [2002])

The superintendent of public instruction shall initiate an investigation upon receipt of information that a possible violation has been committed. A hearing officer is designated by the state board to conduct a hearing and submit a summarized proposal for decision to the state board. The hearing must conform to the state guidelines as established in Mich. Comp. Laws § 24.271 et seq. (1969). The state board may adopt, modify, or reverse the hearing officer's proposal for decision.

The state board of education has eight members. The board members are elected at-large on the partisan statewide ballot for eight-year terms. Two members are elected every two years in the general election. The Governor and the State Superintendent of Public Instruction serve as ex-officio members on the board.

Minnesota

A code of ethics has been established for all persons licensed to teach in the state of Minnesota (Minn. R. 8700.7500 (1997)). The code of ethics contains ten Standards of Professional Conduct that were established by the Board of Teaching. A similar code of ethics also exists for all persons licensed as school administrators in Minnesota (Minn. R. 3512.5200 (1998)).

The enforcement of the provisions of the code of ethics for Minnesota teachers are established by Minn. Stat. § 214.10 (1992). Any complaint alleging a violation of the Code of Ethics should be in writing and submitted to the Minnesota Board of Teaching.

An investigation may follow the complaint to determine if illegal or unauthorized activities would warrant board action through a discipline hearing conducted by the Board of Teaching. The Board of Teaching may impose one or more of the following penalties only after all efforts at remediation have been exhausted:

1. Enter into an agreement with the accused teacher, which may suspend or terminate proceedings against the educator;
2. A letter of censure sent to the educator;
3. Issue a probation to the educator;
4. Suspend the license of the educator; or
5. Revoke the license of the educator. (Minn. Stat. § 214.10 [1992])

The Board of Teaching was created in 1973 by the Minnesota Legislature. The Governor appoints the 11-member board. The board consists of six classroom teachers, one higher education faculty member, one school administrator, and three members of the public (two of whom must have spent some time on a local school board).

Mississippi

The Mississippi State Department of Education created the Commission on Teacher and Administrator Education, Certification, and Licensure and Development in 1982. The commission makes recommendations to the State Board of Education regarding standards for the certification, licensure, and professional development of public school educators. The 15-member commission has the power and authority to hold hearings concerning controversies involving the issuance, revocation, suspension or any change in the licensure of an educator. Mississippi does not have a code of ethics for its educators, but the commission may recommend to the board formal disciplinary action against the educator for one or more of the following reasons:

1. Lack of qualifications;
2. Physical, emotional or mental disability that renders the educator unfit to perform duties;
3. Addicted to or actively dependent on alcohol or other habit-forming drugs;
4. Revocation of an applicant's certificate or license by another state;
5. Fraud or deceit in securing certification or licensure;
6. Convicted, pled guilty, or entered a plea of nolo contendere to a felony;
7. Convicted, pled guilty, or entered a plea of nolo contendere to a sex offense;
8. Breach of contract or abandonment of employment; and
9. Knowingly and willfully committed acts that affected the validity of mandatory uniform test results. (Miss. Code Ann. § 37-3-2 [1972])

Missouri

The state of Missouri does not have a formal code of ethics for its educators.

However, the State Board of Education may discipline, refuse to issue, or nonrenew a certificate of license to teach for any of the following reasons:

1. An individual has pled guilty of a felony or crime involving moral turpitude whether or not sentence is imposed;
2. Certification was obtained through the use of fraud, deception, misrepresentation or bribery;
3. Evidence of the certificate holder's incompetence, immorality, or neglect of duty;
4. The certificate holder has been subject to disciplinary action relating to certification in another state upon grounds for which discipline is authorized in Missouri; and/or
5. A certificate holder annulled a written contract with the local board of education for reasons other than election to the general assembly, without the consent of the majority of the local board members. (Mo. Code Regs. Ann. tit. 5 § 80-800.300 [1963 & Supp. 2002])

The State Board of Education has the authority to grant certificates of license to teach within the state of Missouri and cause those licenses to be revoked, suspended, invalidated or deleted. The board is composed of eight citizens appointed by the governor and confirmed by the state senate. No selection guidelines exist except that no more than four members may belong to the same political party and no more than one member may reside in the same county or Congressional district.

When complaints against an educator are filed with the Missouri Department of Elementary and Secondary Education (DESE), the commissioner of education shall cause a hearing to be conducted as provided in section Mo. Rev. Stat. § 168.071 (1973). Upon completion of the hearing, the board will render a decision to suspend, revoke, accept a voluntary surrender, or enter a settlement agreement at a regular meeting based upon the transcript of the hearing, exhibits, and any other information presented at the hearing.

Montana

The Certification Standards and Practices Advisory Council (CSPAC) of the Montana Board of Public Education (BPE) adopted the Professional Educators of Montana Code of Ethics (1997). The code is divided into three sections, covering the well-being of students, professional responsibilities, and principles of citizenship. However, if an educator violates the code of ethics, no mechanism is in place to enforce the code. Only the BEP has the authority to discipline an educator on any of the following grounds, which are not stated in the code of ethics:

1. Making a statement of material fact in applying for a certificate that the applicant knows to be false;
2. Any reason that would have required or authorized the denial of the teacher, administrator, or specialist certificate to the person if it had been known at the time the certificate was issued;

3. Incompetency;
4. Gross neglect of duty;
5. Conviction of, entry of a guilty verdict, a plea of guilty, or a plea of no contest to a criminal offense involving moral turpitude in this state or any other state or country;
6. Immoral conduct related to the teaching profession;
7. Substantial and material nonperformance of the employment contract between the teacher, administrator, or specialist and the trustees of a school or school district without good cause or the written consent of the trustees; and/or
8. Denial, revocation, suspension, or surrender of a teacher, administrator, or specialist certificate in another state for any reason constituting grounds for similar action in this state. (Mont. Code Ann. § 20-4-110 [1983])

The BPE may initiate proceedings for certificate suspension or revocation upon the request of the State Superintendent of Public Education or from a local board of education. The BPE must provide the educator due process (investigation, discovery, hearing, and right to appeal) before rendering a decision. The BPE may discipline the educator with a letter of reprimand, suspension for up to two years, or certificate revocation. The board also exercises the general supervision over the public schools in Montana (Mont. Code Ann. § 20-4-110 [1983]) .

The BPE consists of seven members appointed by the governor and confirmed by the Senate. The members serve staggered seven-year terms. The only guideline which the governor must follow in his/her BPE appointments is that no more than two can be from any of the four geographic districts. A student also serves as a voting member of the BPE and is elected by the executive committee of the Montana Association of Student Councils. Also serving on the BPE are three non-voting members: the Governor, the

Superintendent of Public Instruction, and the Commissioner of Higher Education (Weldon, 2002).

The policies on suspension, denial, and revocation of teaching certificates are recommended to the BEP by the CSPAC. The CSPAC has seven members who are appointed by the BPE. The CSPAC's membership is comprised of one elementary teacher, one secondary teacher, one specialist, one additional teacher representative from any of the above categories, one faculty member from an approved teacher education program offered by an accredited teacher education institution, one school administrator, and one school district trustee (Weldon, 2002).

Nebraska

Nebraska has a multifaceted code of ethics and enforcement process. In 1965, Nebraska's Legislature declared that teachers, administrators, and special services were members of the teaching profession and should possess all the rights, responsibilities, and privileges of a profession. The Legislature required and gave authority to the State Board of Education to adopt and promulgate rules and regulations pertaining to standards of professional practice for public and nonpublic school certificates. With the counsel of the Nebraska Professional Practices Commission (PPC), they developed and published Nebraska's Professional Practices Criteria as set forth in Neb. Admin. Code 27 (1992).

The standards of professional practices can be divided into five sections. The first section contains eight standards of conduct applicable to nonpublic school certificate holders. The second section lists the standards of ethical and professional performance for holders of public school certificates. This section contains five principles relating to an educator's commitment to (a) a professional educator; (b) the student; (c) the public;

(d) the profession; and (e) to professional employment practices. Under each of the five principles, obligatory statements are provided to guide the educator's conduct and performance. The third section establishes nine standards of competent professional performance for public school certificate holders. These nine standards of competency cover the topics of (a) administrative and supervisory requirements, (b) individual needs and individual potential, (c) instructional procedures, (d) communication skills, (e) management techniques, (f) competence in specialization, (g) evaluation of learning and goal achievement, (h) human and interpersonal relationships, and (i) personal requirements. Each of the nine standards incorporates definitive statements that can assist the educator in understanding the criteria of competency in Nebraska. The last two sections are one sentence statements defining the standards for continuance in professional service for all certificate holders, and standards for contractual obligations for all certificate holders (Neb. Admin. Code 27 [1992]).

Any violation to the standards of conduct and ethics constitutes probable cause for a formal complaint to be filed with the Commissioner of Education. Anyone having an interest in or information about an alleged violation may complete the complaint form. Once filed, the Certification Counsel will verify whether the respondent holds a current Nebraska certificate. After the respondent's certificate has been verified, the Commissioner will evaluate the complaint to determine if the facts suggest a violation of the standards does exist. The educator is given the full benefits of due process through notification of the complaint, personal counsel, investigation, hearing, and appeal as set forth in Neb. Admin. Code 28 & 29 (1992). The respondent has 15 days after receipt of the complaint to make a formal response about the complaint to the Commissioner.

The investigation process involves interviews with the complainant and witnesses and review of relevant documents by an investigator assigned to the case by the Commissioner. When complete, the investigator produces a report for the Commissioner and respondent of all discovered facts and an analysis of the legal sufficiency for any disciplinary action. The Commissioner may take any of the following actions based upon the report:

1. Recommend that a further investigation be conducted;
2. Dismiss the complaint due to insufficient evidence to support the allegation(s);
3. Dismiss the complaint because no disciplinary action is warranted;
4. Issue a private admonishment;
5. Issue a public reprimand; or
6. File a petition for a hearing in the matter with the Professional Practices Commission (PPC). (Certification Counsel's Office 2000, p. 3)

If a petition for a hearing is filed with the PPC, the hearing must follow the regulations established in Neb. Admin. Code 1 (1995). A seven-member hearing panel is appointed by the chairperson of the PPC and composed of PPC members. The hearing panel will handle all preliminary matters, conduct the hearing, and submit a report of the findings of fact, conclusions of law, and a recommendation or decision to the State Board. The hearing is conducted like a civil trial, and the burden of proof is upon the petitioner (Commissioner) to prove by a preponderance of the evidence the allegations made in the petition. When completed, the PPC may (a) dismiss a petition, (b) issue a private admonishment to the respondent, (c) issue a public reprimand to the respondent,

or (d) recommend to the State Board that the respondent's certificate be revoked or suspended. The Board is the only body that can revoke or suspend a certificate.

If the State Board receives a recommendation from the PPC to revoke or suspend a certificate, the Board first schedules a review hearing at least 21 days after the respondent is notified. During the hearing review, the PPC or hearing officer explains the official record and summarizes the recommendation. The petitioner and the respondent are given opportunities to make any statements or arguments before the Board renders a final order. The Board is not bound by the PPC's or hearing officer's recommendation. Instead, the Board may revoke or suspend the certificate, issue a private admonishment or public reprimand, or dismiss a petition. The Board's final order may be appealed by the petitioner or respondent to the District Court of Lancaster County within 30 days. These procedures are outlined in Neb. Admin. Code 28 (1995).

The State Board of Education was established by a constitutional amendment in 1952. The Board consists of eight elected members, each serving one of the eight districts of Nebraska. The Board's main duty is to adopt educational policy for the State Department of Education. The Board is the only body that may revoke or suspend an educator's certificate. Nebraska also lists each certificate holder whose certificate was suspended or revoked and a copy of the complaint on a public Web site run by the Certification Investigations' Office.

Nevada

Nevada does not have a code of ethics for its educators but an educator's license may be suspended or revoked by the State Board of Education for the following grounds:

1. Immoral or unprofessional conduct;

2. Evident unfitness for service;
3. Physical or mental incapacity;
4. Conviction of a felony or crime involving moral turpitude;
5. Conviction of a sex offense;
6. Knowingly advocating the overthrow of the Federal or State Government;
7. Persistent defiance of or refusal to obey the regulations of the state board, the commission or the superintendent of public instruction.
8. Breaches in the security or confidentiality of the achievement and proficiency examinations;
9. Intentional failure to observe and carry out the requirement of a plan to ensure the security of examination;
10. Failure to pay child support or comply with certain subpoenas or warrants;
11. Falsely reporting pupils' attendance; and
12. Failure to fulfill employment obligations or breach of contract. (Nev. Rev. Stat. 391.330 *et seq.* [1975])

When the state board of education receives a complaint or recommendation to suspend or revoke an educator's license, the educator is notified of the charges and that he/she may request a hearing before the board. If a hearing is requested, the superintendent of public instruction and the licensee in question will select a hearing officer from a list of seven potential arbitrators. At the completion of the hearing, the hearing officer will file a report with the superintendent based upon findings of fact and conclusions of law and include a recommendation of suspension or revocation. The state board at its next meeting may accept or reject the recommendation or refer the report back to the hearing officer for further evidence and recommendation. The state board of education consists of 11 members elected by the registered voters of Nevada's 3 state

districts. District 1 will elect 2 members, District 2 will elect 7 members, and District 3 will elect 2 members. The board members are elected to four-year terms which are staggered (Nev. Rev. Stat. 385.021 [1971]).

New Hampshire

Although New Hampshire does not have a code of ethics, the State Board Of Education may deny, revoke, or suspend an educator's license for any of the following grounds:

1. Failure to meet the conditions for issuance, reinstatement or renewal of the certificate;
2. Incompetence;
3. Conviction of a felony;
4. Misconduct or unprofessional conduct, on or off duty;
5. Falsification or misrepresentation of information provided in connection with an application for initial certification, endorsement, renewal, or reinstatement of a certificate;
6. Assignment of duties by a superintendent to an individual who does not hold the appropriate certificate or endorsement; and
7. Failure by a superintendent or principal to report any allegation by an educator for which there is credible evidence of a potential professional conduct violation that might constitute grounds for suspension or revocation of an educator's certificate or endorsement. (N. H. Code Admin. R. Ann., Ed. 511.01 *et seq.* [1996])

The Board may also consider the following corrective actions against an educator who has exhibited unprofessional conduct: recommend reprimand, require additional education, or recommend counseling or rehabilitation.

The New Hampshire Bureau of Credentialing will appoint a board member or other knowledgeable person to conduct an investigation to examine acts of possible

misconduct for which a formal complaint against an educator has been filed. If probable cause exists, a hearing officer is appointed by the State Board to conduct a formal hearing against the educator. The hearing officer will provide the Board a proposed decision based upon findings of fact and conclusions of law. The State Board will render a final decision. The State Board is a seven-member board appointed by the governor and executive council. The governor selects one member from each of the five executive councilor districts, and two members are selected from the public at large. No member may be a technical educator or professionally engaged in school work (N. H. Rev. Stat. Ann. § 21-N:10; 21-N:11; & 541 [1992]).

The Professional Standards Board (PSB) has been formed by New Hampshire statute N. H. Rev. Stat. Ann. § 186:60 (1988) to recommend policies to the State Board of Education concerning initial certification, recertification, and revocation of credentials. The PSB also considers complaints it receives from persons who feel aggrieved by the certification process. However, the State Board renders disciplinary sanctions against an educator. The voting membership of the PSB consists of 21 members appointed by the State Board, including 9 classroom teachers, 9 administrators and higher education representatives, 2 qualified laypersons, and the Director of the Division of Program Support or designee. Each year, 6 members rotate off the PSB, and the same number is newly appointed by the State Board from nominations submitted by the education profession and interested persons.

New Jersey

At the time of this study, New Jersey did not have a code of ethics for its educators. However, New Jersey has administrative codes in place (N. J. Admin. Code

tit. 6, § 11 *et seq.* (1984) and proposed adoption of N. J. Admin. Code tit. 6A, § 9 *et seq.* (1999) to deny, revoke, or suspend certificates. A Board of Examiners has been established to review new certificate applicants and issue an Order to Show Cause (OAC) if the conduct of a certificate holder may warrant a revocation or suspension of the certificate. The composition of the Board is 13 members appointed by the Governor with the advice and consent of the New Jersey State Senate. By law, at least 3 members of the State Board must be women, and no 2 members may be from the same county. The Commissioner of Education serves as secretary of the Board. The Board also includes a nonvoting student member selected annually by the New Jersey Association of Student Councils.

The Board can bar a candidate from certification if the person is not suitable for employment in the public schools or has a record of conviction(s) for any crime or offense in New Jersey or any other state (N. J. Admin. Code tit. 6A, §§ 9-17.2 & 17.3 [1999]). The Board also has the authority to revoke or suspend any certificate holder on the basis of demonstration of inefficiency, incapacity, conduct unbecoming a teacher, criminal conviction, or other just cause (N. J. Admin. Code tit. 6A, §§ 9-17.4 & 17.5 [1999]). Once a petition has been filed alleging a certificate holder's misconduct as stated above, the Board may issue an OAC to initiate the certificate holder's due process rights. The OAC states the specific charges that have formed the basis of the revocation or suspension proceeding. The certificate holder has 30 days to respond to the OAC and submit written briefs, affidavits, and other supporting documentation for the Board's consideration. The Board will then decide appropriate action based on findings of fact. An educator may appeal adverse Board decisions to the State Board of Education.

At the time of this study, the Professional Teaching Standards Board (PTSB) was authorized to establish and advocate broader standards of ethical performance and conduct of certificate applicants and holders. The implementation date of the new standards of ethical performance and conduct is scheduled for January 2005. As these standards are being defined, the PTSB was also authorized to develop procedures for providing nonbinding notices of noncompliance to individual districts and professionals who do not meet standards, and refer to the State any such instances of noncompliance where there may be cause for State action. The PTSB is comprised of nineteen members appointed by the governor, including 10 teachers, 2 college representatives, 3 district administrators, 2 local school board members, and 2 members of the general public (N. J. Admin. Code tit. 6, § 11-13 [2001]).

New Mexico

New Mexico's State Board of Education has established the Code of Ethical Responsibility since 2001 and has made the code applicable to all licensed school personnel and other instructional personnel under contract to provide services within the school setting. The code was developed by the Professional Standards Commission (PSC), which is a 19-member advisory commission appointed by the Board. The scope of this statutory code holds all educational personnel accountable for adhering to minimal standards of accepted professional conduct and ethical behavior. The Code of Ethical Responsibility is divided into two sections: the Code of Ethics and the Standards of Professional Conduct (N. M. Admin. Code tit. 6, § 60.9.2 *et seq.* [1990]).

New Mexico's Code of Ethics for educators is divided into four sections called principles. The four principles deal with educators' commitment to certain aspects of the

education profession: the students, the community, the profession, and professional employment practices. Supporting each principle are ethical statements that New Mexico educators can use to “judge our colleagues and to be judged by them in accordance with the applicable provisions of this code” (N. M. Admin. Code tit. 6, § 60.9.8 [1990]).

The Standards of Professional Conduct contains a preamble and two standards: duty to the student, and duty to the profession. The duty to the students lists eight obligatory statements for educators to uphold while teaching and protecting students from harm. The duty to the profession encompasses 20 obligations that engender public trust and confidence in the integrity of the education profession. However, the Standards of Professional Conduct also establishes the minimal standards of accepted professional conduct with which all licensed educators and administrators are required to comply. The State Board of Education through the professional licensure unit of the State Department of Education may revoke or suspend the licensure of any person who violates these Standards of Professional Conduct (N. M. Admin. Code tit. 6, § 60.9.9 *et seq.* [1990]).

In addition to the Standards of Professional Conduct, the State Board of Education, through the professional licensure unit, may suspend or revoke a license held by a licensed person for:

1. Incompetence;
2. Immorality;
3. Material misstatement of fact by an applicant;
4. Suspension or revocation of a certificate in New Mexico or other state;
5. Material noncompliance with an employment contract;

6. Willful violation of any state board regulation;
7. Conviction of a felony or of a misdemeanor involving moral turpitude;
8. Failure to comply with a judgement and order for support pursuant to the Parental Responsibility Act;
9. Intentional alteration of any college transcript or any license issued by the state board; or
10. Knowingly permitting the continued employment of an individual without a valid license. (N. M. Admin. Code tit. 6, § 68.3.8 [2001])

As outlined in N. M. Admin. Code tit. 6, § 60.3 (2000), the director of the licensure unit of the state board of education will initiate appropriate inquiries when grounds exist for suspension or revocation of a license. If a preponderance of evidence exists, the director shall file a written statement of charges with the state board. The state board will then serve a written notice of contemplated action to the licensee charged with a possible violation. The charged individual may request a hearing before the state board. The state board may hear the case or choose to have a hearing officer conduct the hearing. The purpose of the hearing shall be to determine whether sufficient grounds exist for the suspension or revocation by the state board of the charged licensee. The burden of proof shall be upon the state board. During the hearing, evidence may be presented and witnesses may provide testimony. Based upon the evidence presented and submitted at the hearing, the state board will then render a final decision to either dismiss the charge, suspend the license for a definite period, or revoke the license. Any person aggrieved by a decision of the state board after a hearing may appeal the decision to the district court.

The state board of education consists of ten members elected by each of the ten state districts of New Mexico and five members appointed by the governor. The

members appointed by the governor represent five districts named “A” through “E.”

Districts A through E were formed through legislation by combining the ten state districts into five districts. The state board controls, manages, directs, and determines policy for the public schools and vocational education.

New York

The state of New York began drafting its code of ethics for educators in 1998 when the State Board of Regents established the State Professional Standards and Practices Board for Teaching (Standards Board). The Standards Board serves in a consultative and advisory capacity to the Regents and the Commissioner of Education. The Standards Board is a 28-member board that consists of 21 practicing educators, 6 public representative, and 1 nonvoting student in a state teacher education program. Members are appointed by the Regents and serve four years after which seven members either rotate off or are reappointed to another term. The Standards Board was charged with drafting and recommending to the Regents a code of ethics. The Regents accepted the New York State Code of Ethics for Educators in July 2002 (New York State Professional Standards and Practices Board for Teaching, 2002).

The code of ethics established a public statement by educators that sets clear expectations and principles to guide practice and professional excellence. The code elicits six principles, which define the following core values New York educators believe are important to the education profession:

1. Educators nurture the intellectual physical, emotional, social, and civic potential of each student;
2. Educators create, support, and maintain challenging learning environments for all;

3. Educators commit to their own learning in order to develop their practice;
4. Educators collaborate with colleagues and other professionals in the interest of student learning;
5. Educators collaborate with parents and community, building trust and respecting confidentiality; and
6. Educators advance the intellectual and ethic: foundation of the learning community. ((New York State Professional Standards and Practices Board for Teaching, 2002)

However, neither an educator's employer nor the State Education Department may discipline or bring formal charges against the educator if the code is violated. The Regulations of the Commissioner of Education (N. Y. Comp. Codes R. & Regs. tit. 6, § 83 [1974]) establishes that a New York educator may receive a penalty if convicted of a crime, or if an act is committed that raises reasonable questions as to the individual's moral character. Section 83 further states an individual lacks good moral character if convicted of (a) criminal sale, possession, or use of marijuana or other controlled substances; (b) any crime involving physical or sexual abuse of a minor or student; or (c) any crime committed either on school property or while in the performance of teaching duties.

Anyone with information that an applicant for a teaching certificate or a tenured certificate holder has committed an act that raises questions of good moral character or has been convicted of a crime stated above should refer the matter to the professional conduct officer. The professional conduct officer will direct an initial investigation of the circumstances surrounding the conviction and make a recommendation to the Standards Board to dismiss or proceed with the case. If the Standards Board concludes that a substantial question truly exists to proceed, the alleged certificate holder is notified. The

certified individual or applicant may request a formal hearing if the recommendation is to revoke, suspend, or issue another penalty (N. Y. Comp. Codes R. & Regs. tit. 6, § 83.2 *et seq.* [1974 & Supp. 1998]).

A three-member hearing panel is then compiled from a list maintained by the Commissioner. One member is selected the Standards Board, one member is selected by the accused, and the third member is chosen by mutual agreement of the first two. At the hearing, the accused may be represented by counsel, produce witnesses, and provide affidavits of the individual's good moral character. The findings and recommendations from the hearing panel are then submitted to the Commissioner who makes the final decision in the case. The Commissioner may revoke the certificate, suspend the certificate, limit the scope of a teaching certificate, issue a fine not to exceed \$5,000, or request additional training for the educator (N. Y. Comp. Codes R. & Regs. tit. 6, § 83.6 [1974]).

North Carolina

The North Carolina State Board of Education has established policies and state statutes to define a code of ethics and a code of professional practice and conduct for its educators (N. C. Gen. Stat. § 115C-295.3 [1995]; N. C. Admin. Code tit.16, r. 6C.0601 [May, 1998]). The code of ethics contains a preamble and three broad standards that define the following principles of the teaching profession: (a) commitment to student, (b) commitment to the school and school system, and (c) commitment to the profession. Educators in North Carolina are bound by these standards, but they only serve to provide definition to the generally accepted principles of the teaching profession. However, the

code of professional practice and conduct is binding, and any willful breach shall lead to license suspension or revocation.

The code of professional practice and conduct establishes mandatory prohibitions and requirements for educators. Violations will subject the educator to an investigation and possible disciplinary action by the State Board of Education or the local education agency. Thirteen standards of professional conduct are contained in the rule (N. C. Admin. Code tit.16, r. 6C.0601 [May, 1998]). The standards cover:

1. Generally recognized professional standards;
2. Personal conduct;
3. Honesty;
4. Proper remunerative conduct;
5. Conduct with students;
6. Confidential information;
7. Rights of others;
8. Required reports;
9. Alcohol or controlled substance abuse;
10. Compliance with criminal laws;
11. Public funds and property;
12. Scope of professional practice; and
13. Conduct related to ethical violations.

The North Carolina Superintendent of Public Instruction will conduct an investigation to determine probable cause upon receipt of a written request and substantiating information. If reasonable cause exists of a violation to the standards of

conduct, the superintendent will file formal charges with the state board of education.

The state board will review the charges, determine whether the educator's license should be suspended or revoked, and notify the educator of its decision. The educator may choose to have an administrative law judge review and make a proposed decision regarding the case based upon findings of fact and conclusions of law. The state board will then render a final decision that may include the suspension of the license for a stated period of time or the revocation of the license (N. C. Admin. Code tit.16, r. 6C.0312 [Aug., 2000]).

The state board consists of 11 members appointed by the Governor. These appointments are broken down into two categories: eight are representatives from the eight education districts of the state, and three represent the state at-large. All appointments are subject to confirmation by the General Assembly in joint session. In addition to these appointed members, the lieutenant governor, state treasurer, state teacher of the year, and immediate past state teacher of the year serve as ex officio members on the Board. The governor also appoints two student advisors who participate in an advisory capacity only (N. C. Gen. Stat. § 115C-295.1 [1995]).

North Dakota

North Dakota renamed its educators' code of ethics first published in 1976 to the current Code of Professional Conduct for Educators adopted in 1999 (N. D. Admin. Code § 67.1-03-01-01 *et seq.*). The code governs all members of the teaching profession. Along with the code's name change, 1993 legislation authorized the establishment of the Education Standards and Practices Board (ESPB) to replace the Teacher Professional Practices Commission. The ESPB consists of nine members appointed by the governor

to serve for three years. Appointees include four public school teachers, one private school teacher, one school board member, two school administrators, and one dean of a college of education (N. D. Admin. Code § 67.1-01-01-01 *et seq.* [1993]).

The Code of Professional Conduct for Educators in North Dakota is divided into three sections called principles. The principles reflect generally accepted standards of the education profession and encourage educators to understand their commitment to their students, the profession, and the community. A violation of the code constitutes grounds for disciplinary action by the ESPB (N. D. Admin. Code § 67.1-03-01-01 *et seq.* [1999]).

A duty of the ESPB includes reviewing and interpreting the code of conduct on a regular basis and when a formal complaint is received. Any formal request for inquiry relative to a violation of the code will be investigated by the ESPB. The educator who has an alleged violation against the code will be notified and given an opportunity to submit a clear and concise response to the complaint. If the educator is an administrator, six members of the ESPB will form the Administrative Board to review complaints against administrators (N. D. Admin. Code § 67.1-0-01-01 *et seq.* [1993]).

For either an educator or an administrator, the review of a complaint will consist only of the written documents presented to the board because no testimony will be heard at this stage of the process. The ESPB will then determine to dismiss the case, seek additional information, issue a warning or reprimand, or initiate formal disciplinary actions. The educator may request a formal hearing if formal disciplinary action by the ESPB will result in denial, suspension, or revocation of the license. A formal administrative hearing will allow both parties to be represented by counsel and provide

testimony. After the hearing, the board will make its final decision based upon the facts and evidence presented at the hearing (N. D. Admin. Code § 67.1-01-01-02 [1998]).

Ohio

A code of ethics does not exist for educators licensed in Ohio. The Ohio state board of education may refuse to issue, limit, suspend, or revoke a license for any of the following reasons:

1. Engaging in an immoral act, incompetence, negligence, or conduct unbecoming;
2. A plea of guilty to any of the following,
 - a. A felony;
 - b. A violation of section 2907.04 or 2907.06 or 2907.07 of the Revised Code;
 - c. An offense of violence;
 - d. A drug abuse offense; and
 - e. A violation of an ordinance of a municipal corporation. (Ohio Rev. Code Ann. § 3319.31 [1993 & Supp. 2000]).

The state board or the superintendent of public instruction on behalf of the board may initiate an investigation upon receipt of information about an educator who has allegedly committed an act. The board will take action against the educator if cause exists but after the educator has been properly notified of the charges and afford a hearing. If a hearing is requested, the board or superintendent may administer oaths, issue subpoenas, hear testimony, or accept evidence. The board must render a final decision to deny, suspend, or revoke a license within 60 days of the hearing. The state board consists of 19, with 11 elected members from each of the Ohio districts and 8

members appointed by the governor under the advice and consent of the state senate (Ohio Rev. Code Ann. § 3319.31.1 [1993 & Supp. 2000])..

Oklahoma

The Oklahoma State Board of Education approved the Standards of Performance and Conduct for Teachers in 1992 (Okla. Stat. tit. 70, § 6-101.21 *et seq.* [1992]) . Three divisions called principles to the standards. Principle one deals with the teachers' commitment to students, principle two relates to the teaching profession, and principle three states Oklahoma's Teacher Due Process Act of 1990 and what conduct may lead to dismissal or refusal of reemployment. In determining whether or not the professional performance of a teacher is adequate, the standards adopted by the State Board will be considered.

A local superintendent of a school district in Oklahoma may recommend to the local board of education to dismiss or nonrenew an educator based upon an alleged violation of the third principle of the Standards of Performance and Conduct. The recommendation must be in writing, specify the statutory grounds for possible dismissal, and state the underlying facts supporting the recommendation. The educator in question must also be notified and given the opportunity for a hearing before the board. If requested, the local board conducts the hearing following procedures established by the State Board of Education. The local board will receive evidence and hear testimony before rendering a decision to dismiss or nonrenew. The teacher may appeal the local board's decision in the district court of the county in which the school district is located (Okla. Stat. tit. 70, § 6-101.25 [1992]).

The State Board of Education has the authority to issue and revoke an educator's certificate. The State Board shall revoke the certificate of any educator who has been convicted of a crime involving sexual abuse or sexual exploitation. The procedures for certificate revocation or suspension by the State Board are the same followed by local school boards to dismiss or nonrenew an educator's contract. The State Board consists of six members, in addition to the state superintendent of public instruction, who are appointed by the governor with the advice and consent of the Senate (Okla. Stat. tit. 70, § 3-104 [1985]).

Oregon

The Teacher Standards and Practices Commission (TSPC) of Oregon was established in 1973 to maintain professional standards of competent and ethical performance of educators. The TSPC is an autonomous board and consists of the following 17 members: 8 teachers, 4 administrators, 2 representatives for teacher education institutions, 1 local school board member, and 2 members of the general public. The governor appoints the TSPC members after confirmation by the general legislature. In 1997, the commission revised the Standards for Competent and Ethical Performance of Oregon Educators located in Oregon Administrative Rules 584-20-005 through 584-20-045. These standards may be used as criteria by the TSPC in matters pertaining to the revocation or suspension of licenses.

The standards define areas in which an educator should be competent. These areas include curriculum and instruction, supervision and evaluation, management skills, human relations and communications, and ethics. The standards describe an ethical educator by listing the obligations the educator has to the student and the district where

employed. Another section within the standards details the specific grounds for which the TSPC may take disciplinary action to deny, suspend, or revoke an educator's license. Oregon's Administrative Rule 584-20-041 requires that the chief administrator (superintendent, head of a school district, or director of a state school), after an appropriate investigation, reports to the TSPC any educator who may have committed any act which may constitute a violation of the standards.

When the commission renders its final decision in the case, the TSPC may consider one or more of the following factors before imposing disciplinary sanctions:

1. If the misconduct or violation is an isolated occurrence, part of a continuing pattern, or one of a series of incidents;
2. The likelihood of a recurrence of the misconduct or violation;
3. The educator's past performance;
4. The extent, severity, and imminence of any danger to students, other educators, or the public;
5. If the misconduct was open and notorious or had negative effects on the public image of the school;
6. The educator's state of mind at the time of the misconduct and afterwards;
7. The danger that the students will imitate the educator's behavior or use it as a model;
8. The age and level of maturity of the students served by the educator; and
9. Any extenuating circumstances or other factors bearing on the appropriate nature of a disciplinary sanction. (Or. Admin. R. 584-20-045).

Pennsylvania

The Pennsylvania legislature charged the Professional Standards and Practices Commission (PSPC) to adopt a Code of Professional Practice and Conduct by 1991 (1973 Pa. Laws 397; 24 Pa. Cons. Stat. § § 12-1251—12-1268). The PSPC developed

ten professional practices that exemplify those behaviors and attitudes that the professional education community believes and accepts. These professional practices encourage educators to do the following:

1. Abide by the Public School Code of 1949 (24 Pa. Code §§ 1-101—27-2702), and other school laws of the Commonwealth;
2. Be prepared, and legally certified;
3. Maintain high levels of competence;
4. Exhibit consistent and equitable treatment of students, fellow educators, and parents;
5. Accept the value of diversity in educational practice;
6. Impart to their students principles of good citizenship and societal responsibility;
7. Exhibit acceptable and professional language and communication skills;
8. Be open-minded, knowledgeable and use appropriate judgement;
9. Keep information in confidence unless required to disclose; and
10. Protect the student from harmful situations. (22 Pa. Code § 235.4 [1985])

Appropriate teacher conduct reflects the best practices, values, integrity and reputation of the teaching profession. Therefore, the PSPC adopted restrictions to the professional conduct of educators. A violation thereof may constitute the basis for a reprimand, or a certificate being suspended or revoked. An educator should safeguard his/her professional conduct to avoid problems with:

1. Legal obligations;
2. Certification;
3. Civil rights;
4. Improper personal or financial gain;

5. Relationships with students; and
6. Professional relationships. (22 Pa. Code §§ 235.6—235.11 [1985])

Under sections 5(a)(11) and 9.2 of the Professional Educator Discipline Act (24 Pa. Cons. Stat. § 2070.5 *et seq.*), the PSPC has been vested with the duty and granted the power to discipline professional educators. The commission can issue a private reprimand, issue a public reprimand, direct the Department of Education to suspend a certificate for a period determined by the commission, or direct the department to revoke a certificate. In addition to the standards and conduct expected of a professional educator found in the Code of Professional Practice and Conduct, the following conduct can also lead to disciplinary sanctions by the Commission:

- 1 Immorality;
- 2 Incompetence;
- 3 Intemperance;
- 4 Cruelty;
- 5 Negligence; and
- 6 Crimes involving moral turpitude (22 Pa. Code §§ 237.2—237.9 [1985]).

The PSPC has the following composition of educators and members of the general public as displayed in:

1. Seven classroom teachers, including one educational specialist, broadly representative of the teaching profession from public schools;
2. Three administrators from public schools, at least one of whom shall be a commissioned officer and one a principal;
3. One administrator from an approved institution of higher learning in the Commonwealth offering approved teacher education programs; and

4. Two members from the general public, one of whom shall be an elected public school director. (24 Pa. Cons. Stat. § 20-2070.4 [1990])

The governor appoints the educators from lists of nominees submitted by statewide organizations of professional educators. The education members of the PSPC must have been actively engaged in their professional roles as educators for at least five of the eight years immediately preceding their appointment. The chairman of the state board of education, or a member of the board, shall be an ex officio member of the PSPC.

The process of disciplining an educator in Pennsylvania begins by the filing a formal complaint with the Department of Education. Once received, counsel for the department determines whether the complaint alleges facts which, if true, are sufficient to require discipline. If the complaint is deemed sufficient, the educator affected by the complaint is notified that the department will conduct a preliminary investigation to determine probable cause. If probable cause exists, the complaint is transferred to the local school governing board of the educator for adjudication of the complaint. The local board reports back to the department at the completion of the proceedings its findings, a summary of the evidence, and any action taken. At this point, the department may dismiss the charges, determine the local board imposed sufficient punishment, or choose to initiate hearing procedures (22 Pa. Code § 233.13 [1992]).

If the department recommends a hearing, the educator and the PSPC are officially notified. The educator has 30 days to respond to the request for a hearing, at which time the PSPC will appoint a hearing officer to conduct the hearing. The educator has the right to be represented by counsel and present evidence and witnesses. At the conclusion of the hearing, the hearing officer has 30 days to render a decision to the commission whether discipline should be imposed. The commission will issue a written opinion and

an order affirming, reversing, or modifying the hearing officer's decision, and/or impose the appropriate sanction. Only the department can suspend or revoke a certificate after it has received the order from the PSPC (22 Pa. Code § 233.13 [1992]).

Rhode Island

A code of ethics was not found in the state of Rhode Island. Rhode Island's General Assembly established a policy advisory board entitled the Certification Standards Board, which recommends to the commissioner of elementary and secondary education and to the board of regents for elementary and secondary education standards for the revocation or suspension of an educator's certificate. The Certification Standards Board consists of nine members from the following educational institutions:

1. Rhode Island Federation of Teachers and Health Professionals – two;
2. National Education Association of Rhode Island - two;
3. University of Rhode Island School of Education – one;
4. Rhode Island College School of Education –one;
5. Rhode Island Association of School Principals –one;
6. Rhode Island Association of School Administrators – one; and
7. The Commissioner of Higher Education or his/her designee. (R. I. Gen. Laws § 16-11.4 *et seq.* [1995])

However, the Commissioner of elementary and secondary education will promulgate rules and regulations under which a certificate may be annulled for cause. When probable cause exists, the certificate holder is entitled to notice and a hearing (Rhode Island General Law, Title16, Chapter 39) before the Commissioner prior to the annulment of the certificate. The educator may appeal the Commissioner's annulment

decision to the Board of Regents for Elementary and Secondary Education . (R. I. Gen. Laws § 16-11 *et seq.* [1995]).

South Carolina

South Carolina does not have an enforceable code of ethics for its educators. However, an educator may have his/her certificate revoked or suspended by the State Board of Education for just cause, which is defined in S. C. Code Ann. § 59-25-160 (1991) as any of the following:

1. Incompetence;
2. Willful neglect of duty;
3. Willful violation of the rules and regulations of the State Board of Education;
4. Unprofessional conduct;
5. Drunkenness;
6. Cruelty;
7. Crime against the law of the state of South Carolina or the United States;
8. Immorality;
9. Any conduct involving moral turpitude;
10. Dishonesty;
11. Evident unfitness for position for which employed; or
12. Sale or possession of narcotics.

The state board of education consists of 16 members appointed from each of the 16 judicial circuits by the legislators representing each circuit. The governor also appoints 1 member. The 17 members serve a four-year term (S. C. Code Ann. § 59-5-65 [1990 & Supp. 2001]). The procedures for the board to suspend or revoke an educator's

certificate are outlined in S. C. Code Ann. § 59-25-170—59-25-270 (1991). The educator must be notified with the specified cause stated and the possible actions of the board to either suspend or revoke the certificate. The educator may request a public or private hearing before the board. The educator may retain counsel present testimony and evidence at the hearing. At the conclusion of the hearing, the board will make a final determination in the case to affirm, withdraw, or modify the notice of suspension or revocation. The educator has the right to appeal the Board's decision to the court of common pleas.

South Dakota

The South Dakota legislature declared teaching a profession in 1969 and established the Professional Practices and Standards Commission to oversee all educators in South Dakota. In 1985, the commission was divided into two separate seven-member commissions to independently represent the teachers and administrators. The Professional Teachers Practices and Standards Commission (PTPSC) is comprised of six teachers and one parent who are appointed by the governor. The Professional Administrators Practice and Standards Commission (PAPSC) has five administrators (two superintendents, an elementary principal, a secondary principal, and a business manager), a school board member, and a parent who are also appointed by the governor (S. D. Codified Laws § 13-43-17 *et seq.* [1985]).

The PTPSC adopted the Code of Ethics for Teachers (S. D. Admin. R. 24:08 [1975 & Supp. 2001]) which is comprised of three sections: 1) obligations to students, 2) obligations to the public, and 3) obligations to the profession. The PAPSC has a similar code (S. D. Admin. R. 24:11 [1975 & Supp. 2001]), which contains 15 statements that

broadly cover decision making, conduct and responsibilities of school administrators. Both codes hold educators and administrators accountable to appropriate professional conduct.

If either commission receives a formal complaint of a possible violation to the code, the PTPSC or the PAPSC will notify the educator/administrator and request a preliminary on-site investigation using former commission members. The findings of the investigation may lead the commission to conduct a formal hearing. During the hearing, both sides have the opportunity to have counsel, present evidence, and have witness testimony. When completed, the commission may take one of the following actions:

1. Dismiss for lack of sufficient evidence presented;
2. Issue a private or public reprimand;
3. Offer remedial recommendations to the respondent or school board; or
4. Recommend to the Secretary of Education and Cultural Affairs that the certificate be suspended or revoked. (S. D. Admin. R. 24:08 [1975 & Supp. 2001])

Tennessee

The state of Tennessee has not adopted a code of ethics for its educators. The Tennessee Education Association (TEA) adopted the National Education Association's code of ethics in 1978. However, this code is not enforceable by state agencies of Tennessee and only applies to TEA members. Any violation of this code of ethics is enforceable by the TEA or the NEA.

Tennessee's state board of education has been given the authority to adopt policies governing the revocation and suspension of licenses and certificates of all public school educators (Tenn. Code Ann. § 49-1-302 [1932 & Supp. 2003]). The state board of

education is composed of nine members appointed by the governor.. The governor will appoint one member from each of the nine congressional districts in Tennessee. In addition to the nine appointed members, the board also contains two non-voting members: one public high school student, and the executive director of the higher education commission (Tenn. Code Ann. § 49-1-301 [1932 & Supp. 2003]).

The Board has established a policy to deny or revoke an educator's license. A person's application for a license may be denied for the following reasons:

1. Is found to be addicted to the use of intoxicants or narcotics;
2. Has been convicted of a felony;
3. Has been found to have falsified or altered documentation required for licensure; or
4. Is found to have been denied a license or certificate to teach in another jurisdiction for good cause. (Tenn. Comp. R. & Regs. 0520-2-4-.01 [Feb., 2003])

Likewise, a person may have a license or certificate suspended or revoked upon proof of:

1. Immoral conduct;
2. Conviction of a felony,
3. Improper use of narcotics or intoxicants,
4. Conviction or possession of narcotics;
5. Fraudulent misrepresentation of documentation required for licensure of certification; or
6. Alteration by the educator of the license or certificate. (Tenn. Comp. R. & Regs. 0520-2-4-.01 [Feb., 2003])

If an educator has violated one or more of these rules, he/she will be notified of the possible denial, suspension, or revocation. The educator has the opportunity for a

hearing to be conducted as a contested case (Tenn. Comp. R. & Regs. 1360-4-1 [July, 1990]). The educator is afforded all due process rights.

Texas

The Texas Legislature created the State Board for Educator Certification (SBEC) in 1995 to oversee all aspects of the preparation, certification, and standards of conduct of public school educators. The SBEC has 12 voting members who serve a 6-year term and are appointed by the governor a. The board's composition includes four classroom teachers, one counselor, two administrators, and five citizens. Three non-voting members on the SBEC include a dean of a college of education, a staff member of the Texas Education Agency, and a staff member of the Texas Higher Education Coordinating Board. In 1999, the SBEC was given the sole responsibility of enforcing the code of ethics for purposes related to certification disciplinary proceedings as prescribed in (19 Texas Admin. Code § 249 [1999]).

The current Code of Ethics and Standard Practices for Texas Educators (19 Texas Admin. Code § 247 [1999]) was approved by the state legislature in 1998. The SBEC is authorized to impose sanctions against an educator who violates a principle or standard of the code (19 Texas Admin. Code § 249 [1999]). The code is divided into three sections: (a) professional ethical conduct, practices, and performance; (b) ethical conduct toward professional colleagues; and (c) ethical conduct toward students. In addition to the code, the SBEC may take disciplinary action against a certified educator for any of the following reasons:

- 1 Conducted school or education activities in violation of law;
- 2 Unworthy to instruct or supervise the youth of the state;

- 3 Violated the Code of Ethics;
- 4 Failed to report child abuse or known criminal history of an educator;
- 5 Abandonment of a contract;
- 6 Failure to cooperate with a Board investigation; and
- 7 Conviction of a crime directly related to the duties and responsibilities of the education profession. (State Board for Educator Certification, [1998])

When a possible violation to the code has occurred, an educator, a parent, or a student's legal guardian may file a formal complaint in writing with the SBEC. If the alleged violation relates to an educator's misconduct outside the realm of the code, any individual may file a written complaint with the SBEC. Once a complaint is filed, the executive director of the SBEC has 130 calendar days to determine if it meets the criteria for a valid complaint. If valid, the SBEC staff will initiate a contested case proceeding against the educator involves a formal hearing before an administrative law judge. The educator may have legal counsel and is entitled to depositions, interrogations, and documents relative to the case. At the conclusion of the hearing, the judge will submit to the SBEC a written proposal for decision that includes findings of fact and conclusions of law. The SBEC will review the record and make a final decision to accept or modify the judge's proposal. The SBEC may take any of the following actions in regards to disciplinary action against an educator:

1. Place restrictions on a certificate;
2. Issue an inscribed reprimand that appears on the face of the educator's official certification records;
3. Issue a non-inscribed reprimand;
4. Suspend a certificate for a set term; or

5. Revoke or cancel a certificate. (19 Texas Admin. Code § 249.56 [1999])

Utah

The state of Utah established its code of ethics titled Professional Practices and Conduct for Utah Educators in 2002 (Utah Admin. Code R. 686-103). The purpose of the code, as stated in Utah Admin. Code R686-13-2 (2002), “Is to provide for competent practices and standards of moral and ethical conduct for educators in order to serve the needs of Utah students and to maintain the dignity of the education profession in the state of Utah.” The code is divided into four sections:

1. Professionalism in employment practices;
2. Competent practices;
3. Competent practice related to students; and
4. Moral and ethical conduct. (Utah Admin. Code R. 686-103)

Under each section of the code, a detailed list of exemplary practices and/or inappropriate behaviors is provided. Violation of any part of this code may result in disciplinary action being taken by the Utah Professional Practices Advisory Commission (UPPAC) and the Utah State Board of Education (Utah Admin. Code R686-13-3 [2002]).

The UPPAC may initiate proceedings against an educator upon receiving and allegation of misconduct. The following is the definition of an allegation of misconduct:

A written or oral report alleging that an educator has engaged in unprofessional, criminal, or incompetent conduct; is unfit for duty; has lost his license in another state due to revocation or suspension, or through voluntary surrender or lapse of a license in the face of a claim of misconduct; or has committed some other violation of standards of ethical conduct, performance, or professional competence. (Utah Admin. Code R. 686-100-1A [2002])

Upon reviewing the request, the Executive Secretary or the Executive Committee of the Commission may recommend the request be dismissed or that a further

investigation begin. The guidelines and procedures for the investigation, hearing, final report, and appeal are set forth in Utah Admin. Code R. 686-100 [2002]. At the conclusion of the hearing, the Commission shall recommend one of the following:

1. Dismissal of the complaint;
2. Reprimand;
3. Probation;
4. Suspension; or
5. Revocation. (Utah Admin. Code R. 686-100-15 [2002])

If the recommendation by the UPPAC is for suspension or revocation of the educator's license, the State Board of Education is the only entity to make the final determination. The Board must follow the procedures established in Utah Admin. Code R. 277-514 (2000) to suspend or revoke a license. Therefore, Utah has two separate groups the UPPAC and the State Board that work conjointly to determine disciplinary sanctions against an educator.

The UPPAC is comprised of 11 members, 6 of whom must be classroom teachers and 2 of whom must be community members. The duty of the Commission that relates to this study is to establish procedures for receiving and acting upon reports or allegations regarding immoral, unprofessional, or incompetent conduct, unfitness for duty, or other violations of standards of ethical conduct, performance, or professional competence. As stated above, only the State Board of Education can suspend or revoke a license (Utah Admin. Code R.53A-6-301 *et seq.* [2001]).

The board consists of 15 members representing Utah's 15 districts plus two non-voting members from the State Board of Regents. The first procedure for the election of

the 15 board members establishes a nominating committee appointed by the Governor. This committee is comprised of a teacher, an administrator, a representative of a parent association, a local school board member, and three representatives of the community at large. The nominating committee submits three to five names to the Governor. The Governor picks two names to be placed on the ballot for each district. Finally, one person is elected from each district during the general election in November (Utah Code Ann. § 53A-1-101 [2001]).

Vermont

Vermont does not have a code of ethics for its educators, but the State Board of Education has adopted rules 5710 and 5711, which define the grounds for denial, suspension, or revocation of an educator's certificate. Any willful action or conduct relating to the following will be grounds for formal disciplinary action upon an educator:

1. Failure to meet the conditions for issuance, renewal, or reinstatement of a license;
2. Incompetence;
3. Conviction of a criminal offense;
4. Misconduct or unprofessional conduct;
5. Falsification, misrepresentation, or misstatement of material information;
6. Assignment of duties by a superintendent to an individual who does not hold the appropriate license;
7. Failure by a principal to report to the superintendent any allegations about the conduct of an educator; or
8. Failure by a superintendent to report to the commissioner any allegations about conduct of an educator. (Vt. Code R. 5710 & 5711 *et seq.* [2003])

The Vermont State Board of Education has appointed the Standards Board for Professional Educators (SBPE) as an administrative body to the Board. The primary purpose of the SBPE is to address issues of educator preparation, licensure, and relicensure. The SBPE is composed of 23 members who are appointed by the State Board and serve a three-year term. members include 12 teachers, 5 administrators (1 superintendent, 1 principal, 1 director of special education, 1 area technical center director, and 1 administrator at large), 1 representative of the public, 2 school directors, and 3 representatives of public and private educator preparation institutions. The commissioner of education or a designee serves on the SBPE in an ex-officio capacity with no voting rights (Vt. Code R. 5610 *et seq.* [1995]).

Any individual may report to the commissioner any allegation about the conduct of an educator. If the commissioner believes the allegations to be true, an investigation of the allegation will occur by the commissioner or his/her designee. The educator is notified and given the opportunity to provide evidence against the allegation and be interviewed as part of the investigation. If reasonable grounds exist after the investigation, the commissioner informs the educator in writing that he/she will receive a reprimand, suspension, or license revocation. The matter is forwarded to the State Board for ratification of the recommendation. The educator may appeal the commissioner's recommendation to the SBPE who will decide if the commissioner followed appropriate procedures and if the recommendation was appropriate for the offense committed (Vt. Code R. 5713 *et seq.* [2003]).

Virginia

Virginia does not have a code of ethics but has established procedures for the revocation and suspension of an educator's license. A license may be revoked for the following reasons:

1. Fraudulent license;
2. Falsification of school records, documents, statistics, or reports;
3. Conviction of a felony;
4. Conviction of any misdemeanor involving moral turpitude;
5. Immoral conduct;
6. Misapplication of or failure to account for school funds;
7. Acts related to secure tests; or
8. Other good and just cause. (8 Va. Admin. Code § 20-21-660 [1998])

A license may be suspended for the following reasons:

1. Physical, mental, or emotional incapacity;
2. Incompetence or neglect of duty;
3. Failure or refusal to comply with school laws;
4. Acts related to secure mandatory tests; or
5. Other good and just cause. (8 Va. Admin. Code § 20-21-680 [1998])

Anyone may file a formal written complaint against an educator with the local superintendent. The local superintendent will investigate the charge to determine if reasonable cause exists. If so, the educator will be notified of the complaint by a written petition for revocation or suspension of his/her license. The educator has 14 days in which to present a written answer to the petition. If the educator denies the charges, the

local school board will conduct a hearing. The educator has the right to appear in person at all hearings, have representation at the hearing, and present testimony and evidence. At the conclusion of the hearing, the local superintendent may either dismiss the charges or agree with the petition to revoke or suspend the license. All relevant information in the case is then forwarded to the state superintendent. The state superintendent forms an investigative panel of three to five members to review the case and make a recommendation to the superintendent. The state superintendent then presents the recommendation to the state board of education for consideration. The board may agree with the recommendation or decide not to revoke or suspend the license (8 Va. Admin. Code §§ 20-21-660—20-21-680).

The state board of education has the final authority on issues regarding the licensure the school personnel. The Board consists of nine members appointed by the Governor and confirmed by the General Assembly. A member's term is four years, and no member may be appointed to more than two consecutive four-year terms (Va. Code Ann. § 22.1-9 [1971]).

Washington

The Washington State Legislature authorized the State Board of Education to establish, publish, and enforce rules and regulations for certification. The legislature further authorized the revocation of certificates for unprofessional conduct. Therefore, Wash. Admin. Code § 180-87 (1997), Professional Certification—Acts of Unprofessional Conduct, sets forth the policies and procedures related to a reprimand, suspension, or revocation of an educator's certificate for unprofessional conduct. The Code of Professional Conduct was adopted in 1990 and contains ten acts of unprofessional

conduct, which if violated, would cause appropriate sanctions by the state board of education.

In order to hold a professional education certificate, educators in Washington must also have good moral character and personal fitness in addition to abiding by the Code of Professional Conduct. Good moral character and personal fitness is defined in Wash. Admin. Code § 180-86-013 (2002) as:

1. No conviction of any felony crime;
2. No conviction of any crime within the last ten years, including motor vehicle violations, which would materially and substantially impair the individual's worthiness and ability to serve as a professional within the public schools of the state;
3. No behavioral problem which endangers the educational welfare or personal safety of students, teachers, or other colleagues within the educational setting; and
4. No practice within the state of Washington within the previous five school years with an expired, lapsed, suspended, surrendered, or revoked certificate in a professional position for which certification is required under the rules of the state board of education.

The Office of Professional Practices (OPP) is part of the Office of the Superintendent of Public Instruction (OSPI), and has been charged with investigating any certificate holder for whom a formal complaint alleging a violation of the code has been given to the OSPI. The OPP has three investigators who review any allegations, gather the evidence, and present the case to the administrator. The Superintendent of Public Instruction (SPI) can dismiss the case or issue an order to reprimand, suspend, or revoke a certificate at the conclusion of the investigation. The educator may appeal the disciplinary decision of the SPI to the State Board of Education. These standards are set forth in Wash. Admin. Code § 180-86 *et seq.* (2002).

West Virginia

The state of West Virginia does not have a code of ethics for its educators. However, the state superintendent may revoke or suspend the certificate of any teacher for drunkenness; untruthfulness; immorality; any physical, mental, or moral defect that would render him/her unfit; neglect of duty or refusal to perform a duty; using fraudulent, unapproved, or insufficient credit; or any other good cause (W. Va. Code §§ 18A-3-2a, 18A-3-8 [1995]).

When the state superintendent receives a formal complaint, a notice shall be sent to the educator stating the superintendent has initiated proceedings to either suspend or revoke his/her certificate. A hearing is scheduled to allow the teacher due process regarding the complaint. A hearing officer is appointed by the superintendent to conduct the hearing. The hearing officer may be the state superintendent of schools, the seven member Professional Practice Panel, the seven member Licensure Appeal Panel, or an employee of the department of education. The educator has opportunity to present evidence, examine and cross-examine of witnesses, and present oral argument. At the conclusion of the hearing, the hearing officer has the authority to recommend that the educator's certificate be revoked, suspended, or denied for cause by the superintendent. The superintendent makes a final decision in the case and notifies the educator (W. Va. Code § 126-4 *et seq.* [1995]).

Wisconsin

The state superintendent of public instruction has the authority to deny, suspend, or revoke an educator's license in the state of Wisconsin. There are two standards by which the superintendent may revoke a license: incompetency or immoral conduct (Wis.

Admin. Code § 34 [1985]). Wisconsin does not have a code of ethics established for its educators.

The procedures for denying, suspending, or revoking a license begin upon the receipt of a written complaint. The state superintendent initiates an inquiry to determine if enough evidence is available to warrant a formal investigation of the complaint. If an investigation is necessary, the state superintendent appoints a person to serve as the investigator and notifies the licensee of the investigation. The investigator's mission is to determine probable cause for possible sanctioning of the educator. Upon finding probable cause, the superintendent issues a notice to the educator stating the specific charge, the right of a hearing, and the intent to suspend or revoke the certificate. If the educator requests a hearing, the superintendent schedules a hearing within 90 days. A hearing examiner is appointed by the superintendent to preside over the hearing. Both parties in the case have the right to appear in person or with counsel, to call, examine and cross-examine witnesses and introduce evidence. At the conclusion of the hearing, the examiner will prepare a proposed decision and opinion based on the findings of fact and conclusions of law, which may be adopted as the final decision. The state superintendent shall issue the final decision to either suspend or revoke the license (Wis. Admin. Code § 34 [1985]).

Wyoming

The Wyoming legislature established the Professional Teaching Standards Board in 1993 as a function of the Wyoming Department of Education. In 1994, the Governor separated the PTSB from the Department and incorporated the board into the Department of Commerce where other licensing boards operate. The PTSB consists of 13 members

who are appointed by the State Superintendent of Public Instruction. Membership includes five classroom teachers, one certified professional employee, one faculty member of an approved teacher preparation program, one dean of a post-secondary education preparation program, one community college faculty member, three administrators, and one trustee of a local school board (Wyo. Stat. Ann. § 22-2-801 *et seq.* [1994]).

The PTSB is authorized by statute to revoke or suspend certification by its own motion or upon the petition of any local board of trustees (Wyo. Stat. Ann. § 21-2-802(c) [1994]). The Board may take disciplinary action against an educator for incompetency, conviction of a felony committed after July 1, 1996, immorality, and other reprehensible conduct or gross neglect of duty. Contested case hearings are held by the PTSB to adjudicate cases in which certification has been denied. Disciplinary hearings concerning revocation or suspension of a certificate are also conducted by the PTSB adopted procedures.

CHAPTER V

SUMMARY, DISCUSSION, AND IMPLICATIONS

The professions of medicine and law have an established code of ethics to which their members must subscribe. However, the field of education does not have an all-inclusive code of ethics that embodies the entire education profession. In fact, many codes of ethics are in existence for educators because each state has the authority to enact policies for the certification and disciplining of its educators; therefore, this study sought to examine what each state in America has done in developing and enforcing a code of ethics for its educators.

This chapter begins with a summary of the study, the reason this study differs from previous studies, and an overview of this study's research design. The major findings from this research are then discussed. This chapter concludes with implications and recommendations for the education profession as a whole and for further research on the topics of a code of ethics and an agent to enforce a code of ethics.

Summary of the Study

Two broad components guided the development of this study: ethics and professionalization. One element that can be derived from combining these two components is a code of ethics for a professional group, which was central to this study. Therefore, this study was undertaken to provide a descriptive analysis of the code of ethics for the education profession. Specifically, the two main objectives of this study were to examine: (a) what each state has done in developing a code of ethics for its

educators, and (b) the governing board/commission charged with enforcing the code and standards within each state.

Research Questions

The research questions driving the research were designed to provide focus and limits within which this study was conducted. The first question examined which states of the United States had developed a code of ethics for their educators. The next two questions honed in the characteristics of the codes of ethics developed by the states. Specifically, these questions guided this researcher to examine the contents of the codes to find what types of principles or rules were written and their similarities. The next five questions focused on the board or commission the state had authorized to enforce the code of ethics. The answers to these questions determined if a board/commission existed, the composition of the board/commission; how the board/commission was established; the scope, responsibilities, and authority of the board/commission; and if the board/commission was autonomous or advisory. The final question asked if educators in each state were required to report observed misconduct of their colleagues.

Research Design

A qualitative research design was employed for this study, and written documents produced by states' educational bodies or legislatures were the primary sources of data. Each state was contacted by Internet, e-mail, telephone, or mail to acquire the necessary data to answer this study's research questions. The data collected included mainly brochures, state statutes, or downloaded versions of these documents.

Variations of Gall, Gall, and Borg's (1999) interpretational analysis and Weber's (1990) content analysis methods were used for this study. Each relevant document was

coded whether it contained certain themes related to the research questions, and comparisons were made to arrive at a larger, consolidated picture of the various codes of ethics and the governing boards/commissions. To verify the accuracy of the data and its analysis, a “respondent validation” technique was used in which contact was made with a person or persons in each state who was knowledgeable about the code of ethics and the board/commission to enforce the code.

Previous Studies

An examination of the literature did not find where a study was developed to determine the extent to which each state had developed a code of ethics for its educators. Crosby (1993) and Joyner (1999) examined the educators’ code of ethics being enforced in the states of Florida and Georgia respectively. Crosby researched the actions taken by Florida’s Professional Practices Services against educators who violated the Florida code of ethics. Joyner’s study assessed Georgia’s educators’ knowledge of the Standards of Conduct in the Code of Ethics for Georgia Educators. Both researchers recommended that a national study be conducted to determine if each state has a code of ethics and how those codes are enforced.

The 1970 president-elect of the NEA, Helen Bain, announced that her platform would be to establish professional practices boards in each state, which would give teachers more control over teacher education licensure, in-service education, and the ethical conduct of their peers. Several studies were found in the literature that analyzed these professional practices or professional standards boards or commissions that had been established in some states. One study by Scannell, Andersen, and Gideonse (1989) examined the impact of these autonomous boards/commissions on educators. These

researchers found opposition to these agencies because their members were solely composed of educators. At the time of their study, a movement was in place to include lay personnel on these boards/commissions. Other studies by Dripps (1984), Ratigan (1988), Collier and Holmes (1989), Crosby (1993), MacMillan (1993), the Education Commission of the States (1994), Suarez, Polen, and Gottovi (1994), and the Connecticut Education Association (1995) also examined various aspects of some of these boards or commissions.

The distinction between this study and previous studies has to do with this study's focus on and relationship between the code of ethics and the boards/commissions established to enforce the codes. A study was not found in the literature that examined each state's code of ethics for its educators. This study sought to compile and analyze the states' ethical codes for educators. Although several studies were found that detailed varying aspects of the educational boards/commissions that disciplined unethical behavior in educators, a more current study was needed to examine how these institutions have evolved. Therefore, this study sought to add to the educational knowledge base by analyzing each state's legal mechanisms relating to the codification and enforcement of educators' ethical and/or unethical conduct across America.

Discussion

This section discusses the major findings of the codes of ethics and the boards/commissions to enforce the codes found by this researcher. This section is divided into two subsections: Code of Ethics and Boards/Commissions. Each subsection to follow includes an analysis of findings linked to the literature and assertions supported by data and theoretical discussion.

Code of Ethics

Formulating a code of ethics is one critical characteristic for any occupation to be regarded as a profession (Hart and Marshall, 1992). MacFeely (1995) summated that as organizations matured, they developed ethical codes to guide their members' actions while performing their professional duties and responsibilities. This researcher examined documents from each state to determine the extent a code of ethics had been developed as suggested by MacFeely. A code of ethics was found in 23 of the 50 states, which translates to 46 percent of the United States having ethical codes for their educators. The following states have developed a code of ethics and are listed in alphabetical order: Alaska, California, Colorado, Connecticut, Florida, Georgia, Idaho, Iowa, Kentucky, Minnesota, Montana, Nebraska, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Utah, and Washington. Figure 5.1 illustrates the 23 states with a code of ethics for educators.

The seven states of Connecticut, Florida, Iowa, Minnesota, New Mexico, North Carolina, and South Dakota have established two separate ethical codes for their educators. Connecticut, Minnesota, and South Dakota have a unique code for teachers and a separate code for administrators. The states of Florida, New Mexico, and North Carolina differentiated between their codes by referring to one as the ethical code and the other as establishing the educator's professional practices or conduct. The state of Iowa distinguishes its two codes as professional practices and competent performance. Therefore, this study found 30 ethical codes within the 23 states.

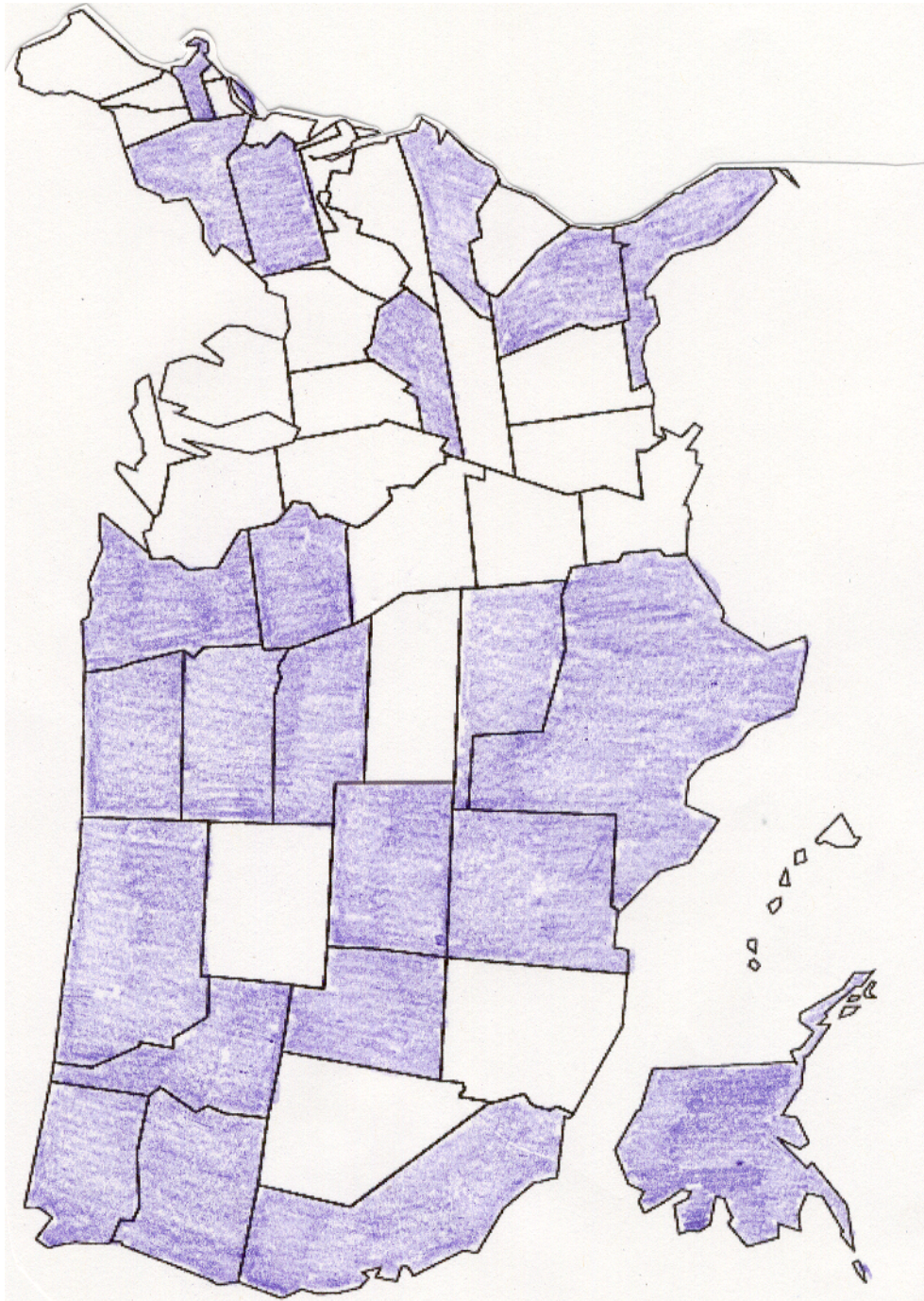


Figure 5.1 A map of the United States depicting the states (shaded) with a code of ethics for their educators.

The ethical codes analyzed for this study were the current or last revised codes from each of the 30 states. Florida's *Code of Ethics* enacted in 1965 was the oldest code found that had not been revised. Twenty or 67% of the codes had been created or revised since 1990. Georgia and Utah have the newest or latest revised codes, and both states enacted their codes within one day of each other in October 2002.

Geographical Analysis

The following discussion analyzes the 23 states having a code of ethics from a geographical perspective. Each region of the United States (north, south, east, west, and noncontiguous) appears to have representation of a state with a code of ethics; however, the western region of America contains 70% of the states with a code of ethics. To define this point, 16 states with a code of ethics are located west of the Mississippi River compared to only 7 states east of the river.

This researcher found four geographical areas in the United States where states are without a code of ethics. The state of Connecticut is the only state of the six New England states that has a code of ethics. The mid-Atlantic States of New Jersey, Delaware, Maryland, Virginia, and West Virginia do not have codes of ethics for their educators. The eight states bordering the Great Lakes have only three states with codes of ethics: Minnesota, Pennsylvania, and New York. Finally, the states of Kentucky, Iowa, and Minnesota represent three of the ten states bordering the Mississippi River that have codes of ethics.

Analysis of the Codes' Titles

The 30 codes of ethics discovered by this research have various similarities and differences. Several past studies (Landis 1972; Rich 1984; Gorlin 1986) support this

finding that variations in the codes' length, name, structure, and wording existed. The following discussion describes the structural framework found within the 30 codes of ethics.

In Landis's (1972) study of 12 organizations with codes of ethics, he discovered these professional groups describing their codes as "standards of practice," "rules of professional conduct," "cannons of ethics," or "principles of conduct." Some similarities in the terminology revealed within this study's codes were also found in Landis's study. This study revealed seven descriptive words or phrases within the titles of the codes: (a) code, (b) code of ethics, (c) criteria, (d) principles, (e) professional, (f) rules, and (g) standards. The most repetitive word that was found in this research of the codes' titles was "code," surfacing 20 times (67%). In fact, each occurrence of the term code was found at the beginning of the code's title. The phrase "code of ethics" was found only 10 times (36%). Refer to Table 5.1 for a summarization of the 30 codes of ethics' titles and structure.

The word "professional" was the second most repetitive word found in this study's codes. The word professional appeared in 14 titles (50%), and was used only once at the beginning of a code's title. Phrases within the codes' titles using the word professional included "professional conduct," "professional practices," "professional ethics," and "professional responsibility." Other words portrayed in the codes' titles that were also found in Landis's (1972) study were "standards," "principles," and "rules."

Analysis of the Codes' Structure

The study conducted by Rich (1984) examined the structures or framework within the professional codes. Most of the codes Rich analyzed contained a preamble and

TABLE 5.1

Title and Structure of the 30 Codes of Ethics for Educators

State	Name of Code	Year	Preamble	Introduction	Definitions	Name of Rules	Number of Rules ("C" = Categories)	Examples Given	Educators Report?	Code Enforceable
AK	Code of Ethics and Teaching Standards	1975	N	N	Y	Standards	4C	N	Y	Y
CA	Rules of Conduct for Professional Educators	1989	N	Y	Y	Rules	7	N	N	Y
CO	Standards of Unethical Behavior	1994	N	Y	N	Standards	11	N	N	Y
CT	Code of Professional Responsibility for Teachers	1993	Y	N	N	Responsibilities	3C	N	N	Y
CT	Code of Professional Responsibility for Administrators	1995	Y	N	N	Responsibilities	4C	N	N	Y
FL	Code of Ethics	1965	N	N	N	None specified	3	N	N	N
FL	Principles of Professional Conduct	1982	N	Y	N	Principles	3C	N	Y	Y
GA	Code of Ethics for Educators	2002	N	Y	Y	Standards	10	Y	Y	Y
ID	Code of Ethics	1996	Y	Y	N	Principles	4C	N	Y	Y
IA	Criteria of Professional Practices	1973	N	N	N	None specified	7C	N	Y	Y
IA	Criteria of Competent Performance	1978	N	Y	Y	Standards	9C	N	N	Y
KY	Code of Ethics	1995	Y	Y	N	None specified	3C	N	Y	Y
MN	Code of Ethics for Educators	1998	N	Y	N	Standards	10	N	Y	Y
MN	Code of Ethics for School Administrators	1998	N	Y	N	Standards	11	N	N	Y
MT	Code of Ethics	1997	Y	N	N	None specified	3 C	N	N	N
NE	Standards of Professional Practices	1989	Y	Y	Y	Standards	5C	N	Y	Y
NM	Code of Ethics	2001	N	Y	N	Principles	4C	N	Y	Y
NM	Standards of Professional Conduct	2001	Y	N	N	Standards	2C	N	Y	Y
NY	Code of Ethics for Educators	2002	N	Y	N	Principles	6	N	N	N

NC	Code of Ethics for Educators	1998	Y	Y	N	Commitments	3C	N	Y	Y
NC	Code of Professional Practice and Conduct	1998	N	Y	N	Standards	13	N	Y	Y
ND	Code of Professional Conduct	1999	Y	Y	N	Principles	3C	N	Y	Y
OK	Standards of Performance and Conduct	1992	N	Y	N	Principles	3C	N	N	Y
OR	Standards for Competent and Ethical Performance	1987	N	Y	Y	Standards	7C	N	Y	Y
PA	Code of Professional Practice and Conduct	1991	N	Y	N	Practice & Conduct	10 7C	N	Y	Y
SD	Code of Professional Ethics for Teachers	1975	N	N	Y	Obligations	3C	N	N	Y
SD	Code of Professional Ethics for Administrators	1986	N	N	Y	None specified	15	N	N	Y
TX	Code of Ethics and Standard Practices	1998	N	Y	N	Standards	3C	N	Y	Y
UT	Professional Practices and Conduct	2002	N	Y	Y	None specified	4C	N	Y	Y
WA	Code of Professional Conduct	1990	N	Y	Y	Acts of Unprofessional Conduct	10C	N	Y	Y

obligatory statements expressed as general objectives, ideals, principles, standards, or rules. This researcher found similar structures within the educational codes analyzed for this study. A limited number, nine (30%), of the codes in this study included a preamble section. However, 21 of the codes (70%) incorporated a section construed as an introduction. Three of the codes contained both a preamble and an introduction. Of the 30 codes of ethics examined, this researcher found ten codes (33%) that provided definitions to clarify the terminology. Georgia was the only state to offer examples of unethical behavior or conduct for each standard stated in the code.

The 30 codes in this study also incorporated obligatory statements similar to those discussed in Rich's (1984) research. The term most commonly used to name these obligatory standards/rules was standards, which was found in 11 codes (37%). The term given to name the rules in six ethical codes (20%) was principles. The following nomenclature was also used at least once to identify the ethical statements: rules, responsibilities, commitments, obligations, acts of unprofessional conduct, and professional practices. Six of the codes (20%) did not specify a definite name for their obligatory statements.

Analysis of the Rules

Gorlin (1986) reviewed the literature and found that the length of the codes of ethics and the rules governing professional deportment greatly varied among the professions with ethical codes. This researcher found that the 30 ethical codes for educators also varied in the length of the documents and the coverage depth of the rules, which concurs with Gorlin's findings. The following discussion analyzes these factors within the 30 ethical codes in this study (see Table 5.2).

The method used by this researcher to determine the length of the 30 codes was to retype each code using a consistent format. The codes were typed using Times New Roman font with 12-point font size. The shortest code was Florida's *Code of Ethics*, which only incorporated 3 rules or 1 page. The longest ethical code, 12 pages, was found in Nebraska. Nebraska's code *Standards of Professional Practices* contained 5 separate categories with a total of 95 rules or standards for the educators to follow. If Iowa's two codes *Criteria of Professional Practices* and *Criteria of Competent Performance* were combined, Iowa's educators have a code encompassing 16 categories and 97 rules or standards. The page length of the codes was between 1 and 5 pages. The majority of the codes (8 or 27 percent) averaged 4 pages in length.

Twenty-two of the 30 codes of ethics divided their rules into categories, and these categories ranged from 2 (New Mexico's *Standards of Professional Conduct*) to 10 (Washington's *Code of Professional Conduct*). The median for the codes that categorized their rules was 4. The mode for the 22 codes that contained rule categories was 3, which occurred 9 times. Also, each of the 30 codes of ethics in this study contained rules or obligatory statements, which ranged from 3 to 95 rules. The median number of rules fell at 26 and 28. The mode or number of obligatory statements occurring most frequently was 31, which was found in 4 codes of ethics.

This researcher also analyzed the topics or themes within the rules. The rules could be divided into five areas of concentration: (a) obligations to the students; (b) obligations to the public, community, and/or parents; (c) obligations to the profession or colleagues; (d) professional qualities; and, (e) moral and ethical conduct. Many of the states' ethical codes had categories titled for some of these themes. If a state code did not

TABLE 5.2

The length and depth of the rules within the 30 code of ethics for educators.

			Length of Rule			Depth of Rule			
	State	Name of Code	# of Categories	# of Rules	# of Pages	Enforceable		Teachers Report	
1	AK	Code of Ethics and Teaching Standards	4	58	4	Y		Y	
2	CA	Rules of Conduct for Professional Educators	7	16	4	Y			N
3	CO	Standards of Unethical Behavior		11	1	Y			N
4A	CT	Code of Professional Responsibility for Teachers	3	33	3	Y			N
4B	CT	Code of Professional Responsibility for Administrators	4	36	4		N		N
5A	FL	Code of Ethics		3	1		N		N
5B	FL	Principles of Professional Conduct	3	31	3	Y		Y	
6	GA	Code of Ethics for Educators		10	6	Y		Y	
7	ID	Code of Ethics	4	31	4	Y		Y	
8A	IA	Criteria of Professional Practices	7	46	4	Y		Y	
8B	IA	Criteria of Competent Performance	9	51	5	Y			N
9	KY	Code of Ethics	3	21	3	Y		Y	
10A	MN	Code of Ethics for Educators		10	1	Y		Y	
10B	MN	Code of Ethics for School Administrators		11	2	Y		Y	
11	MT	Code of Ethics	3	11	2		N		N
12	NE	Standards of Professional Practices	5	95	12	Y		Y	
13A	NM	Code of Ethics	4	28	4	Y		Y	
13B	NM	Standards of Professional Conduct	2	28	6	Y		Y	
14	NY	Code of Ethics for Educators		6	2		N		N
15A	NC	Code of Ethics for Educators	3	14	2	Y		Y	
15B	NC	Code of Professional Practice and Conduct		13	4	Y		Y	
16	ND	Code of Professional Conduct	3	23	3	Y		Y	
17	OK	Standards of Performance and Conduct	3	26	2	Y		Y	
18	OR	Standards for Competent and Ethical Performance	7	75	8	Y		Y	
19	PA	Code of Professional Practice and Conduct	7	29	5	Y		Y	
20A	SD	Code of Professional Ethics for Teachers	3	31	3	Y		Y	
20B	SD	Code of Professional Ethics for Administrators		15	2	Y		Y	
21	TX	Code of Ethics and Standard Practices	3	22	3	Y		Y	
22	UT	Professional Practices and Conduct	4	37	5	Y		Y	
23	WA	Code of Professional Conduct	10	31	5	Y		Y	
		Totals	22			26	4	22	8
# of Pages is based upon 12 point font with 1 inch margins except left margin is 1.5 inches.									

categorize or divide their rules into these five topics, then this researcher placed the rule into a theme category by analyzing the focus of the rule (see Table 5.3).

The three states of Iowa, Nebraska, and Oregon had rules in each of the five themes. Of the 30 ethical codes, 28 (93%) contained statements concerning the educators' roles with students. The second theme of public, community, and parents was found in 21 codes (70%). Every state but Washington (97%) had specific rules regarding the educator's obligation to the profession or colleagues. However, only 9 ethical codes (30%) dealt with the professional qualities of the educators. Professional qualities relate to the following characteristics found within the rules: administrative, certification, classroom management, communication skills, competency, individual needs, instructional needs, learning and goal achievement, management techniques, and subject matter/curriculum.

The last theme found in the codes dealt with the moral and ethical conduct of the educators. Rules were analyzed within the 30 codes that contained specific language concerning harassment, honesty, discrimination, confidentiality, false or malicious statements, misrepresentation or falsification, private gain or advantage, improper remunerative conduct, immoral conduct, illegal substances, abandonment of contract, criminal acts, public funds and property, improper relationships, moral turpitude, and contractual obligations. Twenty-five of the codes (83%) contained rules regarding the moral and ethical conduct of educators.

TABLE 5.3

The themes within the rules of the 30 codes of ethics for educators.

THEMES WITHIN CODES	AK	CA	CO	CT	FL	GA	ID	IA	KY	MN	MT	NE	NM	NY	NC	ND	OK	OR	PA	SD	TX	UT	WA
Students	8		1	14	9	1	9	8	8	1	3	7	12	1	6	8	8	2	4	9	7	10	
Public, Community, Parents	6			6	5		6	5	7		3	6	6	1	5	3		5		9			
Profession, Colleagues	17	4	1	13	17	1	8	15	6	1	5	4	18	2	3	12	8	3	5	13	7	2	
Professional Qualities		3						51		4		62		2			4	42	13			10	4
Administrative								10				9							1			10	4
Certification		1										9							4				
Classroom Management														1				10	2				
Communication Skills								7				7						7	2				
Competency		1						4				5		1			1	7	1				
Individual Needs								3				3							2				
Instructional Needs								7				7					1						
Learning and Goal Achievement								5				5											
Management Techniques								4				4					1	8	1				
Relationships		1						8				13					1						
Subject Matter, Curriculum								3										10					
Moral & Ethical Conduct	27	9	9		3	8	8	18		4		16	20		13		6	23	7		8	15	27
Harrassment		1										2	2					1				2	
Honesty		1	1				2					2			1						1		
Discrimination		1	1		1							1	1		1				2			2	
Confidentiality		1	1		1	1		1				4	1		1			1					
False or Malicious Statements			1				1					1	3										
Misrepresentation or Falsification			1			1						1	4		1			4			2		9
Private Gain or Advantage		1	1					1				2	1						2		2	1	
Improper Remunerative Conduct		1	1			1		1					1		1						1	1	1
Immoral Conduct			1		1								2		1			1				2	
Illegal Substances		1	1			1									1			1				2	4
Abandonment of Contract		1				1																	2
Criminal Acts						1		3							2		3	5			1	2	
Public Funds and Property		1				1		1					1		1			2				1	
Improper Relationships															2			1				1	5
Moral turpitude	27							1				1					1	2	3				
Contractual Obligations						1	5	10				2	4		1		2	5			1	1	6
TOTALS	58	16	11	33	34	10	31	97	21	10	11	95	56	6	27	23	26	75	29	31	22	37	31

Analysis of Code Enforcement

The review of the literature emphasized the importance of a code of ethics and the profession's ability to police itself by enforcing the ethical codes. Corwin stated back in 1965 that "professional status is most effectively guaranteed when professional codes are safeguarded by law but enforced by their own members" (p. 243). Therefore, a strong relationship can be drawn between the profession, its code of ethics, and the enforcement of the code of ethics in building public trust with the profession.

Therefore, the 30 educational codes of ethics found in this study were examined for their enforceability (see Table 5.2). Language was identified within 26 codes (87 percent) that stated disciplinary action could be taken against the educator if he/she violated any of the rules contained in the code. Connecticut's code administrators (Connecticut Advisory Council for Teacher Professional Standards 1995), Florida's *Code of Ethics* (Florida Education Practices Commission 2001), Montana, and New York have codes that are not intended to provide grounds for disciplinary action against an educator. Administrators in Connecticut are accountable for their actions under Connecticut's *Code of Professional Responsibility for Teachers* (Connecticut Advisory Council for Teacher Professional Standards 1993). Therefore, Connecticut administrators must abide by the precepts established in both codes but are disciplined by the teachers' code. Florida's *Code of Ethics* lists three general, all-encompassing tenets and are not written for enforcement. However, Florida's other code *Principles of Professional Conduct* (Certification Standards and Practices Advisory Council 1997, October) has the statutory authority to discipline violators of its principles. Montana's code is very similar to Florida's in that it establishes ideals for its educators to follow and are not grounds for

sanctions against the educator's certificate. In fact J. A. Weldon (personal communication, February 10, 2003) chief legal counsel for the Montana Office of Public Instruction stated that Montana's code of ethics is strictly advisory. Likewise, New York's code declares it "shall not be used as a basis for discipline by employer and shall not be used by the State Education Department as a basis for a proceeding under Part 8 of the Commissioner's Regulations" (New York State Education Department Office of Teaching 2002, July, p 3).

The literature also discussed professions being self-regulating by requiring professionals to report observed ethical misconduct by fellow colleagues. Bayles (1981) stated, "Almost every profession has an ethical rule requiring professionals to report norm violations, and in each profession this is probably the most violated of all norms" (p. 193). Again, this researcher reviewed the 30 codes for rules that collaborated Bayles's finding. However, only 22 states (73%) included language within their codes for the reporting of unethical conduct of fellow practitioners (see Table 5.2). Some states have obligatory statements within their codes that strongly encourage filing a complaint against a colleague. For example, Alaska's code states, "An educator shall withhold and safeguard information acquired about colleagues in the course of employment, unless disclosure serves a compelling professional purpose" Alaska Administrative Code 20 AAC 10.010.d5. Other states like Georgia have specific wording in their codes that made it a violation of the code if a certificate holder does not report a colleague's unethical conduct. Georgia's code specifically states:

Educators are required to report a breach of one or more of the Standards in the Code of Ethics for Educators, as soon as possible, but no later than ninety (90) days from the date the educator became aware of an alleged infraction, unless the

law or local procedures required reporting sooner. (Georgia Professional Standards Commission 2002, p. 2)

Boards/Commissions Enforcing the Codes of Ethics

The literature discussed the importance of any profession regulating its members for violating its established code of ethics. Corwin stated back in 1965 that “professional status is most effectively guaranteed when professional codes are safeguarded by law but enforced by their own members” (p. 243). The methods of enforcing codes of ethics have varied widely among the professions. Law probably has the greatest control over its members’ conduct since the American Bar Association’s codes were adopted by courts or legislatures and carry legal force. Most organizations have standards boards or commissions to investigate violations to determine cause and the consequence if probable cause existed. The literature denoted various types of sanctions could be imposed upon an ethics violator. The most widely used forms of sanctions by the professions were the following: censure, professional ostracism, boycott, suspension or expulsion from professional membership, withdrawal of other types of professional privileges, suits from malpractice, and suspension or revocation of license/certificate to practice (Rich 1984; Schmeiser 1992).

The data from this study concurs with Rich (1984) and Schmeiser’s (1992) findings, because every state in America has a designated person, board, or commission to investigate and discipline educators’ violations to state laws and/or a code of ethics. Nine states (18 percent) were found to have the state school superintendent (some states refer to this person as commissioner or secretary) initiating investigations into alleged misconduct of educators and issuing disciplinary sanctions against the educator. The remaining states have established boards or commissions instead of the state school

superintendent. The state of South Dakota has two separate commissions for educators, one for teachers and the other for administrators.

These boards or commissions have been given various titles, which in some instances define their duties and responsibilities. Names such as the Committee of Credentials; the Board of Educational Examiners; the Board of Teaching; the Commission of Teacher and Administrator Education, Certification and Licensure, and Development; and the State Board for Education Certification were found in five states (10 percent). In 17 states (34 percent), the boards' titles included words such as professional, standards, and practices. The Professional Standards Commission, Professional Practices Commission, and Standards Board for Professional Educators were examples found with this syntax combination. The state board of education was the entity in 19 states (38 percent) endowed with the authority to suspend, revoke, or censure educators' certificates.

Authority of the Boards/Commissions

The literature found several studies (Bain 1970; Scannell, Andersen et al. 1989; Education Commission of the States 1994; Suarez, Polen et al. 1994; Connecticut Education Association 1995) that examined the purpose and impact of autonomous professional standards or professional practices boards. The Education Commission of the States and Scannell et al. found 11 such boards across America in their studies. This study uncovered 17 professional standards or professional practices boards. However, 11 of these boards were autonomous and 6 served in an advisory capacity to either the state superintendent or to the state board of education concerning disciplinary action against an educator's certificate (see Table 5.4).

TABLE 5.4

The Board/Commission's Authority

State	Board/Commission	Effective Date	Authority From:				Advisory	Accountable to:	Authority Over:		
			Statutory	Constitution	BOE Policy	Autonomous			Certificated	Applicant	Noncertified
AL	State Superintendent of Education	1991	X			X		State Legislature	X	X	X
AK	Education Standards and Practices Board	1995	X			X		State Legislature	X		
AZ	Professional Practices Advisory Committee	1984			X		X	State BOE	X	X	
AR	Professional Education, Development, Licensure, and Assessment Board	2003	X				X	State BOE	X	X	
CA	Committee of Credentials		X				X	Commission of Teacher Credentialing	X	X	
CO	State Board of Education			X		X		Voters	X	X	
CT	State Board of Education		X			X		Governor	X	X	
DE	Secretary of Education										
FL	Education Practices Commission		X			X		State BOE	X	X	
GA	Professional Practices Commission	1991	X			X		State Legislature	X	X	
HI	Teacher Standards Board						X	State BOE	X		
ID	Professional Standards Commission	1972					X	State BOE	X		
IL	State Board of Education	1997	X			X		Governor	X	X	
IN	Professional Standards Board	1992	X			X		Governor	X	X	
IA	Board of Educational Examiners		X			X			X	X	
KS	Professional Practices Commission										
KY	Education Professional Standards Board	1990	X			X		Governor	X	X	

LA	State Board of Elementary and Secondary Education	1973		X		X		Voters & Governor	X	X	
ME	Commissioner of Education										
MD	State Superintendent of Schools										
MA	Commissioner of Education										
MI	State Board of Education		X			X					
MN	Board of Teaching	1973	X			X		Governor	X	X	
MS	Commission of Teacher and Administrator Education, Certification and Licensure, and Development	1982	X				X	State BOE	X	X	
Montana	State Board of Education		X			X		Governor	X	X	
MT	Board of Public Education	1972	X			X		Governor	X	X	
NE	State Board of Education	1952		X		X		Voters	X		X
NV	State Board of Education		X			X		Voters	X		
NH	State Board of Education		X			X		Governor	X	X	
NJ	State Board of Examiners		X			X		Commissioner of Education	X	X	
NM	State Board of Education		X			X		Voters & Governor	X		
NY	Professional Standards and Practices Board	1998					X	Commissioner of Education	X	X	
NC	State Board of Education			X		X		Governor	X	X	
ND	Education Standards and Practices Board	1993	X			X		Governor	X	X	
OH	State Board of Education		X			X		Voters & Governor	X	X	
OK	State Board of Education		X			X		Governor/Senate	X	X	
OR	Teacher Standards and Practices Commission	1973				X			X	X	

PA	Professional Standards and Practices Commission	1973	X			X		Governor/Senate	X		
RI	Commissioner of Elementary and Secondary Education										
SC	State Board of Education		X			X		Ligislators & Governor	X	X	
SD	Professional Teachers Practice and Standards Commission	1985	X			X		Governor	X		
SD	Professional Administrators Pracitces and Standards Commission	1985	X			X		Governor	X		
TN	State Board of Education		X			X		Governor	X	X	
TX	State Board for Eduation Certification	1995	X			X		Governor	X	X	
UT	State Board of Education			X		X		Voters	X	X	
VT	Standards Board for Professional Educators				X		X	State BOE	X	X	
VA	State Board of Education		X			X		Governor	X	X	
WA	Superintendent of Public Instruction										
WV	State Superintendent of Schools										
WI	State Superintendent of Schools										
WY	Professional Teaching Standards Board	1995	X			X			X	X	

Each board or commission has been given authority to perform its duties and responsibilities through the state constitution, by state statute, or from the state board of education. Data was received from 38 states concerning the scope of the boards' authority (see Table 5.5). When the data were analyzed, the scope of the boards/commissions authority varied among the states. The area of teacher certification was the function of 36 boards (98 percent). The area of enforcement/discipline was a responsibility of 33 boards (87 percent). The role of investigating the alleged misconduct of certificate holders was the purview of boards in 31 states (82 percent). The following duties were also functions of the 38 boards/commissions: teacher education programs (68 percent) and professional development (39 percent). However, only 15 states (39 percent) dealt with matters relating to a code of ethics for educators.

Analysis of Board/Commission Membership

Scholars such as Frymier (1969), Hart and Marshall (1992), and Kierstead and Wagner (1993) have emphasized that a profession should have a code of ethics and that members within the profession should impose discipline upon their membership for unethical behavior. Therefore, one aspect of this study was to examine the boards and commissions to determine if their composition was strictly educators. In 19 states, the state board of education has the authority to suspend or revoke an educator's certificate (see Table 5.6). These state boards of education are mainly composed of lay personnel not educators. The 8 states of Colorado, Connecticut, Michigan, Montana, New Jersey, North Carolina, Tennessee, and Utah have incorporated a limited number of educators on their boards. However, only 8 state boards/commissions have drawn circles around themselves, as illustrated by Frymier, by making their membership composition

TABLE 5.5

The Scope of the Board/Commission's Authority

State	Board/Commission	Scope					
		Certification	Teacher Ed. Program	Code of Ethics	Adoption of Code of Ethics	Investigative Enforcement/ Discipline	Professional Development
AL	State Superintendent of Education						
AK	Education Standards and Practices Board	X	X	X		X	X
AZ	Professional Practices Advisory Committee	X					
AR	Professional Education, Development, Licensure, and Assessment Board	X	X			X	X
CA	Commission of Teacher Credentialing	X	X			X	
CO	State Board of Education	X				X	
CT	State Board of Education						
DE	Secretary of Education						
FL	Education Practices Commission	X		X		X	
GA	Professional Practices Commission	X	X	X	X	X	
HI	Teacher Standards Board	X	X			X	X
ID	Professional Standards Commission	X	X	X	X	X	X
IL	State Board of Education	X	X			X	X
IN	Professional Standards Board	X	X			X	X
IA	Board of Educational Examiners	X		X	X	X	
KS	Professional Practices Commission	X	X	X			
KY	Education Professional Standards Board	X	X	X	X	X	X
LA	State Board of Elementary and Secondary Education	X				X	X
ME	Commissioner of Education						
MD	State Superintendent of Schools						
MA	Commissioner of Education						
MI	State Board of Education	X	X			X	X
MN	Board of Teaching		X	X		X	X
MS	Commission of Teacher and Administrator Education, Certification and Licensure, and Development	X	X			X	X
MO	State Board of Education	X	X				X
MT	Board of Public Education	X	X		X	X	X
NE	State Board of Education						
NV	State Board of Education	X	X			X	X

TABLE 5.6

The Membership Composition of the Board/Commission.

KY	Education Professional Standards Board		17	9	2	XN	3		1			XN					
LA	State Board of Elementary and Secondary Education		12							11				XN			
ME	Commissioner of Education	Yes															
MD	State Superintendent of Schools	Yes															
MA	Commissioner of Education	Yes															
MI	State Board of Education		10			XN							8				XN
MN	Board of Teaching		11	6	1		1			3							
MS	Commission of Teacher and Administrator Education, Certification and Licensure, and Development		15	4	3		3		1	4							
MO	State Board of Education		8										8				
MT	Board of Public Education		11			XN	XN						7	1			XN
NE	State Board of Education		8										8				
NV	State Board of Education		11										11				
NH	State Board of Education		7										7				
NJ	State Board of Examiners		15			S				13				XN			
NM	State Board of Education		15										15				
NY	Professional Standards and Practices Board		28	21						6		XN					
NC	State Board of Education		17	2 - XN									11	2 - XN			2 - XN
ND	Education Standards and Practices Board		9	5	2		1		1								
OH	State Board of Education		19										19				
OK	State Board of Education		7			1							6				
OR	Teacher Standards and Practices Commission		17	8	4		2		1	2							

PA	Professional Standards and Practices Commission		14	7	3		1			2			XN				
RI	Commissioner of Elementary & Secondary Education	Yes															
SC	State Board of Education		17										17				
SD	Professional Teachers Practice and Standards Commission		7	6						P							
SD	Professional Administrators Practices and Standards Commission		7		5				1	P							
TN	State Board of Education		11				XN						9	XN			
TX	State Board for Educator Certification		15	4	2	XN	XN			5		XN					1
UT	State Board of Education		17									2-XN	15				
VT	Standards Board for Professional Educators		24	12	5	XN	3			1		2					
VA	State Board of Education		9										9				
WA	Superintendent of Public Instruction	Yes															
WV	State Superintendent of Schools	Yes															
WI	State Superintendent of Schools	Yes															
WY	Professional Teaching Standards Board		13	5	3		3		1			1					

solely educators. The remaining 31 boards include the general public, business representatives, or students as part of the boards' membership. Therefore, education as a profession has not followed the law and medical professions in limiting the membership of the disciplinary boards/commissions' to only educators.

Implications

Implications for the Education Profession and Recommendations for Further Research

Ethical behavior among professionals is a concern of each profession and the public at large. Ethical conduct is applicable to all members of an organization especially for professions that deal directly with the public. A code of ethics is important to a profession because it provides guidance and boundaries for professionals' conduct. Therefore, ethical codes have become a standard tenet of true professions.

Unfortunately, the education profession has several codes of ethics as this study revealed. However, the 30 ethical codes examined found many similarities among the codes' structure and rules. This researcher found that 93 percent of the codes contained standards concerning the educator's obligations to students, and 97 percent had specific rules regarding the educator's responsibility to the profession. Also, 83 percent of the codes' rules dealt with the moral and ethical conduct of educators. Therefore, a majority of the codes contained similar standards or regulations. The implication being that many of the codes are more alike than different, which could provide the springboard for discussion on the formation of one uniform code of ethics for all educators.

Given the scarcity of the research on the states' codes of ethics for their educators, this study provides a base line of information that can perhaps guide future research in this area. A recommendation for further research would be to conduct a more in-depth

analysis of the rules contained within the 30 code of ethics. Some states do not have codes of ethics for its educators, but have laws or regulations in place to discipline the unethical conduct of educators. A study could be designed which compares and analyzes the rules within the codes of ethics to the states' laws or regulations that define the grounds for possible disciplinary action against an educator.

Professional organizations in education such as the Council of Chief State School Officers (CCSSO), the National Association of State Directors of Teacher Education and Certification (NASDTEC), and the Education Commission of the States (ECS) could possibly provide the necessary leadership to begin the process of forming a national code of ethics for educators. The CCSSO is the professional home for the state school superintendents in America. The council could establish a focus group to discuss and research the pros, cons, and the feasibility of a common code of ethics across America. The NASDTEC is the national clearinghouse and collection point for disciplinary actions taken by the 50 states against an educator. It maintains a data bank of all reported certificate sanctions. The ECS informs policymakers on the leading edge of educational issues by gathering, analyzing, and disseminating information about current and emerging issues. ECS could provide the policy research and analysis needed in the development of the uniform code.

Educators should exhibit ethical behavior since they can greatly influence their students in either a positive or negative way. When one educator's actions cross the ethical or moral imaginary boundary, the education profession as a whole suffers. A code of ethics does not force adherence, but an ethical code does establish the principles or standards by which one's conduct will be judged. The medical and law professions have

survived even when their members have exhibited behaviors that were contrary to their code of ethics. The medical profession as well as the law profession has one common code of ethics by which all members' actions are judged. Therefore, the same assumption could be made for the education profession. The education profession would remain a vital institution if an enforceable, national code were in place. The 30 codes examined in this study can provide the foundation for further discussion and research into the formation of a national code of ethics for all educators.

REFERENCES

- 8 Va. Admin. Code § 20-21-660 (1998).
- 8 Va. Admin. Code § 20-21-680 (1998).
- 16 Ky. Admin. Regs. 1:020 (1990).
- 16 Ky. Admin. Regs. 1:120(1) (1990).
- 16 Ky. Admin. Regs. 1:028 (1990).
- 16 Ky. Admin. Regs. 1:040 (1990).
- 19 Tex. Admin. Code § 247 (1999).
- 19 Tex. Admin. Code § 249 *et seq.* (1999).
- 22 Pa. Code § 233.13 (1992).
- 22 Pa. Code § 235.4 (1985).
- 22 Pa. Code § 235.6—235.11 (1985).
- 22 Pa. Code § 237.2—237.9 (1985).
- 24 Pa. Code §§ 1-101—27-1702 (1949 & Supp. 2003).
- 24 Pa. Cons. Stat. §§ 12-1251—12-1268 (1991).
- 24 Pa. Cons. Stat. § 20-2070.4 *et seq.* (1991).
- 105 Ill. Comp. Stat. 5/1A-1 *et seq.* (1998).
- 105 Ill. Comp. Stat. 5/2-3.9 (1998).
- 105 Ill. Comp. Stat. 5/21-23 (1998).
- 1973 Pa. Laws 397.
- Ala. Code § 16-23-5 (1975).
- Alaska Admin. Code tit. 4, § 18.010 (a) (12) (1966).
- Alaska Admin. Code tit. 20, § 10.020 (2000).

Alaska Admin. Code tit. 20, § 14.20.030 (1999).

Alaska Stat. § 14.20.030 (1999).

Alaska Stat. §§ 14.20.380–14.20.470 (1999).

Allow for local flexibility in shaping school councils. (2001, May 29) Atlanta Journal and Constitution: 8A.

American Society of Association Executives (1993). Ethics. Washington D. C., American Society of Association Executives.

Andrews, T. E., Ed. (1999). The National Association of State Directors of Teacher Education and Certification. Dubuque, Iowa, Kendall/Hunt.

Ariz. Admin. Reg. 7-2-205.

Ariz. Rev. Stat. §§ 15-501; 15-507; & 15-508 (1988).

Ark. Code Ann. § 6-17-410 (1996).

Association for the Advancement of Health Education (1994). "Code of ethics for health educators." Journal of Health Education 25(4): 196-200.

Auditing the auditors: Why Congress may tighten up. (1983, December 12). Business Week. 28: 130, 135.

Bain, H. (1970). "Self-governance must come first, then accountability." Phi Delta Kappan 51(8): 413.

Banter, K. A. (1994). Professional self-discipline of instructional supervision: Criteria, performance, and enforcement. Athens, GA, Unpublished research paper, University of Georgia.

Barber, B. (1988). Professions and emerging professions. Ethical issues in professional life. J. C. Callahan. New York, Oxford University Press: 35-39.

Bartoo, E. (1978). Curriculum leaders: Improving their influence. Certificating the curriculum leader and the Instructional supervisor. A. W. Sturges. Washington, DC, Association for Supervision and Curriculum Development: 1-11.

Baumrin, B. and B. Freedman, Eds. (1983). Moral responsibility and the professions. New York, Haven.

Bayles, M. D. (1981). Professional ethics. Belmont, CA, Wadsworth.

- Becker, H. S. (1962). The nature of a profession. Education for the professions: The sixty-first yearbook of the National Society for the Study of Education. N. B. Henry. Chicago, University of Chicago: 27-46.
- Beckman, S. (1990). Professionalization: Borderline authority and autonomy in work. Professions in theory and history: Rethinking the study of the professions. M. Burrage and R. Torstendahl. London, Sage: 115-139.
- Bernard, H. R. and G. W. Ryan (1998). Textual analysis: Qualitative and quantitative methods. Handbook of methods in cultural anthropology. H. R. Bernard. Walnut Creek, CA, Altamira: 595-646.
- Berry, B. (2001). "No shortcuts to preparing good teachers." Educational Leadership 58(8): 32-36.
- Beyles, M. D. (1981). Professional ethics. Belmont, CA, Wadsworth.
- Black, C. (1997). Getting out of line: A guide for teachers redefining themselves and their profession. Thousand Oaks, CA, Corwin.
- Blackmon, Z. S., Jr. and R. R. Hill (1992). Professional Standards Commission: Annual report 1991-1992. Atlanta, GA, Professional Standards Commission.
- Bogdan, R. C. and S. D. Biklen (1998). Qualitative research for education: An introduction to theory and methods. Boston, Allyn and Bacon.
- Bok, S. (1988). Whistleblowing and professional responsibilities. Ethical issues in professional life. J. C. Callahan. New York, Oxford University Press: 331-340.
- Buley, R. C. (1950). The old north/west pioneer period 1815 - 1840. Indianapolis, Indiana Historical Society.
- Bull, B. L. (1990). The limits of teacher professionalization. The moral dimensions of teaching. J. I. Goodlad, R. Soder and K. A. Sirotnik. San Francisco, Jossey-Bass.
- Byrne, J. A., L. Lavelle, et al. (2002). How to fix corporate governance. Business Week: 69-78.
- Byrnes, N., M. McNamee, et al. (2002). Accounting in crisis. Business Week: 44-48.
- Cal. Code Regs. tit. 5, § 44345—44346 (1989).
- Callahan, J. C., Ed. (1988). Ethical issues in professional life. New York, Oxford University Press.

- Camenisch, P. F. (1983). Grounding professional ethics in a pluralistic society. New York, Haven.
- Carnegie Forum on Education and the Economy (1986). *A nation prepared: Teachers for the 21st century*. New York, Carnegie Forum on Education and the Economy.
- Carr, D. (2000). Professionalism and ethics in teaching. London, Routledge.
- Certification Counsel's Office (2000). *Procedural Guidelines*. Lincoln, NE, Nebraska Department of Education.
- Certification Standards and Practices Advisory Council (1997, October). *Professional educators of Montana code of ethics*. Helena, MT, Author.
- Clark, K. and D. D'Addio (2002). Cleaning up the corporate books. U. S. News & World Report: 26.
- Cobb, H. B. and C. J. Horn, Jr. (1989). Implementation of professional standards in special education: A national study. (ERIC Document Reproduction Service No. ED344379).
- Colorado State Administrative Procedures Act, Colo. Rev. Stat. §§ 24-4-101—107 (1994).
- Collier, B. H. and C. T. Holmes (1989). "Halting sexual harassment." The Executive Educator 11(1): 28-29.
- Commission on Teacher Credentialing (1993). Rules of professional conduct. Sacramento, CA, Author.
- Conn. Agencies Regs. § 10-145d-400a (1993).
- Conn. Agencies Regs. § 10-145d-400b (1995).
- Connecticut Advisory Council for Teacher Professional Standards (1993). *Connecticut code of professional responsibility for teachers*. Hartford, CT, State of Connecticut Department of Education.
- Connecticut Advisory Council for Teacher Professional Standards (1995). *Connecticut code of professional responsibility for administrators*. Hartford, CT, State of Connecticut Department of Education.
- Connecticut Education Association (1995). *Characteristics of autonomous state teacher professional standards boards*. Hartford, CT, Author.

- Corwin, R. G. (1965). Teachers as professional employees: Role conflicts in the public schools. A sociology of education. R. G. Corwin. New York, Appleton-Century-Crofts: 217-264.
- Creswell, J. W. (1998). Qualitative inquiry and research design: Choosing from among five traditions. Thousand Oaks, CA, Sage.
- Crosby, S. G. (1993). Evolution and enforcement of the code of ethics and standards of professional practice of the teaching profession in Florida (Doctoral dissertation, University of South Florida, 1993), Dissertation Abstracts International, 54-04A, 1162.
- Cusick, P. A. (1994). Teachers regulating themselves: Teacher owning their standards. The future of education. N. Cobb. New York, College Entrance Examination Board.
- Darling-Hammond, L. (1989). "Accountability for professional practice." Teacher College Record 91(1): 59-80.
- Darling-Hammond, L. (2001). "The challenge of staffing our schools." Educational Leadership 58(8): 12-17.
- Darling-Hammond, L. and A. L. Goodwin (1993). Progress toward professionalism in teaching. Challenges and achievement of American education: Association of Supervision and Curriculum Development 1993 Yearbook. G. Cawelti. Alexandria, VA, Association of Supervision and Curriculum Development: 19-25.
- Denzin, N. K. and Y. S. Lincoln (2000). Handbook of qualitative research. Thousand Oaks, CA, Sage.
- Donsky, P. (2001). School councils: Parents, educators hope for success. Atlanta Journal and Constitution: 1JM.
- Downie, R. S. (1990). "Professions and professionalism." Journal of Philosophy of Education 24: 147-159.
- Dreeben, R. (1970). The nature of teaching. Glenview, IL, Scott, Foresman.
- Dripps, J. S. (1984). The Iowa Professional Teaching Practices Commission (IPTPC) - A history with assessment of Iowa's educators' understanding and perceptions of professional ethics and self-governance. Dissertation Abstracts International, 45-07A, 1932, Doctoral dissertation, Iowa State University, 1984.
- Edmonson, J. B. (1930). "Professional standards as they relate to teaching." The Nation's Schools 6(5): 21-25.

Education Commission of the States (1994). Characteristics of independent state professional standards boards. (Available from ECS, 707 17th Street, Suite 2700, Denver, CO 80202-3427).

Educational Research Service (2001). No child left behind: A special reprint of president George W. Bush's education plan with relevant discussion questions education leaders should ask. Arlington, VA, Author.

Egan, K. (1990). "Ethical codes: A standard for ethical behavior." NASSP Bulletin 74: 59-62.

Ellin, J. S. (1982). "Special professional morality and the duty of veracity." Business and Professional Ethics Journal 1(2): 75-90.

Espo, D. (2002). Ethics hearing set for Traficant. Atlanta Journal-Constitution. Atlanta, GA: A14.

Fair Dismissal Act. O. C. G. A. Sec. 20-2-940 et seq. (1987).

Fernsternacher, G. D. (1991). Some moral considerations on teaching as a profession. The moral dimensions of teaching. J. I. Goodlad, R. Soder and K. A. Sirotnik. San Francisco, Jossey-Bass: 130-154.

Finn, C. E. and K. Madigan (2001). "Removing the barriers for teacher candidates." Educational Leadership 58(8): 29-31, 36.

Finn, D. W. and J. C. Lampe (1992). "A study of whistleblowing among auditors." Professional Ethics 1(3 & 4): 132-155.

Firth, G. R. (1978). Preface. Certificating the curriculum leader and the instructional supervisor. A. W. Sturges. Alexandria, VA, Association for Supervision and Curriculum Development: iii-iv.

Fla. Admin. Code Ann. r. 6B-1.001 {1982 & Supp. 1998}

Fla. Admin. Code Ann. r. 6B-1.006 {1982 & Supp. 1998}

Fla. Stat. ch. 231.262(6) (1982).

Florida Education Practices Commission (1988). Annual report: July 1, 1987 through June 30, 1988. Tallahassee, FL, Florida Education Practices Commission.

Florida Education Practices Commission (2001). The code of ethics and the principles of professional conduct of the education profession in Florida. Tallahassee, FL, Author.

- Fraser, J. W. (1992). "Preparing teachers for democratic school: The Holmes and Carnegie reports five years later....A critical reflection." Teachers College Record 94(1): 7-32.
- Freidson, E. (1994). Professionalism reborn: Theory, prophecy, and policy. Chicago, University of Chicago Press.
- Frymier, J. R. (1986). The supervisor and his professional identity. The supervisor: New demands, new dimensions. W. H. Lucio. Washington, DC, Association for Supervision and Curriculum Development: 83-102.
- Futrell, M. H. (1985b). "Hiring of untrained in shortage crisis makes sham of reform." Education Week 5: 1, 34.
- Ga. Code Ann. § 20-2-982 (1994).
- Gall, J. P., M. D. Gall, et al. (1999). Applying educational research: A practical guide. New York, Longman.
- Geertz, C. (1973). The interpretation of cultures. New York, Basic Books.
- Geewax, M. (2002). Senate OKs accounting bill. Atlanta Journal & Constitution. Atlanta: F1, F3.
- Georgia Professional Practices Commission (1994). Rules of the Professional Practices Commission. Atlanta, GA, Georgia Professional Practices Commission.
- Georgia Professional Standards Act, Ga. Code Ann. § 20-2-200 *et seq.* (1998).
- Georgia Professional Standards Commission (2002). The code of ethics for educators. Atlanta, GA, Georgia Professional Standards Commission.
- Gerald, D. E. and W. J. Hussar (1998). Projections of education statistics to 2008. Washington D. C., National Center for Education Statistics.
- Getz, K. A. (1996). "Professionalism and politics: Does the service ethic affect political participation by professional associations." Professional Ethics Journal 5(4): 3-23.
- Ghezzi, P. (2001). Board struggles to define role of reform bill's school councils; School watch. Atlanta Journal and Constitution: 4JA.
- Gibbs, M., J. Sigal, et al. (1993). Academic psychologists' responses to unethical behavior in colleagues: A survey. Paper presented at the annual meeting of the American Psychological Association, Toronto, Ontario, Canada.

- Glaser, B. G. and A. L. Strauss (1967). The discovery of grounded theory: Strategies for qualitative research. Chicago, Aldine.
- Goldberg, M., Ed. (1993). Against the grain: New approaches to professional ethics. Valley Forge, PA, Trinity.
- Goldman, A. H. (1980). The moral foundations of professional ethics. Totowa, NJ, Rowman and Littlefield.
- Goode, W. L. (1969). The theoretical limits of professionalization. The semi-professions and their organization. A. Etzioni. New York, Free: 266-313.
- Goodlad, J. I., R. Soder, et al., Eds. (1991). The moral dimensions of teaching. San Francisco, Jossey-Bass.
- Gorlin, R. A. (1986). Codes of professional responsibility. Washington, DC, Bureau of National Affairs.
- Greenwood, E. (1957). "Attributes of a profession." Social Work 2(3): 45-55.
- Gross, J. (1993). The legal context of professional ethics. Ethics for professionals in education. K. A. Strike and P. L. Ternasky. New York, Teachers College Press: 202-216.
- Haddad, C. and A. Barrett (2002). A whistle-blower rocks an industry. Business Week: 126-130.
- Hammersley, M. (1990). Reading ethnographic research: A critical guide. London, Longmans.
- Hammersley, M. (1992). What's wrong with ethnography? Methodological explorations. London, Routledge.
- Hansen, D. T. (1995). The call to teach. New York, Teachers College Press.
- Hardy, L. (2002). "Who will teach our children?" American School Board Journal 189(4): 18.
- Hart, S. P. and J. D. Marshall (1992). The question of teacher professionalism, (ERIC Document Reproduction Service No. ED349291).
- Haw. Rev Stat. § 302A-609 (1995).
- Haw. Rev Stat. § 302A-801 (1995).

- Heller, H. W. (1983). "Special education professional standards: Need, value, and use." Exceptional Children 50: 199-204.
- Heslep, R. D. (1988). Professional ethics and the Georgia public school administrator (Monographs in Education No. 7). Athens, GA, University of Georgia Bureau of Educational Services.
- Holmes Group (1986). Tomorrow's Teachers: A report of the Holmes Group. East Lansing, MI, Holmes Group.
- Horton, B. J. (1944). "Ten criteria of a genuine profession." Science Monthly 58: 164.
- Hostetler, K. (1989). "Who says professional ethics is dead? A response to Myron Lieberman." Phi Delta Kappan 70: 723-725.
- Hoyle, E. (1980). Professionalization and deprofessionalization in education. World yearbook of education 1980: Professional development of teachers. E. Hoyle and J. Megarry. New York, Nichols: 42-54.
- Hughes, E. C. (1988). Professions. Ethical issues in professional life. J. C. Callahan. New York, Oxford University Press: 31-35.
- Idaho Code § 33-1208 (1996).
- Idaho Code § 33-1209 (1996).
- Ind. Code 20-6.1-3 *et seq.* (1972).
- Ind. Code 20-1-1.4 *et seq.* (1972).
- Ingersoll, R. M. (2001). "The realities of out-of-field teaching." Educational Leadership 58(8): 42-45.
- Iowa Code § 282-11.33 (1973 & Supp. 2002).
- Iowa Code § 282-12.1 *et seq.* (1972 & Supp. 2001).
- Iowa Code § 282-13.1 *et seq.* (1978 & Supp. 1990).
- Jacob, E. (1987). "Qualitative research traditions: A review." Review of Educational Research 57: 1-50.
- James, G. G. (1988). In defense of whistle blowing. Ethical issues in professional life. J. C. Callahan. New York, Oxford University Press: 315-325.

- Johnson, C. (2002). Judge urged to uphold Andersen verdict. Washington Post. Washington D. C.: E3.
- Jones, A. (2002). Gwinnett teacher suspended. The Atlanta Journal-Constitution. Atlanta: D4.
- Jordan, K. F. (1988). State professional standards/practices commissions or boards: A policy analysis paper. Washington, DC, American Association of Colleges for Teacher Education. (ERIC Document Reproduction Service No. ED304414).
- Joyner, S. K. S. (1999). An assessment of Georgia educators' knowledge and understanding of their code of ethics. Educational Leadership. Athens, Doctoral dissertation, University of Georgia.
- Kan. Admin. Regs. 91-22-1a.
- Kan. Admin. Regs. 91-22-22.
- Kan. Admin. Regs. 91-22-25.
- Keith-Spiegel, P., A. F. Wittig, et al., Eds. (1993). The ethics of teaching: A casebook. Muncie, IN, Department of Psychological Science, Ball State University.
- Kierstead, F. D. and P. A. J. Wagner (1993). The ethical legal, and multicultural foundations of teaching. Madison, WI, WCB Brown & Benchmark.
- Kimball, B. A. (1988). "The problem of teachers' authority in light of the structural analysis of professions." Educational Theory 38: 1-9.
- Kimbrough, R. B. (1985). Ethics: A course of study for educational leaders. Arlington, VA, American Association of School Administrators.
- Koehn, D. (1994). The ground of professional ethics. New York, Rutledge.
- Krause, E. A. (1996). Death of the guilds: Professions, states, and the advance of capitalism, 1930 to present. New Haven, MA, Yale University Press.
- Krey, R. D. and P. J. Burke (1989). A design for instructional supervision. Springfield, IL, C. C. Thomas.
- Kultgen, J. H. (1988a). Ethics and professionalism. Philadelphia, PA, University of Pennsylvania Press.
- Kultgen, J. H. (1988b). The ideological use of professional codes. Ethical issues in professional life. J. C. Callahan. New York, Oxford University Press: 411-421.

- La. Rev. Stat. § 17:1 (1975 & Supp. 1991).
- La. Rev. Stat. § 17:15 (1986 & Supp. 1999).
- Lacayo, R. and A. Ripley (2002-2003). Persons of the year: Coleen Rowley, Cynthia Cooper, Sherron Watkins. Time. 160: 30-33.
- Lancy, D. F. (1993). Qualitative research in education. New York, Longman.
- Landis, B. Y. (1972). Professional codes: a sociological analysis to determine applications to the educational profession. New York, AMS.
- Langford, G. (1978). Teaching as a profession. Manchester, England, Manchester University Press.
- Larson, M. S. (1977). The rise of professionalism. Berkeley, University of California Press.
- Lieberman, M. (1956). Education as a profession. Englewood Cliffs, NJ, Prentice-Hall.
- Louisiana Child Protection Act, La. Rev. Stat. Ann. § 15:587.1 (1986 & Supp. 2001)
- Louisiana State Board of Elementary and Secondary Education (1980). Bulletin 746: Louisiana standards for state certification of school personnel. Baton Rouge, LA, Louisiana State Board of Elementary and Secondary Education.
- Luckowski, J. (1996). Professional ethics among practicing educators. Missoula, Montana. Report prepared for the Certification Standards and Practices Advisory Council. (ERIC Document Reproduction Service No. ED395926).
- MacDonald, M. (2000). Marietta school councils already up; Mandated by education legislation, the teacher, parent, business alliances aren't required until '03. Atlanta Journal and Constitution: 5JG.
- MacFeely, R. W. (1995). "Ethics: The stepchild of professional development." School Business Affairs 61(11): 30-33.
- MacMillan, C. J. B. (1993). Ethics and teacher professionalization. Ethics for professionals in education. K. A. Strike and P. L. Ternasky. New York, Teachers College Press: 189-201.
- Marshall, C. and G. B. Rossman (1995). Designing qualitative research. Thousand Oaks: CA, Sage.
- Mass. Regs. Code tit. 603 § 7.0 (1985).

- Mass. Regs. Code tit. 603 § 7.14 (1985).
- May, W. F. (1988). Professional virtue and self-regulation. Ethical issues in professional life. J. C. Callahan. New York, Oxford University Press: 408-411.
- McDowell, B. (1991). Ethical conduct and the professional's dilemma: Choosing between service and success. New York, Quorum Books.
- McNergney, R. F. and J. M. Herbert (2001). Foundations of education: The challenge of professional practice. Needham Heights, MA, Pearson Education.
- Md. Code Ann., Educ. § 13A.12.05 (1987).
- Me. Rev. Stat. Ann. tit. 5, pt. 14, ch. 341 § 5302 (1977).
- Me. Rev. Stat. Ann. tit. 20A, pt. 6, ch. 502 § 13020 (1983).
- Mead, J. V. (1988). Does a professional code of ethics exist for teachers? An investigation of the operation of ethical codes in daily teacher decision making. Paper presented at the annual meeting of the American Educational Research Association, New Orleans, LA.
- Merriam, S. B. (1998). Qualitative research and case study applications. San Francisco, CA, Jossey-Bass.
- Merriam, S. B. (2001). Qualitative research and case study applications in education: Revised and expanded from Case Study Research in Education. San Francisco, Jossey-Bass.
- Mich. Admin. Code r. 390.1201 pt. 10 (2002).
- Mich. Comp. Laws § 24.271 *et seq.* (1969).
- Miles, M. B. and A. M. Huberman (1994). Qualitative data analysis. Thousand Oaks, CA, Sage.
- Minn. R. 3512.5200 (1998).
- Minn. R. 8700.7500 (1997).
- Minn. Stat. § 214.10 (1992).
- Miss. Code Ann. § 37-3-2 (1972).
- Mo. Code Regs. Ann. tit. 5, § 80-800.300 (1963 & Supp. 2002).

Mo. Rev. Stat. § 168.071 (1973).

Mont. Code Ann. § 20-4-110 (1983).

N. C. Admin Code tit. 16, r. 6C.0601 (Feb., 1998).

N. C. Admin Code tit. 16, r. 6C.0312 (Aug., 2000).

N. C. Gen. Stat. § 115C-295 *et seq.* (1995).

N. D. Admin. Code § 67.1-01-01-01 *et seq.* (1993).

N. D. Admin. Code § 67.1-03-01-02 *et seq.* (1998).

N. D. Admin. Code § 67.1-03-01-01 *et seq.* (1999).

N. H. Code Admin. R. Ann. Ed. 511.01 *et seq.* (1996).

N. H. Rev. Stat. Ann. § 21-N:10 *et seq.* (1992).

N. H. Rev. Stat. Ann. § 186:60 (1992).

N. H. Rev. Stat. Ann. § 541 (1992).

N. J. Admin. Code tit. 6, § 11 *et seq.* (1984).

N. J. Admin. Code tit. 6A § 9 *et seq.* (1999).

N. J. Admin. Code tit. 6A § 9-17.2 *et seq.* (1999).

N. M. Admin. Code tit. 6 § 60.3 (2000).

N. M. Admin. Code tit. 6 § 60.9.2 *et seq.* (1990).

N. M. Admin. Code tit. 6 § 68.3.8 (2001).

N. Y. Comp. Codes R. & Regs. tit. 6 § 83 (1974).

N. Y. Comp. Codes R. & Regs. tit. 6 § 83.2 *et seq.* (1974 & Supp. 1998).

Neb. Admin Code 1 (1995).

Neb. Admin. Code 27 (1992).

Neb. Admin. Code 28 (1992).

- Neb. Admin Code 29 (1992).
- Nev. Rev. Stat. 385.021 (1971).
- Nev. Rev. Stat. 391.330 *et seq.* (1975).
- New Jersey v. T. L. O. 469 U. S. 336. (1985).
- New York State Education Department Office of Teaching (2002, July). Code of ethics. Albany, NY, Author.
- New York State Professional Standards and Practices Board for Teaching (2002). New York state code of ethics for educators. Albany, NY, Author.
- Ohio Rev. Code Ann. § 3319.31 *et seq.* (1993 & Supp. 2000).
- Okla. Stat. tit. 70 § 3-104 (1995).
- Okla. Stat. tit. 70 § 6-101.21 *et seq.* (1992).
- Oklahoma State Board of Education (1992, March). Standards of performance and conduct for teachers. Oklahoma City, OK, Author.
- Or. Admin. R. 584-20-005 *et seq.*
- Ornstein, A. C. (1979). "Toward greater teacher professionalism." Illinois School Journal 59: 3-14.
- Ornstein, A. C. (1981). "The trend toward increased professionalism for teachers." Phi Delta Kappan 63: 196-198.
- Patton, M. Q. (1990). Qualitative evaluation and research methods. Newbury Park, CA, Sage.
- Perakyla, A. (1997). Reliability and validity in research based on tapes and transcripts. Qualitative research: Theory, method and practice. D. Silverman. Thousand Oaks: CA, Sage: 201-220.
- Perkin, H. (1989). The rise of professional society: England since 1880. London, Routledge.
- Peske, H. G., E. Liu, et al. (2001). "The next generation of teachers: Changing conceptions of a career in teaching." Phi Delta Kappan 83(4): 304-311.

- Petronicolos, L. (1992). Does the U. S. Supreme Court's recent activism in reviewing educational disputes make the attempt to implement a code of professional ethics for educators a vain effort? Paper presented at the annual meeting of the Eastern Educational Research Association in Hilton Head, SC. (ERIC Document Reproduction Service No. ED355263).
- Pivar, W. H. (1979). Real estate ethics. Chicago, National Association of Realtors.
- Professional Development and Educator Accountability Act, Del. Code Ann. tit. 14, § 1201 *et seq.* (2000).
- Prager, D. K. (1988). Due process requirements for teacher dismissal in Georgia. Athens, GA, University of Georgia.
- Public Schools Professional Standards Act, Idaho Code § 33-1251 (1972).
- R. I. Gen. Laws § 16-11 *et seq.* (1995).
- Ratigan, G. J. (1988). Iowa educators' perceptions of the functions and purposes of the Iowa Professional Teaching Commission (Doctoral dissertation, Drake University 1988), Dissertation Abstracts International 49-09A, 2583.
- Reason, P. and J. Rowan (1981). Human inquiry: A sourcebook of new paradigm research. Chichester, England, Wiley.
- Reinolds, C. (2002). Ex-teacher gets 2 years for sex with teens. The Atlanta Journal-Constitution. Atlanta: D10.
Gene Groves a former Woodstock High School teacher was ordered to serve 2 years in prison and 13 years of probation.
- Rich, J. M. (1984). Professional ethics in education. Springfield, IL, C. C. Thomas.
- Rich, J. M. (1985). "The role of professional ethics in teacher education." Journal of the Association of Teacher Educators 7(3): 21-24.
- S. C. Code Ann. § 59-5-65 (1990 & Supp. 2001).
- S. C. Code Ann. § 59-25-160 (1991).
- S. C. Code Ann. §§ 59-25-170— 59-25-270 (1991).
- S. D. Admin. R. 24:08 (1975 & Supp. 2001).
- S. D. Admin. R. 24:11 (1975 & Supp. 2001).
- S. D. Codified Laws § 13-43-17 *et seq.* (1985).

- Scannell, D., D. G. Andersen, et al. (1989). The need for state professional standards and practices boards. (Occasional Paper Series of the Association of Colleges and Schools of Education in State University and Land Grant Colleges and Affiliated Private Universities.) Las Vegas, University of Nevada, College of Education.
- Schatz, A. (2002). Bush vows to fight corporate misdeeds: Reform push planned in radio address today. Atlanta Journal-Constitution. Atlanta, GA: D1, D5.
- Scherer, M. (2001). "Improving the quality of the teaching force: A conversation with David C. Berliner." Educational Leadership 58(8): 6-10.
- School Council Q & A. (2001, July 26). Atlanta Journal and Constitution: 4JM.
- Schmeiser, C. B. (1992). Ethical codes in the professions. Educational Measurement: Issues and Practice: 5-12.
- Selander, S. (1990). Associative strategies in the process of professionalization: Professional strategies and scientification of occupations. Professions in theory and history: Rethinking the study of the professions. M. Burrage and R. Torstendahl. London, Sage.
- Shank, G. D. (1994). "Shaping qualitative research in educational psychology." Contemporary Educational Psychology 19: 340-359.
- Shank, G. D. (2002). Qualitative research: A personal skills approach. Upper Saddle River: NJ, Merrill Prentice Hall.
- Shanker, A. (1985). "In support of teachers: The making of a profession." NASSP Bulletin 69: 93-99.
- Sichel, B. A. (1993). Ethics committees and teacher ethics. Ethics for professionals in education. K. A. Strike and P. L. Ternasky. New York, Teachers College Press: 162-175.
- Siegrist, H. (1990). Professionalization as a process: patterns, progression and discontinuity. Professions in theory and history: Rethinking the study of the professions. M. Burrage and R. Torstendahl. London, Sage: 177-191.
- Silverman, D. (2000). Doing qualitative research. Thousand Oaks: CA, Sage.
- Sinclair, C., N. P. Simon, et al. (1996). The history of ethical codes and licensure. Professional conduct and discipline in psychology. Washington, DC, American Psychological Association: 1-15.
- Smith, A. E., P. D. Travers, et al. (1990). Codes of ethics for selected fields of professional education. St. Louis, University of Missouri, School of Education.

- Sockett, H. (1991). Accountability, trust, and ethical codes of practice. The moral dimensions of teaching. J. I. Goodlad, R. Soder and K. A. Sirotnik. San Francisco, Jossey-Bass: 224-250.
- Sockett, H. (1993). The moral base for teacher professionalism. New York, Teachers College Press.
- Soder, R. (1986). Professionalizing the profession: Notes on the future of teaching. (Occasional Paper No. 4). Seattle, University of Washington, College of Education, Institute for the Study of Education Policy. (ERIC Document Reproduction Service No. ED298648).
- Soder, R. (1991). The rhetoric of teacher professionalization. The moral dimensions of teaching. J. I. Goodlad, R. Soder and K. A. Sirotnik. San Francisco, Jossey-Bass: 35-86.
- Sonnenfeld, J. A. and D. Q. Mills (2002). CEOs can't keep shirking duties. Atlanta Journal-Constitution. Atlanta, GA: A20.
- Sottile, J. M., Jr. (1994). Teaching and ethics. (ERIC Document Reproduction Service No. ED378174).
- State of Connecticut Department of Education Connecticut code of professional responsibility for teachers. Hartford, CT, Author.
- Strauss, A. L. and J. Corbin (1998). Basics of qualitative research: Techniques and procedures for developing grounded theory. Thousand Oaks: NJ, Sage.
- Strike, K. A. (1991). The legal and moral responsibility of teachers. The moral dimensions of teaching. J. I. Goodlad, R. Soder and K. A. Sirotnik. San Francisco, Jossey-Bass: 188-223.
- Strike, K. A. (1995). "Professional ethics and the education of professionals." Educational Horizons 74: 29-36.
- Strike, K. A. and P. L. Ternasky, Eds. (1993). Ethics for professionals in education. Professional ethics in education. New York, Teachers College Press.
- Suarez, T., D. A. Polen, et al. (1994). Autonomous teacher professional standards boards. (Policy Brief). Chapel Hill, North Carolina Educational Policy Research Center. (ERIC Document Reproduction Service No. ED372069).
- Sullivan, W. M. (1995). Work and integrity: The crisis and promise of professionalism in America. New York, Harper Business.

- Sykes, G. (1989). Teaching and professionalism: A cautionary perspective. Crisis in teaching. Albany, State University of New York Press: 253-273.
- Teaching and School Administration Professional Practices Act, Kan. Stat. Ann. § 72-8503 *et seq.* (1969 & Supp. 1984).
- Tell, C. (2001). "Making room for alternative routes." Educational Leadership 58(8): 38-41.
- Tenn. Code Ann. § 49-1-301 (1932 & Supp. 2003).
- Tenn. Code Ann. § 49-1-302 (1932 & Supp. 2003).
- Tenn. Comp. R. & Regs. 0520-2-4.01 (Feb., 2003).
- Tenn. Comp. R. & Regs. 1360-4-1 (July, 1990).
- Tesch, R. (1990). Qualitative research. Philadelphia, Falmer.
- Thomas, F. B. (1990). Code of professional responsibility. Washington, DC, BNA Books.
- Thompson, M. (1997). Professional ethics and the teacher: Towards a General Teaching Council. London, Trentham.
- Torres, D. (1988). "Professionalism: Variation and organization survival." American Sociological Review 53: 380-394.
- Torrey, M. M. (1999). Notice of proposed rulemaking. Atlanta, GA, Professional Standards Commission: 11.
- Tyler, L. L. (1964). "Is teaching a profession?" Educational Forum 28(4): 413-421.
- Utah Admin. Code R277-514 (2000).
- Utah Admin. Code R686-100 *et seq.* (2002).
- Utah Admin. Code R686-103 *et seq.* (2002).
- Utah Code Ann. § 53A-1-101 (2001).
- Utah Code Ann. § 53A-6-301 *et seq.* (2001).
- Va. Code Ann. § 22.1-9 (1971).
- Vallance, E. M. (1995). Business ethics at work. New York, Cambridge University Press.

- Van Maanen, J., J. M. Dabbs, Jr., et al. (1982). Varieties of qualitative research. Beverly Hills, CA, Sage.
- Vollmer, H. M. and D. L. Mills (1966). Professionalization. Englewood Cliffs, NJ, Prentice-Hall.
- Vt. Code R. 5610 *et seq.* (1995).
- Vt. Code R. 5710 *et seq.* (2003).
- Vt. Code R. 5713 *et seq.* (2003).
- W. Va. Code §§ 18A-3-2a—18A-3-6 (1995).
- W. Va. Code St. R. § 126-4 *et seq.* (1995).
- Ward, J. G. (1978). Teachers, professionalism, and teaching training. Paper presented at the Annual Meeting of the American Education Research Association. Toronto, Ontario, Canada.
- Wash. Admin. Code § 180-86 *et seq.* (2002).
- Wash. Admin. Code § 180-87 (1997).
- Weber, R. P. (1990). Basic content analysis. Newbury Park, CA, Sage.
- Weil, P. E. and M. Weil (1971). "Professionalism: A study of attitudes and values." The Journal of Teacher Education 22(3): 314-318.
- Weldon, J. A. (2002). Revocation of teacher licensure. Helena, MT, Montana Office of Public Instruction.
- Wilson, J. (1993). Reflection and practice: Teacher education and the teaching profession. London, Ontario, Canada, Althouse.
- Wis. Admin. Code § 34 (1985).
- Wong, H. K. (1991). The professional educator [Videotape series: Part 7]. The effective teacher with Harry K. Wong [Videotape series 1-8]. (Available from Harry K. Wong Publications, Inc., 943 North Shoreline Boulevard, Mountain View, CA 94043).
- Wyo. Stat. Ann. § 21-2-802(c) (1994).
- Wyo. Stat. Ann. § 22-2-801 *et seq.* (1994).

Zimmer-Loev (1996). Professional policy in foreign language education: What it is and how we get it. National standards: A catalyst for reform. R. C. Lafayette. Lincolnwood, IL, National Textbook: 23-33.

APPENDIX A

Alaska

Code of Ethics and Teaching Standards

Alaska Code of Ethics and Teaching Standards

20 AAC 10.010. COVERAGE

All members of the teaching profession (as defined in AS 14.20.370) are obligated to abide by the code of ethics and the professional teaching standards adopted by the Professional Teaching Practices Commission.

20 AAC 10.020 CODE OF ETHICS AND TEACHING STANDARDS

(a) The following code of ethical and professional standards governs all members of the teaching profession. A violation of this section is grounds for discipline as provided in AS 14.20.030.

(b) In fulfilling obligations to students, an educator:

1. May not deliberately distort suppress, or deny access to curricular materials or educational information in order to promote the personal view, interest, or goal of the educator;
2. Shall make reasonable effort to protect students from conditions harmful to learning or to health and safety;
3. May not engage in physical abuse of a student or sexual conduct with a student and shall report to the commission knowledge of such an act by an educator;
4. May not expose a student to unnecessary embarrassment or disparagement;
5. May not harass, discriminate against, or grant a discriminatory advantage to a student on the grounds or race, color, creed, sex, national origin, marital status, political or religious beliefs, physical or mental conditions, family, social, or cultural background, or sexual orientation; shall make reasonable effort to assure that a student is protected from harassment or discrimination on these grounds; and may not engage in a course of conduct that would encourage a reasonable student to develop a prejudice on these grounds;
6. May not use professional relationships with students for private advantage or gain;
7. Shall keep in confidence information that has been obtained in the course of providing professional service, unless disclosure serves a compelling professional purpose or is required by law;

8. Shall accord just and equitable treatment to all students as they exercise their educational rights and responsibilities.

(c) In fulfilling obligations to the public, an educator:

1. Shall take reasonable precautions to distinguish between the educator's personal views and those of any educational institution or organization with which the educator is affiliated;
2. Shall cooperate in the statewide student assessment system established under 4 AAC 06.710-4 AAC 06.790 by safeguarding and maintaining the confidentiality of test materials and information;
3. May not accept a gratuity, gift, or favor that might influence or appear to influence professional judgment, and may not offer a gratuity, gift, or favor to obtain special advantage;
4. May not knowingly withhold or misrepresent material information in communicating with the school board regarding a matter before the board for its decision; and
5. May not use or allow the use of district resources for private purposes not related to the district programs and operation.

(d) In fulfilling obligations to the profession, an educator:

1. May not on the basis of race, color, creed, sex, age, national origin, marital status, political or religious beliefs, physical condition, family, social or cultural background, or sexual orientation, deny to a colleague a professional benefit, advantage, or participation in any professional organization, and may not discriminate in employment practice, assignment, or personnel evaluation;
2. Shall accord just and equitable treatment of all members of the profession in the exercise of their professional rights and responsibilities;
3. May not use coercive means or promise special treatment in order to influence professional decisions of colleagues;
4. May not sexually harass a fellow employee;
5. Shall withhold and safeguard information acquired about colleagues in the course of employment, unless disclosure serves a compelling professional purpose;
6. Shall provide, upon the request of the affected party, a written statement of specific reasons for recommendations that led to the denial of increments, significant changes in employment, or termination of employment;

7. May not deliberately misrepresent the educator's or another's professional qualifications;
8. May not falsify a document, or make a misrepresentation on a matter related to licensure, employment evaluation, test results, or professional duties;
9. May not intentionally make a false or malicious statement about a colleague's professional performance or conduct;
10. May not intentionally file a false or malicious complaint with the commission;
11. May not seek reprisal against any individual who has filed a complaint, provided testimony or given other assistance in support of a complaint filed with the commission;
12. Shall cooperate fully and honestly in investigations and hearings of the commission;
13. May not unlawfully breach a professional employment contract;
14. Shall conduct professional business through appropriate channels;
15. May not assign tasks to unqualified personnel;
16. May not continue in or seek professional employment while unfit due to (A) use of drugs or alcohol that impairs the educator's competence or the safety of students or colleagues; (B) physical or mental disability that impairs the educator's competence or the safety of students or colleagues;
17. May not interfere with a colleague's exercise of political or citizenship rights and responsibilities.

20 AAC 10.030. MORAL TURPITUDE

- (1) "moral turpitude" means conduct that is wrong in itself even if no statute were to prohibit the conduct; and
- (2) a crime involving moral turpitude includes:
 - (A) homicide;
 - (B) manslaughter;
 - (C) assault;
 - (D) stalking;
 - (E) kidnapping;
 - (F) sexual assault;
 - (G) sexual abuse of minor;

- (H) unlawful exploitation of a minor;
- (I) robbery;
- (J) extortion;
- (K) coercion;
- (L) theft;
- (M) burglary;
- (N) arson;
- (O) criminal mischief;
- (P) forgery;
- (Q) criminal mischief;
- (R) forgery;
- (S) criminal impersonation;
- (T) bribery;
- (U) perjury;
- (V) unsworn falsification;
- (W) jury tampering;
- (X) terroristic threatening;
- (Y) possession or distribution of child pornography;
- (Z) unlawful distribution or possession for distribution or possession for distribution of a controlled substance;
- (AA) unlawfully furnishing alcohol to a minor.

20. AAC 10.900 DEFINITIONS: In this chapter,

- (1) “sexual conduct” includes solicitations for sex; explicit sexual jokes and stories; discussion of the educator’s sexual feelings or activities; discussion, outside of a professional teaching or counseling context, of a student’s sexual feelings or activities; and ‘sexual penetration’ and ‘sexual contact’ as those terms are defined in AS 11.81.900(j).
- (2) “physical abuse” is an action beyond reasonable discipline that results in an adverse physical effect upon a student.

APPENDIX B

California

Rules of conduct for Professional Educators

RULES OF CONDUCT FOR PROFESSIONAL EDUCATORS

Title 5, California Code of Regulations, Sections 800331-80338 may be referred to collectively as the “Rules of Conduct for Professional Educators.”

California Education Code Section 44330 requires the Commission on Teacher Credentialing to adopt regulations requiring every applicant for a credential or for renewal of a credential to submit reasonable evidence of identification and good moral character and also requires the Commission to give notice to such persons of the standards by which the Commission determines that it shall not pursue or investigate offenses which are not clearly related to an applicant’s fitness or competence to teach or to perform other certificated duties.

California Education Code Sections 44345, 44420, and 44421 further authorize the Commission on Teacher Credentialing to deny applications for credentials and to privately admonish, suspend, or revoke credentials of persons for violation of employment contracts or for “immoral or unprofessional conduct or persistent defiance of and refusal to obey the laws, regulating the duties of persons serving in the public school system or for any cause which would have warranted the denial of an application for a credential or the renewal of a credential, or for evident unfitness for service.”

Existing statutes and regulations do not address specific categories of conduct which may be construed as unprofessional, immoral, violation of employment contracts, or which reflect unfitness for service. As a result, individuals may lack guidance as to some of the categories of conduct for which they may be held accountable. It is the purpose of these regulations to provide such guidance.

ARTICLE 3. RULES OF CONDUCT FOR PROFESSIONAL EDUCATORS

SECTION 80331

- (A) These rules are binding upon every person holding a credential or any license to perform educational services under the jurisdiction of the Commission on Teacher Credentialing, and the consequences of any willful breach may be revocation or suspension of the credential, or license, or private admonition of the holder.
- (B) Nothing in these rules is intended to limit or supersede any provision of law relating to the duties and obligations of certificated persons or to the consequences of the violation of such duties and obligations. The prohibition of certain conduct in these rules is not to be interpreted as approval on conduct not specifically cited.
- (C) These rules may be cited and referred to as “Rules of Conduct for Professional Educators.”

(D) The Commission shall complete a study of the effect of these rules and present its findings to the Governor, the Legislature, and the State Board of Education no later than September 1, 1989.

(E) As used in these rules:

- (1) "Certificated person" means any person who holds a certificate, permit, credential, or other license authorizing the performance of teaching or education-related service in grades K through 12 in California public schools.
- (2) "Professional employment" means the performance for compensation of teaching or other education-related employment in a position for which certification requirements are set by law.
- (3) "Confidential information" means

(A) Information made confidential by Section 35301 of the Education Code; or,

(B) Information which was provided to the certificated person solely for the purpose of facilitating his/her performance of professional services for or on behalf of the person or employer providing such information.

SECTION 80332: PROFESSIONAL CANDOR AND HONESTY IN LETTERS OR MEMORANDA OF EMPLOYMENT RECOMMENDATION

- (A) A certificated person shall not write or sign any letter or memorandum which intentionally omits significant facts, or which states as facts matters which the writer does not know of his/her own knowledge to be true relating to the professional qualifications or personal fitness to perform certificated services of any person whom the writer knows will use the letter or memorandum to obtain professional employment nor shall he/she agree to provide a positive letter of recommendation which misrepresents facts as a condition of resignation or for withdrawing action against the employing agency.
- (B) This rule has no application to statements identified in the letter or memorandum as personal opinions of the writer but does apply to unqualified statements as fact that which the writer does not know to be true or to statements as fact that which the writer knows to be untrue.

SECTION 80333: WITHDRAWAL FROM PROFESSIONAL EMPLOYMENT

- (A) A certificated person shall not abandon professional employment without good cause.
- (B) "Good cause" includes, but is not necessarily limited, to circumstances not caused by or under the voluntary control of the certificated person.

SECTION 80334: UNAUTHORIZED PRIVATE GAIN OR ADVANTAGE

A certificate person shall not:

- (A) Use for his/her own private gain or advantage or to prejudice the rights or benefits of another person any confidential information relating to students or fellow professionals;
- (B) Use for his/her own private gain or advantage the time, facilities, equipment, or supplies which is the property of his/her employer without the express or clearly implied permission of his/her employer;
- (C) Accept any compensation or benefit or thing of value other than his/her regular compensation for the performance of any service which he/she is required to tender in the course and scope of his/her certificated employment. This rule shall not restrict performance of any overtime or supplemental services at the request of the school employer; nor shall it apply to or restrict the acceptance of gifts or tokens of minimal value offered and accepted openly from students, parents or other persons in recognition or appreciation of service.

SECTION 80335: PERFORMANCE OF UNAUTHORIZED PROFESSIONAL SERVICES

A certificated person shall not after July 1, 1989:

- (A) Knowingly accept an assignment to perform professional services if he or she does not possess a credential authorizing the service to be performed unless he or she has first exhausted any existing local remedies to correct the situation has then notified the county superintendent of schools in writing of the incorrect assignment, and the county superintendent of schools has made a determination, within 45 days of receipt of the notification, that the assignment was caused by extraordinary circumstances which make correction impossible, pursuant to the procedures referred to in Education Code Section 44258.9(g)(2) and (3).
- (B) Knowingly and willfully assign or require a subordinate certificated person to perform any professional service which the subordinate is not authorized to perform by his or her credential or which is not approved by appropriate governing board authorization, unless he or she has made reasonable attempts to correct the situation but has been unsuccessful, and has notified the county superintendent of schools of those attempts, and the county superintendent of schools has determined, within 45 days of being notified of the assignments, that the assignment was caused by extraordinary circumstances which make correction impossible.
- (C) Neither (A) nor (B) shall be applicable in a situation where extraordinary circumstances make the correction of the misassignment impossible.

- (D) There shall be no adverse action taken against a certificated person under this rule for actions attributable to circumstances beyond his or her control.

SECTION 80336: PERFORMANCE WITH IMPAIRED FACULTIES

- (A) A certificated person shall not:

- (1) Perform or attempt to perform any duties or services authorized by his or her credential during any period in which he or she knows or is in possession of facts showing that his or her mental or intellectual faculties, are substantially impaired for any reason, including but not limited to use of alcohol or any controlled substance.
- (2) Assign or require or permit a subordinate certificated person to perform any duties authorized by his or her credential during any period in which the superior certificated person knows of his or her own knowledge or is in possession of facts showing that the subordinate certificated person's mental or intellectual faculties are substantially impaired for any reason, including but not limited to use of alcohol or any controlled substance.

- (B) For the purpose of this rule, substantial impairment means a visible inability to perform the usual and customary duties of the position in a manner that does not represent a danger to pupils, employees, or school property. It does not include or mean inability attributable to lack of, or inadequate, professional preparation or education.

SECTION 80337: HARASSMENT AND RETALIATION PROHIBITED

No certificated person shall directly or indirectly use or threaten to use any official authority or influence in any manner whatsoever which tends to discourage, restrain, interfere with, coerce, or discriminate against any subordinate or any certificated person who in good faith reports, discloses, divulges or other wise brings to the attention of the governing board of a school district, the Commission on Teacher Credentialing or any other public agency authorized to take remedial action, any facts or information relative to actual or suspected violation of any law regulating the duties of persons serving in the public school system, including but not limited to these rules of professional conduct.

SECTION 80338: DISCRIMINATION PROHIBITED

A certificated person shall not, without good cause, in the course and scope of his or her certificated employment and solely because of race, color, creed, gender, national origin, handicapping condition or sexual orientation, refuse or fail to perform certificated services for any person.

APPENDIX C

Colorado

Standards of Unethical Behavior

STANDARDS OF UNETHICAL BEHAVIOR

The following shall serve as standards against which charges of unethical behavior will be judged. To warrant removal of the license, violations must be found to be substantial or continued. It shall be considered unethical behavior for a holder to:

- (1) Fail to make reasonable effort to protect the student from conditions harmful to health and safety.
- (2) Provide professional services in a discriminatory manner regarding age, gender, national origin, race, ethnicity, color, creed, religion, language, disability, socio-economic status, or status with regard to marriage or sexual orientation.
- (3) Fail to keep in confidence information obtained in the course of professional services unless disclosure serves to protect the child, other children, or school personnel, or is required by law.
- (4) Direct a person to carry out professional responsibilities knowing that such person is not qualified for the responsibility given, except the assignments of short duration in emergency situations.
- (5) Deliberately distort or suppress curricular materials or educational information in order to promote the personal view, interest, or goal of the license holder.
- (6) Falsify or misrepresent records or facts relating to the license holder's own qualifications, to other educator's qualifications, or to student records.
- (7) Make false or malicious statements about students or school personnel.
- (8) Accept anything of substantial value from any person when the license holder knows, or a reasonable person could construe, that the offer is for the purpose of influencing the professional judgment of the license holder, or the performance of professional duties.
- (9) Fail to conduct financial transaction relating to the school program in a manner consistent with applicable law, rule, or regulation.
- (10) Engage in immoral conduct which affects the health, safety, or welfare of children or conduct which offends the morals of the community or sets an inappropriate example for children or youth whose ideals the educator is expected to foster and elevate.
- (11) Sell or engage in unlawful distribution of dangerous or unauthorized prescription drugs, or other dangerous nonprescription substances, alcohol or tobacco.

APPENDIX D

Connecticut

Code of Professional Responsibility for Teachers

CONNECTICUT CODE OF PROFESSIONAL RESPONSIBILITY FOR TEACHERS

PREAMBLE

The code of Professional Responsibility for Teachers is a set of principles which the teaching profession expects the members to honor and follow. These principles set forth, on behalf of the teaching profession and the public it serves, standards to guide conduct and the judicious appraisal of conduct in situations that have professional and ethical implications. The Code adheres to the fundamental belief that the student is the foremost reason for the existence of the profession.

The teaching profession is vested by the public with a trust and responsibility requiring the highest ideals of professionalism. Therefore, the teacher accepts both the public trust and the responsibilities to practice the profession according to the highest possible degree of ethical conduct and standards. Such responsibilities include commitment to the students, the teaching profession, and the community.

Consistent with application law, the Code of Professional Responsibility for Teachers shall serve as a basis for decisions on issues pertaining to licensure and employment. It shall apply to all teachers licensed by or individuals seeking licensure from the State of Connecticut. For the purpose of this code of professional responsibility, “teacher” means a person who is applying for, who holds or who is employed under a teaching certificate, or other equivalent certificate, issued by the State Board of Education.

Responsibility to the Student:

- (1) The professional teacher, in full recognition of his or her obligation to the student, shall:
 - (a) Recognize, respect and uphold the dignity and worth of students as individual human beings, and therefore deal justly and considerately with students;
 - (b) Engage students in the pursuit of truth, knowledge, and wisdom and provide access to all points of view without deliberate distortion of subject matter;
 - (c) Nurture in students lifelong respect and compassion for themselves and other human beings regardless of race, ethnic origin, gender, social class, disability, religion, or sexual orientation;
 - (d) Foster in students the full understanding, application and preservation of democratic principles and processes;

- (e) Guide students to acquire the requisite skills and understanding for participatory citizenship and to realize their obligation to be worthy and contributing members of society;
 - (f) Assist students in the formulation of value systems and worthy, positive goals;
 - (g) Promote the right and freedom of students to learn, explore, ideas, develop learning skills and acquire the necessary knowledge to achieve their full potential;
 - (h) Strive to develop within students fundamental critical thinking skills and problem-solving techniques;
 - (i) Remain steadfast in guaranteeing equal opportunity for quality education for all children, and not unlawfully discriminate; and
 - (j) Maintain the confidentiality of all information concerning students obtained in the proper course of the educational process, and dispense such information only when prescribed or directed by federal or state law or professional practice.
- (2) The professional teacher, in full recognition of his or her obligation to the student, shall not;
- (a) Abuse his or her position as a professional with students for private advantage;
 - (b) Sexually or physically harass or abuse students;
 - (c) Emotionally abuse students; or
 - (d) Engage in any misconduct which would put students at risk.

Responsibility to the Profession:

- (1) The professional teacher, in full recognition of his or her obligation to the profession of teaching, shall:
- (a) Conduct himself or herself as a professional, realizing that his or her action reflects directly upon the status and substance of the profession;
 - (b) Uphold the professional teacher's right to teach effectively;
 - (c) Uphold the principle of academic freedom;
 - (d) Strive to exercise the highest level of professional judgment;
 - (e) Assume responsibility for his or her professional development;

- (f) Encourage the participation of teachers in the process of educational decision-making;
- (g) Promote the employment of only qualified and fully licensed teachers;
- (h) Encourage promising, qualified and competent individuals to enter the profession;
- (i) Decline any gratuity, gift or favor that would impair or influence professional decisions or actions; and
- (j) Maintain the confidentiality of all information concerning colleagues obtained in the proper course of the educational process, and dispense such information only when prescribed or directed by federal or state law or professional practice.

Responsibility to the Community:

- (1) The professional teacher, in full recognition of the public trust vested in the teaching profession, shall:
 - (a) Be cognizant of the influence of teachers upon the community-at-large, and therefore shall not knowingly misrepresent facts or make false statements;
 - (b) Encourage the community to exercise its responsibility to be involved in the formulation of educational policy;
 - (c) Promote the principles and ideals of democratic citizenship; and
 - (d) Endeavor to secure equal educational opportunities for all children.
- (2) The professional teacher, in full recognition of the public trust vested in the teaching profession, shall not;
 - (a) Exploit the educational institution for personal gain; or
 - (b) Be convicted in a court of law of a crime involving moral turpitude or of any crime of such nature that violates such public trust.

APPENDIX E

Connecticut

Code of Professional Responsibility for Administrators

Connecticut Code of Professional Responsibility for School Administrators

Preamble

This code of professional responsibility for school administrators reaffirms and codifies the principles and standards that have guided the school administrator profession over the years. The principles set forth in this code are intended to guide the conduct and assist in the appraisal of conduct for the members of the profession and the public they serve. The code cannot, and does not address every situation in which choices and decisions must be made. The code recognizes the ability of the members of the profession to make administrative decisions that are in the best interest of the students and all individuals associated with the school district in which the members serve.

The code adheres to the fundamental belief that the student is the foremost reason for the existence of the profession. Administrators must focus the energies of schools on student learning above all else. In addition, the code recognizes the administrators' responsibility to the public, the colleagues and all staff members to foster high standards for professional educators, provide leadership, encourage diversity in curriculum and staff, and promote a quality educational program. By setting forth a code of professional responsibility for school administrators separate from the code applicable to teachers, there is a recognition of the similar but different responsibilities that the two groups have to the students they serve. Both codes see to codify standards for the education profession to promote a quality system of education for the students in our state. The additional responsibility an administrator accepts in the performance of his or her duties is reflected in this code.

Responsibility to the Student

The professional school administrator, in full recognition of obligations to the student, shall:

- (1) Make the well-being of students the fundamental value in all decision making and actions;
- (2) Recognize, respect and uphold the dignity and worth of students as individuals and deal justly and considerately with students;
- (3) Promote in students pursuit of truth, knowledge and wisdom, and provide access to all points of view without deliberate distortion of subject matter;
- (4) Nurture in students lifelong respect and compassion for themselves and other human beings regardless of race, ethnic origin, gender, social class, disability, religion or sexual orientation;

- (5) Foster in students the full understanding, application and preservation of democratic principles and processes;
- (6) Guide students to acquire the required skills and understandings for participatory citizenship and to realize their obligation to be worthy and contributing members of society;
- (7) Assist students in the formulation of positive goals;
- (8) Promote the right and freedom of students to learn, explore ideas, develop learning skills and acquire the necessary knowledge to achieve their full potential;
- (9) Develop within students fundamental critical thinking skills and problem-solving techniques;
- (10) Ensure quality education for all students;
- (11) Maintain confidentiality of all information concerning students obtained in the proper course of the educational process and dispense the information when prescribed or directed by law, governing board policy of professional practice.
- (12) Ensure that all students are provided educational opportunities in environments safe from sexual, physical, and emotional abuse; and
- (13) Promote ongoing development and evaluation of curriculum.

Responsibility to the Student's Family

The professional school administrator, in full recognition of the responsibility to the student's family, shall:

- (1) Respect the dignity of each family, its culture, customs and beliefs;
- (2) Promote and maintain appropriate, ongoing and timely written and oral communications with the family;
- (3) Responds in a timely fashion to families' concerns;
- (4) Consider the family's perspective on issues involving its children;
- (5) Encourage participation of the family in the educational process; and
- (6) Foster open communication among the family, staff, and administrators.

Responsibility to the Community

The professional school administrator, in full recognition of the public trust vested in the education profession, shall:

- (1) Be cognizant of the influence of school administrators upon the community at large and, therefore, not knowingly misrepresent facts or make false statements;
- (2) Obey local, state and national laws;
- (3) Implement the governing board policies and administrative rules and regulations;
- (4) Encourage the community to exercise its responsibility to be involved in the formulation of educational policy;
- (5) Pursue appropriate measure to address those laws, policies and regulations that are inconsistent with sound educational goals.
- (6) Avoid misusing administrative position for personal gain;
- (7) Honor professional contracts until fulfillment, release or dissolution mutually agreed upon by all parties to contracts;
- (8) Promote the principles and ideals of democratic citizenship, and
- (9) Endeavor to secure equal educational opportunities for all children.

Responsibility to the Profession and Staff

The professional school administrator, in full recognition of obligations to the profession, shall:

- (1) Maintain the highest standards of professional conduct, realizing that one's behavior reflects directly upon the status and substance of the profession;
- (2) Engage in administrative, supervisory and evaluative practices with staff members and provide leadership to ensure the highest standards for students;
- (3) Encourage student learning through the effective support of all staff engaged in the learning process;
- (4) Encourage the participation of administrators and teachers in the process of curriculum development and educational decision making;
- (5) Maintain the standards and seek to improve the effectiveness of the profession

through research and continuing professional development for self and staff;

- (6) Promote the employment of only qualified, certified educators, and qualified noncertified staff;
- (7) Encourage promising, qualified and competent individuals to enter the education profession; and
- (8) Maintain the confidentiality of all information obtained in the proper course of one's administrative duties and dispense the information when prescribed or corrected by law, governing board policy or professional practice.

APPENDIX F

Florida

Code of Ethics

THE CODE OF ETHICS OF THE EDUCATION PROFESSION IN FLORIDA

State Board of Education Rule 6B-1.001.FAC

1. The educator values the worth and dignity of every person, the pursuit of truth, devotion to excellence, acquisition of knowledge, and the nurture of democratic citizenship. Essential to the achievement of these standards are the freedom to learn and to teach and the guarantee of equal opportunity for all.
2. The educator's primary professional concern will always be for the student and for the development of the student's potential. The educator will therefore strive for professional growth and will seek to exercise the best professional judgement and integrity.
3. Aware of the importance of maintaining the respect and confidence of one's colleagues, of students, of parents, and of other members of the community, the educator strives to achieve and sustain the highest degree of ethical conduct.

APPENDIX G

Florida

Principles of Professional Conduct

THE PRINCIPLES OF PROFESSIONAL CONDUCT
OF THE EDUCATION PROFESSION IN FLORIDA

- (1) The following disciplinary rule shall constitute the Principles of Professional Conduct of the Education Profession in Florida.
- (2) Violation of any of these principles shall subject the individual to revocation or suspension of the individual educator's certificate, or the other penalties as provided by law.
- (3) Obligation to the student requires that the individual:
 - (a) Shall make reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety.
 - (b) Shall not unreasonable restrain a student from independent action in pursuit of learning.
 - (c) Shall not unreasonable deny a student access to diverse points of view.
 - (d) Shall not intentionally suppress or distort subject matter relevant to a student's academic program.
 - (e) Shall not intentionally expose a student to unnecessary embarrassment or disparagement.
 - (f) Shall not intentionally violate or deny a student's legal rights.
 - (g) Shall not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background and shall make reasonable effort to assure that each student is protected from harassment or discrimination.
 - (h) Shall not exploit a relationship with a student for personal gain or advantage.
 - (i) Shall keep in confidence personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.
- (4) Obligation to the public requires that the individual:
 - (a) Shall take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated.

- (b) Shall not intentionally distort or misrepresent facts concerning an educational matter in direct or indirect public expression.
 - (c) Shall not use institutional privileges for personal gain or advantage.
 - (d) Shall accept no gratuity, gift, or favor that might influence professional judgement.
 - (e) Shall offer no gratuity, gift, or favor to obtain special advantages.
- (5) Obligation to the profession of education requires that the individual:
- (a) Shall maintain honesty in all professional dealings.
 - (b) Shall not on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition if otherwise qualified, or social and family background deny to a colleague professional benefits or advantages or participation in any professional organization.
 - (c) Shall not interfere with a colleague's exercise of political or civil rights and responsibilities.
 - (d) Shall not engage in harassment or discriminatory conduct which unreasonable interferes with an individual's performance of professional or work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive, or oppressive environment, and further, shall make reasonable effort to assure that each individual is protected from such harassment or discrimination.
 - (e) Shall not make malicious or intentionally false statements about a colleague.
 - (f) Shall not use coercive means or promise special treatment to influence professional judgement of colleagues.
 - (g) Shall not misrepresent one's own professional qualifications.
 - (h) Shall not submit fraudulent information on any document in connection with professional activities.
 - (i) Shall not make any fraudulent statement or fail to disclose a material fact in one's own or another's application for a professional position.
 - (j) Shall not withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment.
 - (k) Shall provide upon the request of the certificated individual a written statement of specific reason for recommendations that lead to the denial of increments, significant changes in employment, or termination of employment.

- (l) Shall not assist entry into or continuance in the profession of any person known to be unqualified in accordance with these Principles of Professional Conduct of the Education Profession in Florida and other Applicable Florida Statutes and State Board of Education Rules.
- (m) Shall self-report within 48 hours to appropriate authorities (as determined by district) any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance. Such notice shall not be considered an admission of guilt nor shall such notice be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, shall self-report any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty or Nolo Contendere for any criminal offense other than a minor traffic violation within 48 hours after the final judgement. When handling sealed and expunged records disclosed under this rule, school districts shall comply with the confidentiality provisions of Sections 943.0585(4)(c) and 943.059(4)(c).
- (n) Shall report to appropriate authorities any known allegation of a violation of the Florida School Code or State Board of Education Rules as defined in Section 231.28(1), Florida Statutes.
- (o) Shall seek no reprisal against any individual who has reported any allegation of a violation of the Florida School Code or State Board of Education Rules as defined in Section 231.83(1), Florida Statutes.
- (p) Shall comply with the conditions of an order of the Education Practices Commission imposing probation, imposing a fine, or restricting the authorized scope of practice.
- (q) Shall, as the supervising administrator, cooperate with the Education Practices Commission in monitoring the probation of a subordinate.

APPENDIX H

Georgia

Code of Ethics for Educators

The Code of Ethics for Educators

Introduction

The Code of Ethics for Educators defines the professional behavior of educators in Georgia and serves as a guide to ethical conduct. The Professional Standards Commission has adopted standards which represent the conduct generally accepted by the education profession. The code protects the health, safety and general welfare of students and educators, ensures the citizens of Georgia a degree of accountability within the education profession, and defines unethical conduct justifying disciplinary sanction.

Definitions

“Certificate” refers to any teaching, service, or leadership certificate, license, or permit issued by authority of the Professional Standards Commission.

“Educator” is a teacher, school or school system administrator, or other education personnel who holds a certificate issued by the Professional Standards Commission and persons who have applied for but have not yet received a certificate. For the purpose of the Code of Ethics for Educators, educator also refers to paraprofessionals, aides, and substitute teachers.

“Student” is any individual enrolled in the state’s public or private schools from preschool through grade 12 or any individual between and including the age of 3 and 17.

“Complaint” is any written and signed statement from a local board, the state board, or one or more individual residents of this state filed with the Professional Standards Commission alleging that an educator has breached one or more of the standards in the Code of Ethics for Educators. A complaint will be deemed a request to investigate.

“Revocation” is the invalidation of any certificate held by the educator.

“Denial” is the refusal to grant initial certification to an applicant for a certificate.

“Suspension” is the temporary invalidation of any certificate for a period of time specified by the Professional Standards Commission.

“Reprimand” admonishes the certificate holder for his or her conduct. The reprimand cautions that further unethical conduct will lead to a more severe action.

“Warning” warns the certificate holder that his or her conduct is unethical. The warning cautions that further unethical conduct will lead to a more serious action.

“Monitoring” is the quarterly appraisal of the educator’s conduct and performance by the Professional Standards Commission through contact with the educator and his or

her employer. As a condition of monitoring, an educator may be required to submit a criminal background check (GCIC). The Commission specifies the length of the monitoring period.

Standards

Standard 1: Criminal Acts

An educator should abide by federal, state, and local laws and statutes. Unethical conduct includes but is not limited to the commission or conviction of a felony or of any crime involving moral turpitude. As used herein, conviction includes a finding, or verdict of guilty a plea of guilty or a plea of nolo contendere, regardless of whether an appeal of the conviction has been sought; a situation where first offender treatment without adjudication of guilt pursuant to the charge was granted; and a situation where an adjudication of guilt or sentence was otherwise withheld or not entered on the charge or the charge was otherwise disposed of in a similar manner in any jurisdiction.

Standard 2: Abuse of Students

An educator should always maintain a professional relationship with all students, both in and outside the classroom. Unethical conduct includes but is not limited to:

Committing any act of child abuse, including physical and emotional abuse;

Committing any act of cruelty to children or any act of child endangerment;

Committing or soliciting any unlawful sexual act;

Engaging in harassing behavior on the basis of race, gender, sex, national origin, religion or disability;

Soliciting, encouraging, or consummating a written, verbal or physical romantic or inappropriate relationship with a student (including dating a student); and

Furnishing tobacco, alcohol or illegal/unauthorized drugs to any student or allowing a student to consume alcohol or illegal/unauthorized drugs.

Standard 3: Alcohol or Drugs

An educator should refrain from the use of alcohol or illegal or unauthorized drugs during the course of professional practice. Unethical conduct includes but is not limited to:

Being on school premises or at a school-related activity involving students while under the influence of, possessing, using, or consuming illegal or unauthorized drugs; and

being on school premises or at a school-related activity involving students while under the influence of, possessing, using, or consuming alcohol.

A school-related activity includes, but is not limited to, any activity sponsored by the school or school system (booster clubs, parent-teacher organization, or any activity designed to enhance curriculum i.e. Foreign Language trips, etc.).

Standards 4: Misrepresentation or Falsification

An educator should exemplify honesty and integrity in the course of professional practice. Unethical conduct includes but is not limited to:

Falsifying, deliberately misrepresenting, or omitting professional qualifications, criminal history, college or staff development credit and/or degrees, academic award, and employment history when applying for employment and/or certification or when recommending an individual for employment, promotion, or certification.

Falsifying, deliberately misrepresenting, or omitting information regarding compliance reports submitted to federal, state, and other governmental agencies;

Falsifying, deliberately misrepresenting, or omitting information regarding the evaluation of students and/or personnel including improper administration of any standardized tests (changing test answers, copying or teaching identified test items, unauthorized reading of the test to students, etc.).

Falsifying, deliberately misrepresenting, or omitting reasons for absences or leaves; and

Falsifying, deliberately misrepresenting, or omitting information submitted in the course of an official inquiry/investigation.

Standard 5: Public Funds and Property

An educator entrusted with public funds and property should honor that trust with a high level of honesty, accuracy, and responsibility. Unethical conduct includes but is not limited to:

Misusing public or school-related funds or property including the use of facilities, equipment or property for athletic camps, clinics or out-of-season leagues without the approval of the local board of education;

Failing to account for funds collected from students or parents;

Submitting fraudulent requests for reimbursement of expenses or for pay; and

Co-mingling public or school-related funds with personal funds.

Standard 6: Improper Remunerative Conduct

An educator should maintain integrity with students, colleagues, parents, patrons, or business when accepting gifts, gratuities, favors, and additional compensation. Unethical conduct includes but is not limited to:

Soliciting students or parents of students to purchase equipment, supplies, or services from the educator in a private remunerative capacity;

Accepting gifts from vendors or potential vendors for personal use or gain where there may be the appearance of a conflict of interest;

Tutoring students assigned to the educator for remuneration unless approved by the local board of education or superintendent; and

Coaching instructing, promoting athletic camps, summer leagues, etc. that involves students in an educator's school system and from whom the educator receives remuneration unless approved by the local board of education or the superintendent. These types of activities must be in compliance with all rules and regulations of the Georgia High School Association.

Standard 7: Confidential Information

An educator should comply with state and federal laws and local school board policies relating to the confidentiality of student records, unless disclosure is required or permitted by law. Unethical conduct includes but is not limited to sharing of confidential information concerning student academic and disciplinary records, personal confidences, health and medical information, family status and/or income, and assessment/testing results.

Standard 8: Abandonment of Contract

An educator should fulfill all of the terms and obligations detailed in the contract with the local board of education or education agency for the duration of the contract. Unethical conduct includes but is not limited to:

Abandoning the contract for professional services without the prior release from the contract by the employer; and

Willfully refusing to perform the services required by a contract.

Standard 9: Failure to Make a Required Report

An educator should file reports of a breach of one or more of the standards in the Code of Ethics for Educators, child abuse (O.C.G.A. 19-7-5), or any other required

report. Unethical conduct includes the failure to make a required report as soon as possible but no later than ninety (90) days from the date the educator became aware of an alleged breach unless the law or local procedures requires reporting sooner.

Standard 10: Professional Conduct

An educator should demonstrate conduct that follows generally recognized professional standards. Unethical conduct is any conduct that seriously impairs the certificate holder's ability to function professionally in his or her employment position or conduct that is detrimental to the health, welfare, discipline, or morals of students (inappropriate language, physical altercations, inadequate supervision, inappropriate discipline, etc.).

Reporting

Educators are required to report a breach of one or more of the Standards in the code of Ethics for Educators, as soon as possible, but no later than ninety (90) days from the date the educator became aware of an alleged infraction, unless the law or local procedures require reporting sooner. Educators should be aware of local policies and procedures and/or the chain of command for reporting unethical conduct. Complaints filed with the Professional Standards Commission must be in writing and must be signed by the complainant (parent, educator, personnel director, superintendent, etc.). The Commission notifies local and state officials of all disciplinary actions. In addition, suspensions and revocations are reported to national officials, including the NASDTEC Clearinghouse.

Disciplinary Action

The Professional Standards Commission is authorized to suspend, revoke, or deny certificates, to issue a reprimand or warning, or to monitor the educator's conduct and performance after an investigation is held and notice and opportunity for a hearing are provided to the certificate holder. Any of the following grounds shall be considered cause for disciplinary action against the holder of a certificate:

Unethical conduct as outlined in The Code of Ethics for Educators, Standards 1-10 (PSC Rule 505-2-.03);

Disciplinary action against a certificate in another state on grounds consistent with those specified in the Code of Ethics for Educators, Standards 1-10 (PSC Rule 505-2-.03);

Order from a court of competent jurisdiction or a request from the Department of Human Resources that the certificate should be suspended or the application for certification should be denied for non-payment of child support (O.C.G.A. 19-6-28.1 and 19-11-9.3);

Notification from the Georgia Higher Education Assistance Corporation that the educator is in default and not in satisfactory repayment status on a student loan guaranteed by the Georgia Higher Education Assistance Corporation (O.C.G.A. 20-3-295);

Suspension or revocation of any professional license or certificate;

Violation of any other laws and rules applicable to the profession (O.C.G.A. 16-13-111); and

Any other good and sufficient cause.

An individual whose certificate has been revoked, denied for disciplinary reasons, or suspended may not be employed as an educator, paraprofessional, aide, or substitute teacher.

Authority O.C.G.A. 20-2-200; 20-2-981 through 20-2-984.5

APPENDIX I

Idaho

Code of Ethics

CODE OF ETHICS OF THE IDAHO TEACHING PROFESSION

Preamble

Believing in the worth and dignity of each human being, the educator recognizes the supreme importance of pursuing truth, striving toward excellence, nurturing democratic citizenship and safeguarding the freedom to learn and to teach, while guaranteeing equal educational opportunity for all. The educator accepts the responsibility to practice the profession according to the highest ethical standards. The Code of Ethics of the Idaho Teaching Profession symbolizes the commitment of all Idaho educators and provides standards by which to judge conduct.

Principle 1 – Commitment to the Student

The educator measures success by the progress each student makes toward the realization of his/her potential as an effective citizen. The educator, therefore, works to stimulate the spirit of inquiry, acquisition of knowledge and understanding, and thoughtful formulation of goals.

In fulfilling these obligations to the student, the Idaho educator:

1. Shall not, without just cause, deny the student access to varying points of view.
2. Shall protect the student from conditions detrimental to learning or to physiological or psychological well-being.
3. Shall not procure, distribute, or in any way make available any of the substances recognized as harmful to learning, well-being of the students, or to advocate the use of any such substances.
4. Shall respect the constitutional rights of the students.
5. Shall provide professional educational services in a nondiscriminatory manner.
6. Shall refrain from using professional relationships with students for personal advantage.
7. Shall keep in confidence information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.
8. Shall not tutor students assigned to one's classes for remuneration, except when specifically approved by the board of trustees.
9. Shall assess and report student achievement and ability as required by the employing educational agency.

Principle II – Commitment to the Public

The educator believes that education should preserve and promote the principles of democracy. Thus, the educator shares with all other citizens the responsibility for the development of sound educational policy.

In fulfilling these obligations to the public, the Idaho educator:

1. Shall distinguish between personal views and the views of the employing educational agency.
2. Shall not distort or misrepresent the facts concerning educational matters.
3. Shall not interfere in the exercise of political and citizenship rights and responsibilities of others.
4. Shall present only factual information on the application for certification and employment.
5. Shall not use institutional privileges for private gain, for the promotion of political candidates, or for political activities.
6. Shall accept no gratuities, gifts, or favors that impair, or appear to impair, professional judgement, nor offer any such to obtain special advantage.

Principle III – Commitment to the Profession

The educator believes the quality of the services of the education profession directly influences the nation and its citizens. Therefore, the educator strives to establish and maintain professional standards, to improve, service, and achieve conditions which attract highly qualified persons to the profession.

In fulfilling these obligations to the profession, the Idaho educator:

1. Shall provide professional educational services in a nondiscriminatory manner and not interfere with the free participation of colleagues in their professional associations.
2. Shall accord just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities.
3. Shall use no coercive means nor give special treatment in order to influence professional decisions of colleagues.
4. Shall withhold and safeguard information acquired about colleagues in the course of employment, unless disclosure serves professional purposes or is required by law.

5. Shall present one's professional qualifications accurately and completely.
6. Shall present evaluations of and recommendations for colleagues fairly, accurately, and professionally.
7. Shall cooperate with the Professional Standards Commission in inquiries and hearings.
8. Shall not engage in conduct which is offensive to the ordinary dignity, decency, and morality of others.

Principle IV – Commitment to Professional Employment Practices

The educator regards the employment agreement as a pledge to be executed in a manner consistent with the highest ideals of professional service. The educator believes sound professional personnel relationships with governing boards are built upon personal integrity, dignity, and mutual respect. The educator discourages the practice of the profession by unqualified persons.

In fulfilling these obligations to professional employment practices, the Idaho educator:

1. Shall apply for, accept, offer, or assign a position or responsibility after due consideration of professional preparation and legal qualification.
2. Shall apply for a specific position only when it is known to the educator to be vacant and shall refrain from underbidding or commenting adversely about other candidates.
3. Shall present only factual information regarding the assignment or conditions of employment to an applicant.
4. Shall adhere to the terms of a contract or appointment, unless these terms have been legally terminated, falsely represented, or substantially altered by unilateral action of the employment agency.
5. Shall conduct professional business through appropriate channels.
6. Shall provide upon the request of an aggrieved party, a written statement of specific reasons for recommendations that lead to the denial of increments, significant changes in employment, or termination of employment.
7. Shall use time granted for the purpose for which it is intended.
8. Shall not delegate assigned tasks to unqualified personnel.

Violation of the code of ethics of the Idaho teaching profession

Under Idaho Code, 33-1208 a violation of the Code of Ethics is ground for suspension or revocation of one's teaching certificate. An allegation of ethical misconduct may be brought by an Idaho local board of trustees or by any individual – other than a student of an Idaho public school – who has substantial interest in the matter.

Upon receipt of an allegation, the Executive Committee of the Professional Standards Commission reviews the circumstances of the case and determines whether sufficient grounds exist to warrant filing a complaint against the individual accused of misconduct. If sufficient grounds are determined to exist, the chief certification officer of the Professional Standards Commission files a formal complaint against the accused. Upon request a hearing will be held and a recommendation will be made to the Professional Standards Commission. The final decision of the Professional Standards Commission shall be subject to judicial review. Such hearings are held in compliance with Idaho Code, 33-1209.1

APPENDIX J

Iowa

Criteria of Professional Practices

Chapter 12: Criteria of Professional Practices

282--12.3 (272) Ethical practice toward other members of the profession, parents, students and the community.

12.3(1) Principle I—commitment to the student. The educator measures success by the progress of each student toward realization of potential as a worthy and effective citizen. The educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals. In fulfilling obligations to the student, the educator:

- a. Shall not without just cause restrain the student from independent action in a pursuit of learning, and shall not without just cause deny the student access to varying points of view.
- b. Shall not deliberately suppress or distort subject matter for which the educator bears responsibility.
- c. Shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety.
- d. Shall conduct professional business in such a way that the educator does not expose the student to unnecessary embarrassment or disparagement.
- e. Shall not on the ground of race, color, creed, age, sex, physical or mental handicap, marital status, or national origin exclude any student from participation in or deny the student benefits under any program, nor grant any discriminatory consideration or advantage.
- f. Shall not use professional relationships with students for private advantage.
- g. Shall keep in confidence information that has been obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.
- h. Shall not tutor for remuneration students assigned to the educator's classes, unless no other qualified teacher is reasonably available.

12.3(2) Principle II—commitment to the public. The educator believes that patriotism in its highest form requires dedication to the principles of our democratic heritage. The educator shares with all other citizens the responsibility for the development of sound public policy and assumes full political and citizenship responsibilities. The educator bears particular responsibility for the development of policy relating to the extension of educational opportunities for all and for interpreting educational programs and policies to the public. In fulfilling an obligation to the public, the educator:

- i. Shall not misrepresent an institution or organization with which the educator is affiliated, and shall take adequate precautions to distinguish between personal and institutional or organizational views.
- b. Shall not knowingly distort or misrepresent the facts concerning educational matters in direct and indirect public expressions.
- c. Shall not interfere with a colleague's exercise of political and citizenship rights and responsibilities.
- d. Shall not use institutional privileges for monetary private gain or to promote political candidates or partisan political activities.
- e. Shall accept no gratuities, gifts, or favors that might impair or appear to impair professional judgment, nor offer any favor, service, or thing of value to obtain special advantage.

12.3(3) Principle III—commitment to the profession. The educator believes that the quality of the services of the education profession directly influences the nation and its citizens. The educator therefore exerts every effort to raise professional standards, to improve service, to promote a climate in which the exercise of professional judgment is encouraged, and to achieve conditions which attract person worthy of the trust to careers in education. In fulfilling an obligation to the profession, the educator:

- a. Shall not discriminate on the ground of race, sex, age, physical handicap, marital status, color, creed or national origin for membership in the profession, nor interfere with the participation or nonparticipation of colleagues in the affairs of their professional association.
- b. Shall accord just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities.
- c. Shall not use coercive means or promise special treatment in order to influence professional decisions of colleagues.
- d. Shall withhold and safeguard information acquired about colleagues in the course of employment, unless disclosure serves professional purposes.
- e. Shall not refuse to participate in a professional inquiry when requested by the commission board.
- f. Shall provide upon the request of the aggrieved part a written statement of specific reason for recommendations that lead to the denial of increments, significant changes in employment or termination of employment.

- g. Shall not misrepresent professional qualifications.
- h. Shall not knowingly distort evaluations of colleagues.

12.3(4) Principle IV—commitment to professional employment practices. The educator regards the employment agreement as a pledge to be executed both in spirit and in fact in a manner consistent with the highest ideals of professional service. The educator believes that sound professional personnel relationships with governing boards are built upon personal integrity, dignity, and mutual respect. The administrator discourages the practice of the profession by unqualified persons. In fulfilling the obligation to professional employment practices, the educator:

- a. Shall apply for, accept, offer, or assign a position or responsibility on the basis of professional preparation and legal qualifications.
- b. Should recognize salary schedules and the salary clause of an individual teacher's contract as a binding document on both parties. The educator should not in any way violate the terms of the contract.
- c. Shall not knowingly withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment
- d. Shall give prompt notice to the employing agency of any change in availability of service, and the employing agent shall give prompt notice of change in availability or nature of a position.
- e. Shall adhere to the terms of a contract or appointment, unless these terms have been legally terminated, falsely represented, or substantially altered by unilateral action of the employing agency.
- f. Shall not delegate assigned tasks to unqualified personnel.
- g. Shall use time or funds granted for the purpose for which they were intended.

12.3(5) Principle V—commitment of board members and staff. The board members and staff will be independent and impartial and not use the public office for private gain. In fulfilling their obligation the board employees will not:

- a. Receive any remuneration for services, other than that payable by law.
- b. Solicit accept, or agree to accept any gifts, loans, gratuities, discounts, favors, hospitalities or services from anyone with vested interests in board matters.
- c. Disclose confidential information garnered from official duties.

- d. Solicit, accept or agree to accept compensation contingent upon board actions.
- e. Hold positions, perform duties, or engage in activities not compatible with official capacity.

These rules are intended to implement Iowa Code chapter 272.

APPENDIX K

Iowa

Criteria of Competent Performance

CHAPTER 13: CRITERIA OF COMPETENT PERFORMANCE

282—13.1(272) General. The standards listed in this chapter are held to be generally accepted minimal standards within the teaching profession in Iowa with respect to competent performance and therefore are declared to be the criteria of competency adopted pursuant to the provisions of Iowa Code chapter 272. In this respect, professional incompetence is a ground for filing a complaint with the board on the issue of license revocation or suspension. A final administrative or judicial determination of incompetence in Iowa Code chapter 279 proceedings should prompt careful review and consideration on the issue of whether a complaint should be filed.

282—13.2(272) Scope of standards. The standards set forth herein shall apply to all licensed practitioners as defined in Iowa Code chapter 272.

In this regard, no finding of professional incompetency shall be made except where a preponderance of evidence exists as to such incompetency

282—13.4(272) Definitions. As used herein the following words and terms have these meanings:

“Administrative and supervisory personnel.” Any licensed employee such as superintendent, assistant superintendent, principal, assistant principal, or other supervisory or administrative personnel who does not have as a primary duty the instruction of pupils in the schools.

“Available.” That which can be used or obtained.

“Communication skills.” The capacity, ability, or act of giving, or giving and receiving, through any of the senses, information, ideas, and attitudes.

“Competent.” The ability or fitness to discharge the required duties.

“Designated task.” The duty or assignment for which the individual is responsible at any given time.

“Diagnosis.” Identification of needs, strengths and weaknesses through examination, observation and analysis.

“Educator.” Any person engaged in the instructional program including those engaged in teaching, administering and supervising, and who are required to be licensed.

“Effective.” Producing a definite, desired result.

“Management.” Controlling, supervising and guiding the efforts of others.

“Policy.” Authorized written and dated expressions of intent by the school board which have been communicated to the educator and which reflect the general principles guiding the efforts of the school district toward approved goals.

“Reasonable.” Just; proper. Ordinary or usual. Fit and appropriate to the end in view.

“Teacher.” Any licensed employee who is regularly employed for the instruction of pupils in the schools, and all other licensed persons not defined as administrative and supervisory personnel.

282—13.5(272) Administrative and supervisory requirements of educators.

13.5(1) Competent educators must possess the abilities and skills necessary to perform the designated task. Each education shall:

- a. Keep records in accordance with law and policies of the school district.
- b. Supervise district students and school personnel in accordance with law and policies of the school district.
- c. Recognize the role and function of community agencies and groups as they relate to the school and to the educator’s position including, but not limited to, health and social services, employment services, community teaching resources, cultural opportunities, educational advisory committees, and parent organizations.

13.5(2) Each teacher shall:

- a. Utilize appropriate and available instructional materials and equipment necessary to accomplish the designated task.
- b. Adhere to and enforce lawful policies of the school district which have been communicated to the teacher.
- c. Use available channels of communication when interacting with administrators, community agencies, and groups in accordance with school district policy.

13.5(3) Each administrator shall:

- a. Use appropriate and available instructional personnel, materials, time, encouragement and equipment necessary to accomplish the designated task in fulfillment of the goals of the school district.
- b. Adhere to and enforce school law, state board regulations, and school district policy which has been communicated to the administrator.

- c. Use available channels of communication when interacting with teachers, community agencies and groups in accordance with school district policy.
- d. Establish and use consistent management techniques to accomplish the designated task pertaining to scheduling, finance, public relations and personnel.

282—13.6(272) Analysis of individual needs and individual potential. The competent educator shall utilize or promote the utilization of appropriate diagnostic techniques adopted by the school district to analyze the needs and potential of individuals. Among others, the following techniques should be considered:

- 1. Personal observation.
- 2. Analysis of individual performance and achievement.
- 3. Specific performance testing.

282—13.7(272) Instructional procedures. Each competent educator shall seek accomplishment of the designated task through selection and utilization of appropriate instructional procedures.

13.7(1) *Each educator shall:*

- a. Create an atmosphere which fosters interest and enthusiasm for learning and teaching.
- b. Use procedures appropriate to accomplish the designated task.
- c. Encourage expressions of ideas, opinions and feelings.

13.7(2) *Each teacher shall:*

- a. Create interest through the use of available materials and techniques appropriate to varying abilities and background of students.
- b. Consider individual student interests and abilities when planning and implementing instruction.

13.7(3) *Each administrator shall:*

- a. Support the creation of interest by providing the materials and equipment within the scope of available resources, time, and encouragement necessary for the teacher to accomplish the designated task.

- b. Make reasonable assignment of tasks and duties in light of individual abilities and specialties as designated by appropriate endorsements and approvals granted by the state.

282-13.8(272) Communication skills. In communicating with students, parents and other educators, each competent educator, within the limits prescribed by assignment and role, shall:

1. Utilize information and materials that are relevant to the designated task.
2. Use language and terminology which are relevant to the designated task.
3. Use language which reflects an understanding of the ability of the individual or group.
4. Ensure that the designated task is understood.
5. Use feedback techniques which are relevant to the designated task.
6. Consider the entire context of the statements of others when making judgments about what others have said.
7. Encourage each individual to state ideas clearly.

282-13.9(272) Management techniques. The competent educator shall

1. Resolve discipline problems in accordance with the law, school district policy, and administrative regulations and policies.
2. Maintain consistency in the application of policy and practice.
3. Use management techniques which are appropriate to the particular setting such as group work, seat work, lecture, discussion, demonstration, individual projects, and others.
4. Develop and maintain positive standards of student contact.

282—13.10(272) competence in specialization. Competent educators shall:

1. Possess knowledge within their area of specialization consistent with their record of professional preparation.
2. Be aware of current developments in their field.

3. Possess knowledge of resources which may be utilized in improving instruction in their area of specialization.

282-13.12(272) Human and interpersonal relationships. Competent educators maintain effective human and interpersonal relations skills and therefore:

1. Shall encourage others to respect, examine, and express differing opinions or ideas.
2. Shall not knowingly misinterpret the statements of others.
3. Shall not show disrespect for or lack of acceptance of others.
4. Shall provide leadership and direction for others by appropriate example.
5. Shall offer constructive criticism when necessary.
6. Shall comply with requests given by and with proper authority.
7. Shall not assign unreasonable tasks.
8. Shall exercise discretion and reasonable judgment in the use of authority.

282—13.13(272) Personal requirements. In assessing the mental or physical health of educators, no decision adverse to the educator shall be made by the board except on the testimony of personnel competent to make such judgment by reason of training, licensure and experience in professions, a significant concern of which is the study, diagnosis and treatment of physical or mental health. However, each competent educator within the scope of delegated authority shall:

1. Be able to engage, except when temporarily disabled, in physical activity appropriate to the designated task. The term “temporarily disabled” covers physical and mental conditions. No adverse decision will be rendered by the board against a temporarily disabled educator solely for that reason, and the issue as to the nature of an alleged disability shall be decided in the same manner as set forth in the preceding paragraph.
2. Be able to communicate effectively to accomplish the designated task.
3. Appropriately control emotions, the expression of which is likely to interfere with the designated task or be detrimental to the learning process and to otherwise compromise the educator’s effectiveness.
4. Possess and demonstrate sufficient intellectual ability to perform designated tasks.

These rules are intended to implement Iowa Code chapter 272.

APPENDIX L

Kentucky

Code of Ethics

16 KAR 1:020. Professional code of ethics for Kentucky school certified personnel

NECESSITY, FUNCTION, AND CONFORMITY: KRS 11.028 requires that the Education Professional Standards Board develop a professional code of ethics. This administrative regulation establishes the code of ethics for Kentucky school certified personnel and establishes that violation of the code of ethics may be grounds for revocation or suspension of Kentucky certification for professional school personnel by the Education Professional Standards Board.

Section 1. Certified personnel in the Commonwealth:

- (1) Shall strive toward excellence, recognize the importance of the pursuit of truth, nurture democratic citizenship, and safeguard the freedom to learn and to teach;
- (2) Shall believe in the worth and dignity of each human being and in education opportunities for all;
- (3) Shall strive to uphold the responsibilities of the education profession, including the following obligations to students, to parents, and to the education profession:
 - (a) To students:
 1. Shall provide students with professional education services in a nondiscriminatory manner and in consonance with accepted best practice known to the education;
 2. Shall respect the constitutional rights of all students.
 3. Shall take reasonable measures to protect the health, safety, and emotional well-being of students;
 4. Shall not use professional relationships or authority with students for personal advantage;
 5. Shall keep in confidence information about students which has been obtained in the course of professional service, unless disclosure serves professional purposes or is required by law;
 6. Shall not knowingly make false or malicious statements about students or colleagues;
 7. Shall refrain from subjecting students to embarrassment or disparagement; and
 8. Shall not engage in any sexually related behavior with a student with or without consent, but shall maintain a professional approach with

students. Sexually related behavior shall include such behaviors as sexual jokes; sexual remarks; sexual kidding or teasing; sexual innuendo; pressure for dates or sexual favors; inappropriate physical touching, kissing, or grabbing; rape, threats of physical harm; and sexual assault.

(b) To parents:

1. Shall make reasonable effort to communicate to parents information which should be revealed in the interest of the students.
2. Shall endeavor to understand community cultures and diverse home environments of students;
3. Shall not knowingly distort or misrepresent facts concerning educational issues;
4. Shall distinguish between personal views and the views of the employing educational agency;
5. Shall not interfere in the exercise of political and citizenship rights and responsibilities of others;
6. Shall not use institutional privileges for private gain, for the promotion of political candidates, or for partisan political activities; and
7. Shall not accept gratuities, gifts, or favors that might impair or appear to impair professional judgment, and shall not offer any of these to obtain special advantage.

© To the education profession

1. Shall exemplify behaviors which maintain the dignity and integrity of the profession;
2. Shall accord just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities;
3. Shall keep in confidence information acquired about colleagues in the course of employment, unless disclosure serves professional purposes or is required by law;
4. Shall not use coercive means or give special treatment in order to influence professional decisions;
5. Shall apply for, accept, offer, or assign a position or responsibility only on the basis of professional preparation and legal qualifications; and

6. Shall not knowingly falsify or misrepresent records of facts relating to the educator's own qualifications or those of other professionals.

Section 2. Violation of this administrative regulation may result in cause to initiate proceedings for revocation or suspension of Kentucky certification as provided in KRS 161.120 and 704 KAR 20:585. (21 Ky.R.2344; eff.5-4-95; recodified from 704 KAR 20:680,7-2-2002.)

APPENDIX M

Minnesota

Code of Ethics for Educators

8700.7500 CODE OF ETHICS FOR MINNESOTA TEACHERS

Subpart 1. Scope. Each teacher, upon entering the teaching profession, assumes a number of obligations, one of which is to adhere to a set of principles which defines professional conduct. These principles are reflected in the following code of ethics, which sets forth to the education profession and the public it serves standards of professional conduct and procedures for implementation.

This code shall apply to all persons licensed according to rules established by the Board of Teaching.

Subpart 2. Standards of professional conduct. The standards of professional conduct are as follows:

- A. A teacher shall provide professional education services in a nondiscriminatory manner.
- B. A teacher shall make reasonable effort to protect the student from conditions harmful to health and safety.
- C. In accordance with state and federal laws, a teacher shall disclose confidential information about individuals only when a compelling professional purpose is served or when required by law.
- D. A teacher shall take reasonable disciplinary action in exercising the authority to provide an atmosphere conducive to learning.
- E. A teacher shall not use professional relationships with students, parents, and colleagues to private advantage.
- F. A teacher shall delegate authority for teaching responsibilities only to licensed personnel.
- G. A teacher shall not deliberately suppress or distort subject matter.
- H. A teacher shall not knowingly falsify or misrepresent records of facts relating to that teacher's own qualifications or to other teacher's qualifications.
- I. A teacher shall not knowingly make false or malicious statements about students or colleagues.
- J. A teacher shall accept a contract for a teaching position that requires licensing only if properly or provisionally licensed for that position.

APPENDIX N

Minnesota

Code of Ethics for School Administrators

3512.5200 CODE OF ETHICS FOR SCHOOL ADMINISTRATORS.
Minnesota Rules, Table of Chapters

Subpart 1. **Scope.** This part applies to all persons licensed as school administrators as defined in part 3512.0 subparts 5 to 7.

Subpart 1. **Standards of professional conduct.** The standards of professional conduct for school administrators are listed items A to K.

- A. A school administrator shall provide professional educational services in a nondiscriminatory manner.
- B. A school administrator shall take reasonable action to protect students and staff from conditions harmful to health and safety.
- C. A school administrator shall take reasonable action to provide an atmosphere conducive to learning.
- D. A school administrator shall not misuse professional relationships with students, parents and caregivers, staff, or colleagues to private advantage.
- E. A school administrator shall disclose confidential information about individuals only when a compelling professional purpose is served in accordance with state and federal laws, and school district policies.
- F. A school administrator shall not knowingly falsify or misrepresent records or facts relating to the administrators qualifications, or to the qualifications of other staff or personnel.
- G. A school administrator shall not knowingly make false or malicious statements about students, students' families, staff or colleagues.
- H. A school administrator shall not accept gratuities, gifts, or favors that impair professional judgment nor offer any favor, service, or item of value to obtain special advantage.
- I. A school administrator shall only accept a contract for a position when licensed for the position or when the school district is granted a variance by the commissioner of Children, Families, and Learning under Minnesota Statutes, section 121.11, subdivision 7b.
- J. A school administrator, in filling positions required licensure, shall employ, recommend for employment, assign only appropriately licensed personnel, or persons for whom the school district has been granted a variance by the appropriate state board or agency, unless, after making reasonable efforts to

obtain a variance, an appropriately licensed person cannot be assigned and the position must be filled to meet a legitimate emergency educational need.

- K. A school administrator shall not engage in conduct involving dishonesty, fraud, or misrepresentation in the performance of professional duties.

APPENDIX O

Montana

Code of Ethics

Professional Educators of Montana Code of Ethics

Preamble

Education in Montana is a public endeavor. Every Montanan has a responsibility for the schooling of our young people, and the state has charged professional educators with the primary responsibility of providing a breadth and depth of educational opportunities.

The professional conduct of every educator affects attitudes toward the profession and toward education. Aware of the importance of maintaining the confidence of students, parents, colleagues, and the public, Montana educators strive to sustain the highest degree of ethical conduct. While the freedom to learn and the freedom to teach are essential to education in a democracy, educators in Montana balance these freedoms with their own adherence to this ethical code.

The Professional Educator in Montana:

Makes the well-being of students the foundation of all decisions and actions.

1. Protects students when their learning or well-being is threatened by the unsafe, incompetent, unethical, or illegal practice of any person.
2. Provides educational services with respect for human dignity and the uniqueness of the student.
3. Safeguards the student's right to privacy by judiciously protecting information of a confidential nature.

5

Fulfills professional responsibilities with diligence and integrity.

1. Enhances individual competency by increasing knowledge and skills.
2. Exemplifies and fosters a philosophy of education which encourages a lifelong pursuit of learning.
3. Contributes to the development and articulation of the profession's body of knowledge.
4. Promotes professionalism by respecting the privacy and dignity of colleagues.
5. Demands that conditions of employment are conducive to high-quality education.

Models the principles of citizenship in a democratic society.

1. Respects the individual roles, rights, and responsibilities of the community; including parents, trustees, and colleagues.
2. Assumes responsibility for individual actions.
3. Protects the civil and human rights of students and colleagues.

APPENDIX P

Nebraska

Standards of Professional Practices

NEBRASKA DEPARTMENT OF EDUCATION PROFESSIONAL PRACTICES
CRITERIA

002 Definitions. As used herein the following words and terms have these meanings:

002.01 Administrative and Supervisory Personnel – A holder of a public or nonpublic certificate for administration or supervision issued pursuant to 92 NAC21.

002.02 Admonishment – A private sanction to a certificate holder that further unprofessional or unethical conduct may result in more serious action, including the suspension or revocation of a certificate. This sanction may be imposed by the Commissioner, Commission, or Board.

002.03 Available – That which can be used or obtained.

002.04 Board – The State Board of Nebraska.

002.05 Certificated Person – A holder of a public or nonpublic teaching, administrative, or special services counseling certificate issued pursuant to 92 NAC21.

002.06 Communication Skills – The capacity, ability, or art of giving, or giving and receiving, through any of the senses, information, ideas, and attitudes.

002.07 Competent – The ability or fitness to discharge the required duties as set forth in this chapter.

002.08 Designated Task – The duty or assignment for which a certificated person is responsible at any given time.

002.09 Diagnosis – Identification of needs, strengths and weaknesses through examination, observation and analysis.

002.10 Educator – Certificated person.

002.11 Effective – Producing a definite, desired result.

002.12 Management – Controlling, supervising, and guiding the efforts of others.

002.13 Policy – Authorized written and dated expressions of public intent which have been communicated to the educator and which reflect the general principles guiding the efforts of the school system or school toward approved goals

002.14 Preponderance of Evidence – A superiority of weight. Weight is not a question of mathematics, but depends on its effect in inducing belief.

002.15 Reasonable – Just; proper, Ordinary or usual. Fit and appropriate to the end in view.

002.16 Reprimand – A public sanction criticizing or rebuking a certificate holder for unprofessional or unethical conduct. This sanction may be imposed by the Commissioner, Commission, or Board.

002.17 Revocation – A public sanction withdrawing or canceling a certificate holder's certificate for a certain period of time. At the expiration of the revocation period, the former certificate holder may apply for reinstatement in accordance with 92 NAC 29. This sanction may be imposed by the Board.

002.18 Special Services Counselor – A holder of a special services counseling certificate issued pursuant to 92 NAC 21.

002.19 Suspension – A public sanction withdrawing or canceling a certificate holder's certificate for a certain period of time. The certificate is automatically reinstated at the expiration of the suspension period if it has not expired during the period of suspension. This sanction may be imposed by the Board.

002.20 Teacher – A holder of a public or nonpublic teacher certificate issued pursuant to 92 NAC 21.

003 Standards of Conduct Applicable to Nonpublic School Certificate Holders

003.01 Applicability. Failure to comply with the standards of conduct in the following subsection by persons holding nonpublic school certificates may serve as the basis for disciplinary action up to and including revocation of the certificate.

003.02 Standards of Conduct. The following standards of conduct apply to holders of nonpublic certificates. Such certificated persons:

003.02A Shall possess and demonstrate the ability and skill necessary to satisfactorily complete professional duties. No finding of professional incompetency shall be made except where a preponderance of evidence exists of such incompetency.

003.02B Shall not commit any crime involving moral turpitude, nor commit any felony under the laws of the United States or any state or territory.

003.02C Shall, with reasonable diligence, attend to the duties of his or her professional position.

003.02D Shall not have obtained a certificate by fraudulent means.

003.02E Shall not have had revoked for cause in another state a teaching certificate, administrative certificate, or any certificate enabling a person to engage in any of the activities for which a special service counseling certificate is issued in Nebraska.

003.02F Shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of professional duties.

003.02G Shall report to the Commissioner any known violation of sections 003.02B, 003.02D, or 003.02E of this chapter.

003.02H Shall seek no reprisal against any individual who has reported a violation of this chapter.

004 Standards of Ethical and Professional Performance for Holders of Public School Certificates

The following standards apply to all holders of public school certificates.

004.01 Preamble: The educator shall believe in the worth and dignity of human beings. Recognizing the supreme importance of the pursuit of truth, the devotion to excellence and the nurture of democratic citizenship, the educator shall regard as essential to these goals the protection of the freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator shall accept the responsibility to practice the profession to these ethical standards.

The educator shall recognize the magnitude of the responsibility he or she has accepted in choosing a career in education, and engages, individually and collectively with other educators, to judge his or her colleagues, and to be judged by them, in accordance with the provisions of this chapter.

The standards listed in this section are held to be generally accepted minimal standards for public school certificate holders in Nebraska with respect to ethical and professional conduct and are, therefore, declared to be the criteria of ethical and professional performance adopted pursuant to the provisions of Section 79-1282 R.R.S. for holders of public school certificates.

If the certificate holder is employed in a nonpublic school, that context shall be taken into account in the application of these standards.

004.02 Principle I – Commitment as a Professional Educator: Fundamental to the pursuit of high educational standards is the maintenance of a profession possessed of individuals with high skills, intellect, integrity, wisdom, and compassion. The educator shall exhibit good moral character, maintain high standards of performance and promote equality of opportunity.

In fulfillment of the educator's contractual and professional responsibilities, the educator:

004.02A Shall not interfere with the exercise of political and citizenship rights and responsibilities of students, colleagues, parents, school patrons, or school board members.

004.02B Shall not discriminate on the basis of race, color, creed, sex, marital status, age, national origin, ethnic background, or handicapping condition.

004.02C Shall not use coercive means, or promise or provide special treatment to students, colleagues, school patrons, or school board members in order to influence professional decisions.

004.02D Shall not make any fraudulent statement or fail to disclose a material fact for which the educator is responsible.

004.02E Shall not exploit professional relationships with students, colleagues, parents, school patrons, or school board members for personal gain or private advantage.

004.02F Shall not sexually harass students, parents or school patrons, employees, or board members.

004.02G Shall not have had revoked for cause in another state a teaching certificate, administrative certificate, or any certificate enabling a person to engage in any of the activities for which a special services counseling certificate is issued in Nebraska

004.02H Shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of professional duties.

004.02I Shall report to the Commissioner any know violation of 004.02G, 004.04E, or 004.05B of this chapter.

004.02J Shall seek no reprisal against any individual who has reported a violation of this chapter.

004.03 Principle II – Commitment to the Student: Mindful that a profession exists for the purpose of serving the best interests of the client, the educator shall practice the profession with genuine interest, concern, and consideration for the student. The educator shall work to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.

In fulfillment of the obligation to the student, the educator:

004.03A Shall permit the student to pursue reasonable independent scholastic effort, and shall permit the student access to varying points of view.

004.03B Shall not deliberately suppress or distort subject matter for which the educator is responsible.

004.03C Shall make reasonable effort to protect the student from conditions which interfere with the learning process or are harmful to health or safety.

004.03D Shall conduct professional educational activities in accordance with sound educational practices that are in the best interest of the student.

004.03E Shall keep in confidence personally identifiable information that has been obtained in the course of professional service, unless disclosure serves professional purposes, or is required by law.

004.03F Shall not tutor for remuneration students assigned to his or her classes unless approved by the local board of education.

004.03G Shall not discipline students using corporal punishment.

004.04 Principle III – Commitment to the Public: The magnitude of the responsibility inherent in the education process requires dedication to the principles of our democratic heritage. The educator bears particular responsibility for instilling an understanding of and confidence in the rule of law, a respect for individual freedom, and a responsibility to promote respect by the public for the integrity of the profession.

In fulfillment of the obligation to the public, the educator:

004.04A Shall not misrepresent an institution with which the educator is affiliated, and shall take added precautions to distinguish between the educator's personal and institutional views.

004.04B Shall not use institutional privileges for private gain or to promote political candidates, political issues, or partisan political activities.

004.04C Shall neither offer nor accept gifts or favors that will impair professional judgment.

004.04D Shall support the principle of due process and protect the political, citizenship, and natural rights of all individuals.

004.04E Shall not commit any act of moral turpitude, nor commit any felony under the laws of the United States or any state or territory.

004.04F Shall, with reasonable diligence, attend to the duties of his or her professional position.

004.05 Principle IV – Commitment to the Profession: In the belief that the quality of the services to the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards, to improve service, to promote a climate in which the exercise of professional judgment is encouraged, and to achieve conditions which attract persons worthy of the trust to careers in education. The educator shall believe that sound professional relationships with colleagues are built upon personal integrity, dignity, and mutual respect.

In fulfillment of the obligation to the profession, the educator:

004.05A Shall provide upon the request of an aggrieved party, a written statement of specific reasons for recommendations that lead to the denial of increments, significant changes in employment, or termination of employment.

004.05B Shall not misrepresent his or her professional qualifications nor those of colleagues.

004.05C Shall practice the profession only with proper certification, and shall actively oppose the practice of the profession by persons known to be unqualified.

004.06 Principle V – Commitment to Professional Employment Practices: The educator shall regard the employment agreement as a pledge to be executed both in spirit and in fact. The educator shall believe that sound personnel relationships with governing boards are built upon personal integrity, dignity and mutual respect.

In fulfillment of the obligation to professional employment practices, the educator:

004.06A Shall apply for, accept, offer, or assign a position or responsibility on the basis of professional preparation and legal qualification.

004.06B Shall not knowingly withhold information regarding a position from an applicant or employer, or misrepresent an assignment or conditions of employment,

004.06C Shall give prompt notice to the employer of any change in availability of service.

004.06D Shall conduct professional business through designated procedures, when available, that have been approved by the employing agency.

004.06E Shall not assign to unqualified personnel, tasks for which an educator is responsible.

004.06F Shall permit no commercial or personal exploitation of his or her professional position.

004.06G Shall use time on duty and leave time for the purpose of which intended.

005 Standards of Competent Professional Performance for Holders of Public School Certificates

The following standards apply only to holders of public school certificates.

005.01 General: The standards listed in this section are held to be generally accepted minimal standards for public school certificate holders in Nebraska with respect to competent performance and are therefore declared to be the criteria of competency adopted pursuant to the provisions of Section 79-1282 R.R.S.

005.01AThe standards set forth herein shall apply to those who hold public school certificates.

005.01BNo finding of professional incompetency shall be made except where a preponderance of evidence exists of such incompetency.

005.02 Administrative and Supervisory Requirements for Holders of Public School Certificates: Educators must possess the abilities and skills necessary to accomplish the designated task. Therefore,

005.02AEach educator shall:

005.02A1Keep records for which he or she is responsible in accordance with law and policies of the school system.

005.02A2Supervise others in accordance with law and policies of the school system,

005.02A3Recognize the role and function of community agencies and groups as they relate to the school and to his or her position, including but not limited to health and social services, employment services, community teaching resources, cultural opportunities, educational advisory committees, and parent organizations;

005.02BEach teacher and special services counselor shall:

005.02B1Utilize available instructional materials and equipment necessary to accomplish the designated task,

005.02B2Adhere to and enforce written and dated administrative policy of the school which has been communicated to the teacher or special services counselor,

005.02B3Use channels of communication when interacting with administrators, community agencies, and groups, in accordance with school policy.

005.02CEach administrator shall:

005.02C1Use available instructional personnel, materials and equipment necessary to accomplish the designated task,

005.02C2Adhere to and enforce school law, state board regulation, and written and dated school board policy which has been communicated to the administrator,

005.02C3Use channels of communication when interacting with teachers, community agencies and groups in accordance with school policy.

005.03Analysis of Individual Needs and Individual Potential for Holders of Public School Certificates: The educator shall utilize or promote the utilization of diagnostic techniques to analyze the needs and the potential of individuals. These may include but need not necessarily be limited to:

005.03APersonal observation,

005.03BAnalysis of individual performance and achievement,

005.03CSpecific performance testing.

005.04Instructional Procedures for Holders of Public School Certificates: Each educator shall seek accomplishment of the designated task through selection and utilization of appropriate instructional procedures. Therefore,

005.04AEach educator shall:

005.04A1Create an atmosphere which fosters interest and enthusiasm for learning and teaching.

005.04A2Use procedures appropriate to accomplish the designated task,

005.04A3Encourage expressions of ideas, opinions and feelings;

005.04BEach teacher shall:

005.04B1Create interest through the use of materials and techniques appropriate to the varying abilities and background of students,

005.04B2 Consider individual student interests and abilities when planning and implementing instruction; and

005.04C Each administrator shall:

005.04C1 Support the creation of interest by providing the materials, equipment and encouragement necessary for the teacher to accomplish the designated task,

005.04C2 Make reasonable assignment of tasks and duties in light of individual abilities and specialties and available personnel resources.

005.05 Communication Skills for Holders of Public School Certificates: In communicating with students and other educators, each educator, within the limits prescribed by his or her assignment and role, shall:

005.05A Utilize information and materials that are relevant to the designated task,

005.05B Use language and terminology which are relevant to the designated task,

005.05C Use language which reflects an understanding of the ability of the individual or group,

005.05D Assure that the designated task is understood,

005.05E Use feedback techniques which are relevant to the designated task,

005.05F Consider the entire context of the statements of others when making judgments about what others have said, and

005.05G Encourage each individual to state his ideas clearly.

005.06 Management techniques for Holders of Public School Certificates: The educator shall:

005.06A Resolve discipline problems in accordance with law, school board policy, and administrative regulations and policies,

005.06B Maintain consistency in the application of policy and practice,

005.06C Use management techniques which are appropriate to the particular setting such as group work, seat work, lecture, discussion, individual projects and others, and

005.06D Develop and maintain positive standards of conduct.

005.07 Competence in Specialization for Holders of Public School Certificates:
Each educator shall:

005.07A Possess knowledge, within his or her area of specialization, consistent with his or her record of professional preparation,

005.07B Be aware of current developments in his or her field.

005.07C Possess knowledge of resources which may be utilized in improving instruction in his or her area of specialization.

005.08 Evaluation of Learning and Goal Achievement for Holders of Public School Certificates: An educator shall accept responsibility commensurate with delegated authority to evaluate learning and goals achievement, and each educator shall:

005.08A Utilize several types of evaluation techniques,

005.08B Provide frequent and prompt feedback concerning the success of learning and goal achievement efforts.

005.08C Analyze and interpret effectively the results of evaluation for judging instruction, the achievement of stated goals, or the need for further diagnosis,

005.08D Utilize the results of evaluation for planning, counseling and program modification, and

005.08E Explain methods and procedures of evaluation to those concerned.

005.09 Human and Interpersonal Relationships for Holders of Public School Certificates: Educators shall possess effective human and interpersonal relations skills and therefore:

005.09A Shall allow others who hold and express differing opinions or ideas to freely express such ideas,

005.09B Shall not knowingly misinterpret the statement of others,

005.09C Shall not show disrespect for or lack of acceptance of others,

005.09D Shall provide leadership and direction for others by appropriate example,

005.09E Shall offer constructive criticism when necessary,

005.09F Shall comply with reasonable request and orders given by and with proper authority,

005.09G Shall not assign unreasonable tasks, and

005.09H Shall demonstrate self-confidence and self-sufficiency in exercising authority.

005.10 Personal Requirements for Holders of Public School Certificates: In assessing the mental or physical health of educators, no decision adverse to the educator shall be made except on the advice or testimony of personnel competent to make such judgment by reason or training, licensure and experience. However, certain behaviors are held to be probable cause to examine, and each educator within the scope of delegated authority shall:

005.10A Be able to engage in physical activity appropriate to the designated task except for temporary disability,

005.10B Be able to communicate so effectively as to accomplish the designated task,

005.10C Appropriately control his or her emotions, and

005.10D Possess and demonstrate sufficient intellectual ability to perform designated tasks.

APPENDIX Q

New Mexico

Code of Ethics

LICENSURE REQUIREMENTS CODE OF ETHICAL RESPONSIBILITY OF THE EDUCATION PROFESSION

6.60.9.1 ISSUING AGENCY: State Board of Education

6.60.9.2 SCOPE: All licensed personnel. The New Mexico state board of education (SBE) hereby sets minimal standards of accepted ethical behavior and professional conduct in education that are applicable to all licensed school personnel, instructional personnel under contract, including any other person who provides instructional services in a school but who does not hold a standard license and whose presence is authorized by the SBE through a wavier, substandard license, substitute license, or an educational plan approved by the SBE

6.60.9.6 OBJECTIVE: The SBE seeks to make ethical values and ethical leadership an integral part of the day to day activities of schools, and holds all persons within the scope of this regulation accountable for adhering to minimal standards of accepted professional conduct and ethical behavior. The SBE accept the recommendations of its professional standards commission and the ethics subcommittee that a code of ethics and standards of professional conduct applicable to the education profession will infuse the learning environment with choices and values designed to assist in shaping young minds into educated, responsible citizens.

6.60.9.8 CODE OF ETHICS: We, professional educators of New Mexico, affirm our belief in the worth and dignity of humanity. We recognize the supreme importance of the pursuit of truth, the encouragement of scholarship, and the promotion of democratic citizenship. We regard as essential to these goals the protection of freedom to learn and to teach with the guarantee of equal educational opportunity for all. We affirm and accept our responsibility to practice our profession according to the highest ethical standards. We acknowledge the magnitude of the profession we have chosen, and engage ourselves, individually and collectively, to judge our colleagues and to be judged by them in accordance with the applicable provisions of this code.

A. Principle I: Commitment to the Student. We measure success by the progress of each student toward achievement of his/her maximum potential. We therefore work to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals. We recognize the importance of cooperative relationships with other community institutions, especially the home. In fulfilling our obligations to the student, we:

- (1) Deal justly and considerately with each student.
- (2) Encourage the student to study and express varying points of view and respect his/her right to form his/her own judgment.

(3) Conduct conferences with or concerning students in an appropriate place and manner.

(4) Seek constantly to improve learning facilities and opportunities.

B. Principle II: Commitment to the Community. We believe that patriotism in its highest form requires dedication to the principles of our democratic heritage. We share with all other citizens the responsibility for the development of sound public policy. As educators, we are particularly accountable for participating in the development of educational programs and policies and for interpreting them to the public. In fulfilling our obligations to the community, we:

(1) Share the responsibility for improving the educational opportunities for all.

(2) Recognize that each educational institution has a person authorized to interpret its official policies.

(3) Acknowledge the right and responsibility of the public to participate in the formulation of educational policy.

(4) Evaluate through appropriate professional procedures conditions within a district or institution of learning, make known serious deficiencies, and take action deemed necessary and proper.

(5) Assume full political and citizenship responsibilities, but refrain from exploiting the institutional privileges of our professional positions to promote political candidates or partisan activities.

(6) Protect the educational program against undesirable infringement, and promote academic freedom.

C. Principle III: Commitment to the Profession. We believe that the quality of the services of the educational profession directly influence the future of the nation and its citizens. We therefore exert every effort to raise educational standards, to improve our service, to promote a climate in which the exercise of professional judgment is encouraged, to demonstrate integrity in all work-related activities and interactions in the school setting, and to achieve conditions which attract persons worthy of the trust to careers in education. Aware of the value of united effort, we contribute actively to the support, planning, and programs of our professional organizations. In fulfilling our obligations to the profession, we:

(1) Recognize that a profession must accept responsibility for the conduct of its members and understand that our own conduct may be regarded as representative of our profession.

- (2) Participate and conduct ourselves in a responsible manner in the development and implementation of policies affecting education.
- (3) Cooperative in the selective recruitment of prospective teachers and in the orientation of student teachers, interns, and those colleagues new to their position.
- (4) Accord just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities.
- (5) Refrain from assigning professional duties to nonprofessional personnel when such assignment is not in the best interest of the student.
- (6) Refrain from exerting undue influence based on the authority of our positions in the determination of professional decisions by colleagues.
- (7) Keep the trust under which confidential information is exchanged.
- (8) Make appropriate use of the time granted for professional purposes.
- (9) Interpret and use the writings of others and the findings of educational research with intellectual honesty.
- (10) Maintain our integrity when dissenting by basing our public criticism of education on valid assumptions as established by careful evaluation of facts.
- (11) Respond accurately to requests for evaluation of colleagues seeking professional positions.
- (12) Provide applicants seeking information about a position with an honest description of the assignment, the conditions of work and related matters.

D. Principle IV: Commitment to Professional Employment Practices. We regard the employment agreement as a solemn pledge to be executed both in spirit and in fact in a manner consistent with the highest ideals of professional service. Sound professional personnel relationships with governing boards are built upon integrity, dignity, and mutual respect between employees, administrators, and local school boards. In fulfilling our obligations to professional employment practices, we:

- (1) Apply for or offer a position on the basis of professional and legal qualifications.
- (2) Apply for a specific position only when it is known to be vacant and refrain from such practices as underbidding or commenting adversely about other candidates.

- (3) Fill no vacancy except where the terms, conditions, and policies are known.
- (4) Adhere to and respect the conditions of a contract or to the terms of an appointment until either has been terminated legally or by mutual consent.
- (5) Give prompt notice of any change in availability of service, in status of applications, or in change in position.
- (6) Conduct professional business through recognized educational and professional channels.

APPENDIX R

New Mexico

Standards for Professional Conduct

6.60.9.9 STANDARDS OF PROFESSIONAL CONDUCT

A. Preamble

(1) We, licensed New Mexico educators acknowledge that ethical values in our schools cannot exist without ethical leadership. It is our ultimate goal to educate children so that they may become productive citizens; we understand that our guidance and ability to provide choices has a profound effect on reaching this goal. In affording students and each other choices, we agree to consider the consequent of each choice, the moral value best exemplified by the recommended choice, and a reflection on how we would view the choice if it were applied to us. These principles apply equally to all licensed educators in all schools except where they are uniquely applicable to public schools or where they conflict with principles of religious freedom.

(2) Moral values are to ethical leadership what years of experience are to a successful educator. The former sets the stage for success of the latter. Abstract principles that espouse excellence do not easily equate into simple behavioral maxims. We are certain that some foundational concepts can be embraced because they truly celebrate desirable moral values. These concepts are: respect for one's self and others, honesty and openness, the delicate balance between absolute freedom and safety, the equally delicate balance between confidentiality and the right to know, equality of opportunity, fairness to all, and personal integrity.

(3) In the final analysis it is our consistent ethical leadership that wins the most allies and produces the best results. Not only does this code highlight our professional responsibilities, it stimulates us into discussing the professional implications of our ethical choices and ethical recommendations, causes us to assess and reassess our application of moral values, and sets forth concrete behaviors appropriate for education professionals. We are committed to this code and understand that it provides minimally accepted standards of professional conduct in education.

B. Standard I: Duty to the Student. We endeavor to stimulate students to think and to learn while at the same time we seek to protect them from any harm. Ethical leadership requires licensed educators to teach not only by use of pedagogical tools, but by consistent and justifiable personal example. To satisfy this obligation we:

(1) shall, in compliance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g, 34 C.F.R. Part 99), the Individuals with Disabilities Act (20 U.S.C. Section 1401 et seq., 34 C.F.R. Part 300), the Mental Health and Developmental Disabilities Code (Section 43-1-19, NMSA 1978), the Inspection of Public Records Act (Section 14-2-1 et seq., NMSA 1978), the Public School Code (Section 22-1-8, NMSA 1978) and the Children's Code (Sections 32A-2-32, 32A-4-3, NMSA 1978), withhold confidential student

records or information about a student or his/her personal and family life unless release of information is allowed, permitted by the student's parent(s)/legal guardian, or required by law.

(2) shall not discriminate or permit students within our control, supervision or responsibility to discriminate against any other students on the basis of race, color, national origin, ethnicity, sex, sexual orientation, disability, religion, or serious medical condition.

(3) shall avoid using our position as a licensed school employee to exploit or unduly influence a student into engaging in an illegal act, immoral act, or any other behavior that would subject a licensed school employee or student to discipline for misconduct whether or not the student actually engages in the behavior.

(4) shall tutor students only in accordance with local board policies if any, only after written permission from the student's parent(s)/legal guardian, and only at a place or time approved by the local school and/or the student's parent(s)/legal guardian.

(5) shall not give a gift to any one student unless all students situated similarly receive or are offered gifts of equal value for the same reason.

(6) shall not lend a student money except in clear and occasional circumstances as where a student may go without food or beverage or be unable to participate in a school activity without financial assistance.

(7) shall not have inappropriate contact with any student, whether or not on school property, which includes but is not limited to:

(a) all forms of sexual touching, sexual relations or romantic relations;

(b) inappropriate touching which is any physical touching, embracing, petting, hand-holding, or kissing that is unwelcome by the student or is otherwise inappropriate given the age, sex and maturity of the student;

(c) any open displays of affection toward mostly-boys or mostly-girls;

(d) offering or giving a ride to a student unless absolutely unavoidable as where a student has missed his/her usual transportation and is unable to make reasonable substitute arrangements.

(8) shall not interfere with a student's right to a public education by sexually harassing a student or permitting students within our control, supervision or responsibility to sexually harass any other student, which prohibited behavior includes:

(a) making any sexual advances, requests for sexual favors, repeated sexual references, and any name calling by means of sexual references or references directed at gender-specific students, any other verbal or physical conduct of a physical nature with a student even where the licensed educator believes the students consents to the student actually initiates the activity, and any display/distribution of sexually oriented materials where students can see them;

(b) creating an intimidating, hostile or offensive work/school environment by at a minimum engaging in any of the prohibited behavior set forth at paragraph 7 or subparagraph a of paragraph 8, section B of 6.60.9.9 NMAC.

C. Standard II: Duty to the Profession. The education profession has been vested by the public with an awesome trust and responsibility. To live up to that lofty expectation, we must continually engender public confidence in the integrity of our profession, and must strive consistently in educating the children all of whom will one day shape the future. To satisfy this obligation, we:

- (1) shall not make a false or misleading statement or fail to disclose a material fact in any application for education employment or licensure.
- (2) shall not orally or in writing misrepresent our professional qualifications.
- (3) shall not assist persons into educational employment whom we know to be unqualified in respect to their character, education, or employment history.
- (4) shall not make a false or misleading statement concerning the qualifications of anyone in or desiring employment in education.
- (5) shall not permit or assist unqualified or unauthorized persons to engage in teaching or other employment within a school.
- (6) shall not disclose personal, medical, or other confidential information about other educational colleagues to anyone unless disclosure is required or authorized by law.
- (7) shall not knowingly make false or derogatory personal comments about an educational colleague, although First Amendment protected comments on or off campus are not permitted.
- (8) shall not accept any gratuity, gift, meal, discount, entertainment, hospitality, loan, forbearance, favor, or other item having monetary value whose market value exceeds \$100 and which compromises the integrity of the licensed educator, excluding approved educational awards, honoraria, plaques, trophies, and prizes.

(9) shall avoid conduct connected with office duties that is unfair or is improper, illegal, or gives the appearance of being improper or illegal.

(10) shall not sexually harass any school employee, any school visitor or anyone else we might encounter in the course of our official duties, which includes:

(a) making any sexual advances, requests for sexual favors, repeated sexual references, and name calling by means of sexual references or references directed at any gender-specific individuals named above.

(b) making any other verbal or physical conduct with any of the above-named individuals even where the licensed educator believes they consent or they actually initiate the activity

(c) displaying or distributing any sexually oriented materials where the above-named individuals can see them;

(d) creating an intimidating, hostile, or offensive work/school environment by at a minimum not engaging in any of the prohibited behaviors set forth at subparagraphs a, b, or c, paragraph 10, subsection C of 6.60.9.9 NMAC, above.

(11) shall educate oneself at least annually about avoiding sexual harassment by either attending periodic training, reviewing sexual harassment literature of the EEOC guidelines found at Title 29 Code of Federal Regulations Part 1604 (29 C.F.R. Section 1604.1 *et seq.*), or contacting appropriate school human resources personnel.

(12) shall not engage in inappropriate displays of affection, even with consenting adults, while on school property or during school events off campus.

(13) shall not without permission of a supervisor use public school property to conduct personal business or our personal affairs.

(14) shall use educational facilities and property only for educational purposes or purposes for which they are intended consistent with applicable policy, law and regulation.

(15) shall not discriminate against any school employee, or any other person with whom we have any dealings or contact in the course of our official duties, on the basis of race, color, national origin, ethnicity, sex, sexual orientation, disability, religion, or serious medical condition.

(16) shall not engage in any outside employment:

(a) the performance of which conflicts without public school duties as where a licensed educator takes a private job that would require performance in the very school district where he/she is employed;

(b) where we use confidential/privileged information obtained from our public school employment as part or all of our private employment duties;

(c) that impairs our physical ability to perform our school duties.

(17) shall not, with the intent to conceal/confuse a fact, change or alter any writing or encourage anyone else to change or alter any document:

(a) in connection with our official school duties;

(b) in connection with another licensed person's official school duties;

(c) in connection with any standardized or non-standardized testing;

(d) in connection with any school application or disclosure process;

(e) in connection with any writing submitted to the Department of Education related to our initial or continued licensure, including endorsements.

(18) shall not in connection with any State Board-approved teacher test knowingly make any misrepresentations about one's identify, or engage in any false or deceptive acts of test-taking or test-registering.

(19) shall not, engage in any conduct or make any statement:

(a) that would breach the security of any standardized or non-standardized tests;

(b) that would ignore administering portions or the entirety of any standardized or non-standardized testing instructions;

(c) that would give students an unfair advantage in taking a standardized or non-standardized test;

(d) that would give a particular school or a particular classroom an unfair advantage in taking a standardized or non-standardized test;

(e) that would assist students in obtaining services or benefits to which they do not qualify or are not entitled.

(20) shall not, when on school property or off campus while representing the school or attending a school function, engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to disturb the peace.

APPENDIX S

New York

Code of Ethics for Educators

New York State Code of Ethics for Educators

The Code of Ethics is a public statement by educators that sets clear expectations and principles to guide practice and inspire professional excellence. Educators believe a commonly held set of principles can assist in the individual exercise of professional judgment. This Code speaks to the core values of the profession. “Educator” as used throughout means all educators serving New York schools in positions required a certificate, including classroom teachers, school leaders and pupil personnel service providers.

Principle 1: Educators nurture the intellectual, physical, emotional, social, and civic potential of each student.

Educators promote growth in all students through the integration of intellectual, physical, emotional, social and civic learning. They respect the inherent dignity and worth of each individual. Educators help students to value their own identity, learn more about their cultural heritage, and practice social and civic responsibilities. They help students to reflect on their own learning and connect it to their life experience. They engage students in activities that encourage diverse approaches and solutions to issues, while providing a range of ways for student to demonstrate their abilities and learning. They foster the development of students who can analyze, synthesize, evaluate and communicate information effectively.

Principle 2: educators create, support and maintain challenging learning environments for all.

Educators apply their professional knowledge to promote student learning. They know the curriculum and utilize a range of strategies and assessments to address differences. Educators develop and implement programs based upon a strong understanding of human development and learning theory. They support a challenging learning environment. They advocate for necessary resources to teach to high levels of learning. They establish and maintain clear standards of behavior and civility. Educators are role models, displaying the habits of mind and work necessary to develop and apply knowledge while simultaneously displaying a curiosity and enthusiasm for learning. They invite students to become active, inquisitive, and discerning individuals who reflect upon and monitor their own learning.

Principle 3: Educators commit to their own learning in order to develop their practice.

Educators recognize that professional knowledge and development are the foundations of their practice. They know their subject matter, and they understand how students learn. Educators respect the reciprocal nature of learning between educators and students. They engage in a variety of individual and collaborative learning experiences essential to

develop professionally and to promote student learning. They draw on and contribute to various forms of educational research to improve their own practice.

Principle 4: Educators collaborate with colleagues and other professionals in the interest of student learning.

Educators encourage and support their colleagues to build and maintain high standards. They participate in decisions regarding curriculum, instruction and assessment designs, and they share responsibility for the governance of schools. They cooperate with community agencies in using resources and building comprehensive services in support of students. Educators respect fellow professionals and believe that all have the right to teach and learn in a professional and supportive environment. They participate in the preparation and induction of new educators and in professional development for all staff.

Principle 5: Educators collaborate with parents and community, building trust and respecting confidentiality.

Educators partner with parents and other members of community to enhance school programs and to promote student learning. They also recognize how cultural and linguistic heritage, gender, family and community shape experiences and learning. Educators respect the private nature of the special knowledge they have about students and their families and use this knowledge only in the students' best interests. They advocate fair opportunity for all children.

Principle 6: Educators advance the intellectual and ethics foundation of the learning community.

Educators recognize the obligations of the trust placed in them. They share the responsibility for understanding what is known, pursuing further knowledge, contributing to the generational knowledge, and translating knowledge into comprehensible format. They help student understand that knowledge is often complex and sometimes paradoxical. Educators are confidantes, and advocates for their students' growth and development, models for youth and the public, they embody intellectual honesty, diplomacy, tact, and fairness.

This Code shall not be used as a basis for discipline by employer and shall not be used by the State Education Department as a basis for a proceeding under Part 8, Commissioner's Regulations, nor shall it serve as a basis for decisions pertaining to certification or employment in New York State. Conversely, this Code shall not be interpreted or used to diminish the authority of any employee under provisions of law, regulation, or collective bargaining agreement.

APPENDIX T

North Carolina

Code of Ethics for Educators

CODE OF ETHICS FOR NORTH CAROLINA EDUCATORS

Preamble: The purpose of this Code of Ethics is to define standards of professional conduct

The responsibility to teach and the freedom to learn, and the guarantee of equal opportunity for all are essential to the achievement of these principles. The professional educator acknowledges the worth and dignity of every person and demonstrates the pursuit of truth and devotion to excellence, acquires knowledge, and nurtures democratic citizenship. The educator exemplifies a commitment to the teaching and learning processes with accountability to the students, maintains professional growth, exercise professional judgment, and personifies integrity. The educator strives to maintain the respect and confidence of colleagues, students, parents and legal guardians, and the community, and to serve as an appropriate role model.

To uphold these commitments, the educator:

1. Commitment to the Student.

- A. Protects students from conditions within the educator's control that circumvent learning or are detrimental to the health and safety of students.
- B. Maintains an appropriate relationship with students in all settings; does not encourage, solicit, or engage in a sexual or romantic relationship with students, nor touch a student in an inappropriate way for personal gratification, with intent to harm, or out of anger.
- C. Evaluates students and assign grades based upon the student's demonstrated competencies and performance.
- D. Disciplines students justly and fairly and does not deliberately embarrass or humiliate them.
- E. Holds in confidence information learned in professional practice except for professional reasons or in compliance with pertinent regulations or statutes.
- F. Refuses to accept significant gifts, favors, or additional compensation that might influence or appear to influence professional decisions or actions.

II. Commitment to the School and School System

- A. Utilizes available resources to provide a classroom climate conducive to learning and to promote learning to the maximum possible extent.
- B. Acknowledges the diverse views of students, parents and legal guardians, and colleagues as they work collaboratively to shape educational goals, policies,

and decisions; does not proselytize for personal viewpoints that are outside the scope of professional practice.

- C. Signs a contract in good faith and does not abandon contracted professional duties without a substantive reason.
- D. Participates actively in professional decision-making processes and supports the expression of professional opinions and judgments by colleagues in decision-making processes or due process proceedings.
- E. When acting in an administrative capacity:
 - 1. Acts fairly, consistently, and prudently in the exercise of authority with colleagues, subordinates, students, and parents and legal guardians.
 - 2. Evaluates the work of other educators using appropriate procedures and established statutes and regulations.
 - 3. Protects the rights of others in the educational setting, and does not retaliate, coerce, or intentionally intimidate others in the exercise of rights protected by law.
 - 4. Recommend persons for employment, promotion, or transfer according to their professional qualifications, the needs and policies of the LEA, and according to the law.

III. Commitment to the Profession

- A. Provides accurate credentials and information regarding licensure r employment and does not knowingly assist others in providing untruthful information.
- B. Takes action to remedy an observed violation of the Code of Ethics for North Carolina Educators and promotes understanding of the principles of professional ethics.
- C. Pursues growth and development in the practice of the profession and uses that knowledge in improving the educational opportunities, experiences, and performance of students and colleagues.

SECTION .600 – CODE OF PROFESSIONAL PRACTICE AND CONDUCT FOR NORTH CAROLINA EDUCATORS

16 NCAC 6C.0601 – THE PURPOSE AND APPLICABILITY OF THE RULES OF PROFESSIONAL CONDUCT FOR EDUCATORS

The purpose of these rules is to establish and uphold uniform standards of professional conduct for licensed professional educators throughout the State. These rules shall be binding on every person licensed by the SBE, hereinafter referred to as “educator” or “professional educator,” and the possible consequences of any willful breach shall include license suspension or revocation. The prohibition of certain conduct in these rules shall not be interpreted as approval of conduct not specifically cited.

16 NCAC 6C.0602 – THE STANDARDS OF PROFESSIONAL CONDUCT FOR NC EDUCATORS

- (a) The standards listed in this Section shall be generally accepted for the education profession and shall be the basis for State Board review of performance of professional educators. These standards shall establish mandatory prohibitions and requirements for educators. Violation of these standards shall subject an educator to investigation and disciplinary action by the SBE or LEA.
- (b) Professional educators shall adhere to the standards of professional conduct contained in this Rule. Any intentional act or omission that violates these standards is prohibited.
 - (1) Generally recognized professional standards. The educator shall practice the professional standards of federal, state, and local governing bodies.
 - (2) Personal conduct. The educator shall serve as a positive role model for students, parents, and the community. Because the educator is entrusted with the care and education of small children and adolescents, the educator shall demonstrate a high standard of personal character and conduct.
 - (3) Honesty. The educator shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of professional duties including the following:
 - (A) statement of professional qualifications;
 - (B) application or recommendation for professional employment, promotion, or licensure;
 - (C) application or recommendation for college or university admission, scholarship, grant, academic award, or similar benefit;

- (D) representation of completion of college or staff development credit;
 - (E) evaluation or grading of students or personnel;
 - (F) submission of financial or program compliance reports submitted to state, federal, or other governmental agencies;
 - (G) submission of information in the course of an official inquiry by the employing LEA or the SBE related to facts of unprofessional conduct, provided, however, that an educator shall be given adequate notice of the allegations and may be represented by legal counsel; and
 - (H) submission of information in the course of an investigation by a law enforcement agency, child protective services, or any other agency with the right to investigate, regarding school-related criminal activity; provided, however, that an educator shall be entitled to decline to give evidence to law enforcement if such evidence may tend to incriminate the educator as that term is defined by the Fifth Amendment to the U.S. Constitution.
- (4) Proper remunerative conduct. The educator shall not solicit current students or parents of students to purchase equipment, supplies, or services from the educator in a private remunerative capacity. An educator shall not tutor for remuneration students currently assigned to the educator's classes, unless approved by the local superintendent. An educator shall not accept any compensation, benefit, or thing of value other than the educator's regular compensation for the performance of any service that the educator is required to render in the course and scope of the educator's employment. This Rule shall not restrict performance of any overtime or supplemental services at the request of the LEA; nor shall it apply to or restrict the acceptance of gifts or tokens of minimal value offered and accepted openly from students, parents, or other persons in recognition or appreciation of service.
- (5) Conduct with students. The educator shall treat all students with respect. The educator shall not commit any abusive act or sexual exploitation with, to or in the presence of a student, whether or not that student is or has been under the care or supervision of that educator, as defined below:
- (A) any use of language that is considered profane, vulgar, or demeaning;
 - (B) any sexual act;
 - (C) any solicitation of a sexual act, whether written, verbal or physical;

- (D) any act of child abuse, as defined by law;
 - (E) any act of sexual harassment, as defined by law; and
 - (F) any intentional solicitation, encouragement, or consummation of a romantic or physical relationship with a student, or any sexual contact with a student. The term “romantic relationship” shall include dating any student.
- (6) Confidential information. The educator shall keep in confidence personally identifiable information regarding students or their family members that has been obtained in the course of professional service, unless disclosure is required or permitted by law or professional standards, or is necessary for the personal safety of the student or others.
 - (7) Rights of others. The educator shall not willfully or maliciously violate the constitutional or civil rights of a student, parent/legal guardian, or colleague.
 - (8) Required reports. The educator shall make all reports required by Chapter 115C of the North Carolina General Statutes.
 - (9) Alcohol or controlled substance abuse. The educator shall not:
 - (A) be under the influence of, possess, use, or consume on school premises or at a school-sponsored activity a controlled substance as defined by N.C. Gen. Stat. §90-95, the Controlled Substances Act, without a prescription authorizing such use;
 - (B) be under the influence of, possess, use, or consume an alcoholic beverage or a controlled substance on school premises or at a school-sponsored activity involving students; or
 - (C) furnish alcohol or a controlled substance to any student except as indicated in the professional duties of administering legally prescribed medications.
 - (10) Compliance with criminal laws. The educator shall not commit any act referred to in G.S. 115C-332 and any felony under the laws of the United States or of any state.
 - (11) Public funds and property. The educator shall not misuse public funds or property, funds of a school-related organization, or colleague’s funds. The educator shall account for funds collected from students, colleagues, or parents/legal guardians. The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.

- (12) Scope of professional practice. The educator shall not perform any act as an employee in a position for which licensure is required by the rules of SBE or by Chapter 115C of the North Carolina General Statutes during any period in which the educator's license has been suspended or revoked.
- (13) Conduct related to ethical violations. The educator shall not directly or indirectly use or threaten to use any official authority or influence in any manner that tends to discourage, restrain, interfere with, coerce, or discriminate against any subordinate or any licensee who in good faith reports, discloses, divulges, or otherwise brings to the attention of an LEA, the SBE, or any other public agency authorized to take remedial action, any facts or information relative to actual or suspected violation of any law regulating the duties of persons serving in the public school system, including but not limited to these Rules.

APPENDIX U

North Dakota

Code of Professional Conduct

STATE OF NORTH DAKOTA: CODE OF PROFESSIONAL CONDUCT FOR
EDUCATORS

Section 67.1-03-01-01

Preamble

The educator recognizes that education preserves and promotes the principles of democracy. The educator shares with all other citizens the responsibility for the development of educational policy. The educator acts on the belief that the quality of the services of the education profession directly influences the nation and its citizens. The educator promotes the worth and dignity of each human being and strives to help each student realize the student's potential as a worthy, effective member of society. The educator, therefore, works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals. The educator measures success by the progress each student makes toward the realization of his/her potential as an effective citizen. The educator regards the employment agreement as a solemn pledge to be executed both in spirit and in fact in a manner consistent with the highest ideals of professional service. The educator accepts the responsibility to practice the profession according to the highest ethical standards. The educator strives to raise professional standards to improve service and achieve conditions which attract highly qualified persons to the profession.

The following code of professional conduct of the Education Standards and Practices Board governs all members of the teaching profession. A violation of this section constitutes grounds for disciplinary action which include the issuance of a warning and/or reprimand, suspension or revocation of the license of the affected educator, or to take other appropriate disciplinary action.

Section 67.1-03-01-02

Principle I – Commitment to the Student

- a. In fulfilling obligations to the students, the North Dakota educator:
 - 1) shall not, without just cause, deny the student access to varying points of view;
 - 2) shall not intentionally suppress or distort subject matter relevant to a student's academic program;
 - 3) shall protect the student from conditions detrimental to learning or to physiological or physiological well-being;
 - 4) shall not engage in physical abuse of a student or sexual conduct with a student and shall report to the Education Standards and Practices Board knowledge of such an act by an educator;

- 5) shall not harass, discriminate against, or grant a discriminatory advantage to a student on the grounds of race, color, creed, sex, national origin, marital status, political or religious beliefs, physical or mental conditions, family, social, or cultural background, or sexual orientation; shall make reasonable effort to assure that a student is protected from harassment or discrimination on these grounds; and may not engage in a course of conduct that would encourage a reasonable student to develop a prejudice on these grounds;
- 6) shall not use professional relationships with a student for personal advantage or gain;
- 7) shall disclose confidential information about individuals, in accordance with state and federal laws, only when a compelling professional purpose is served or when required by law; and
- 8) shall accord just and equitable treatment to all students as they exercise their educational rights and responsibilities.

Section 67.1-03-01-03

Principle II – Commitment to the Profession

In fulfilling obligations to the profession, the North Dakota educator:

1. shall accord just and equitable treatment of all members of the profession in the exercise of their professional rights and responsibilities.
2. shall not on the basis of race, color, creed, sex, national origin, marital status, political or religious beliefs, physical condition, family, social or cultural background, or sexual orientation, deny to a colleague a professional benefit, advantage, or participation in any professional organization, nor discriminate in employment practice, assignment, or evaluation of personnel;
3. shall not sexually harass a fellow employee;
4. shall withhold and safeguard information acquired about colleagues in the course of employment, unless disclosure serves a compelling professional purpose.
5. shall present complete and accurate information on the application for licensure and employment;
6. shall present complete and accurate information on any document in connection with professional responsibilities;
7. shall present evaluations of and recommendations for colleagues fairly, accurately, and professionally;

8. shall cooperate with the Education Standards and Practices Board in inquiries and hearings and shall not file false complaints or shall not seek reprisal against any individuals involved with the complaint;
9. shall not knowingly distort, withhold or misrepresent information regarding a position from an applicant or misrepresent an assignment or conditions of employment;
10. shall not breach a professional employment contract;
11. shall not knowingly assign professional duties for which a professional educator's license is required; and,
12. shall not accept a gratuity, gift, or favor that might influence or appear to influence professional judgment, nor offer a gratuity, gift, or favor to obtain special advantage.

Section 67.1-03-01-04

Principle III – Commitment to the Community

In fulfilling these obligations to the public, the North Dakota educator:

1. shall distinguish between personal views and the views of the employing educational agency;
2. shall not distort or misrepresent the facts concerning educational matters; and,
3. shall not interfere in the exercise of political and citizenship rights and responsibilities of others.

APPENDIX V

Oklahoma

Standards of Performance and Conduct

Standards of Performance and Conduct for Teachers
Oklahoma

Teachers are charged with the education of the youth of this State. In order to perform effectively, teachers must demonstrate a belief in the worth and dignity of each human being, recognizing the supreme importance of the pursuit of truth, devotion to excellence, and the nurture of democratic principles.

In recognition of the magnitude of the responsibility inherent in the teaching process and by virtue of the desire of the respect and confidence of their colleagues, students, parents, and the community, teachers are to be guided in their conduct by their commitment to their students and their profession.

Principle I – Commitment to the Students

The teacher must strive to help each student realize his or her potential as a worthy and effective member of society. The teacher must work to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.

In fulfillment of the obligation to the student, the teacher:

1. shall not unreasonably restrain the student from independent action in the pursuit of learning;
2. shall not unreasonably deny the student access to varying points of view.
3. shall not deliberately suppress or distort subject matter relevant to the student's progress;
4. shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety;
5. shall not intentionally expose the student to embarrassment or disparagement;
6. shall not on the basis of race, color, creed, sex, national origin, marital status, political or religious beliefs, family, social or cultural background, or sexual orientation, unfairly
 - a. exclude any student from participation in any program.
 - b. deny benefits to any student, or
 - c. grant any advantage to any student.
7. shall not use professional relationships with students for private advantage;
and

8. shall not disclose information about students obtained in the course of professional service, unless disclosure serves a compelling professional purpose and is permitted by law or is required by law.

Principle II – Commitment to the Profession

The teaching profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service.

In order to assure that the quality of the services of the teaching profession meets the expectations of the State and its citizens, the teacher 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 obligation to the profession, the educator:

1. shall not, in an application for a professional position, deliberately make a false statement or fail to disclose a material fact related to competency and qualifications;
2. shall not misrepresent his/her professional qualifications;
3. shall not assist any entry into the profession of a person known to be unqualified in respect to character, education, or other relevant attribute;
4. shall not knowingly make a false statement concerning the qualifications of a candidate for a professional position;
5. shall not assist an unqualified person in the unauthorized practice of the profession;
6. shall not disclose information about colleagues obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law;
7. shall not knowingly make false or malicious statements about a colleague; and shall not accept any gratuity, gift or favor that might impair or appear to influence professional decisions or actions.

APPENDIX W

Oregon

Standards for Competent and Ethical Performance

STANDARDS FOR COMPETENT AND ETHICAL PERFORMANCE OF OREGON EDUCATORS

Application of Rules

584-20-000

- (1) Oregon Administrative Rules 584-20-005 through 584-20-045 were adopted by the Teacher Standards and Practices Commission in accordance with Oregon Revised Statute 342.175(5).
- (2) OAR 584-20-005 through 584-2-045 may be used as criteria by the Teacher Standards and Practices Commission in matters pertaining to the revocation or suspension of licenses issued by the Commission under ORS 342.120 to 342.200, or the discipline of any license holder or any person who has held a license at any time within five years prior to issuance of the notice of charges under ORS 342.176.
- (3) The Commission determines whether an educator's performance is ethical or competent in light of all the facts and circumstances surrounding the educator's performance as a whole.
- (4) The Commission will promptly investigate complaints:
 - (a) The Commission may at its discretion defer action to charge an educator against whom a complaint has been filed under ORS 342.176 when the investigation report indicates that disciplinary action against the educators is pending at the local district level or when criminal charges are pending or are likely to be filed against the educator. In consideration whether to defer action to charge an educator, the Commission shall consider all relevant circumstances including the nature and seriousness of the allegations and whether the educator is currently employed as a teacher or school administrator.
 - (b) The Executive Secretary shall regularly inform the Commission of the status of any complaints on which the Commission has deferred action.

Definitions

584-20-05 The following definitions apply to Oregon Administrative Rules 584-20-000 through 584-20-045 unless otherwise indicated by context:

- (1) "Administrator": Any person who holds a valid Oregon Administrative License.
- (2) "Competent": Discharging required duties as set forth in these rules.

- (3) “Educator”: Any licensed person who is authorized to be engaged in the instructional program including teaching, counseling, administering, and supervising.
- (4) “Ethical”: Conforming to the professional standards of conduct set forth in these rules.
- (5) “Sexual Conduct”: includes;
 - (a) The intentional touching of the breast or sexual or other intimate parts of a student.
 - (b) Causing, encouraging, or permitting a student to touch the breast or sexual or other intimate parts of the educator; or
 - (c) Sexual advances and verbal or physical conduct of a sexual nature directed towards a student.²
- (6) “Sexual harassment”: Any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - (a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment.
 - (b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
 - (c) Such unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.
- (7) “Teacher”: Any person who holds a teacher’s license as provided in ORS 342.125.

The Competent Educator

584-20-10 The Teacher or administrator demonstrates a commitment to:

- (1) Recognize the worth and dignity of all persons;
- (2) Encourage scholarship;
- (3) Promote democratic citizenship;
- (4) Raise educational standards; and
- (5) Use professional judgment.

Curriculum and Instruction

584-20-015

- (1) The competent educator measures success by the progress of each student toward realization of personal potential as a worthy and effective citizen. The competent educator stimulates the spirit of inquiry, the acquisition of knowledge and

understanding, and the thoughtful formulation of goals as they are appropriate for each individual.

(2) The competent teacher demonstrates:

- (a) Use of state and district adopted curriculum and goals;
- (b) Skill in setting instructional goals and objective expressed as learning outcomes;
- (c) Use of current subject matter appropriate to the individual needs of students;
- (d) Use of students' growth and development patterns to adjust instruction to individual needs consistent with number of students and amount of time available; and
- (e) Skill in the selection and use of teaching techniques conducive to student learning;

(3) The competent administrator demonstrates:

- (a) Skill in assisting individual staff members to become more competent teachers by complying with state law, rules, and lawful and reasonable district policy and contracts;
- (b) Knowledge of curriculum and instruction appropriate to assignment;
- (c) Skill in implementing instructional programs through adequate communication with staff; and
- (d) Skill in identifying and initiating any needed change which helps each student toward realization of personal learning potential.

Supervising and Evaluation

584-20-020

- (1) The competent educator is a student of human behavior and uses this knowledge to provide a climate that is conducive to learning and that respects the rights of all persons without discrimination. The competent educator assumes responsibility for the activities planned and conducted through the district's program, and assists colleagues to do the same. The competent educator gathers relevant information and uses it in the planning and evaluation of instructional activities.

(2) The competent teacher demonstrates:

- (a) Ways to assess progress of individual students;
- (b) Skill in the use of assessment data to assist individual student growth;
- (c) Procedures for evaluating curriculum and instructional goals and practices; and
- (d) Skill in the supervision of students.

(3) The competent administrator demonstrates;

- (a) Skill in the use of assessment data to provide effective instructional programs;
- (b) Skill in the implementation of the district's student evaluation program.
- (c) Skill in providing equal opportunity for all students and staff; and
- (d) Skill in the use of employee techniques appropriate to the assignment and according to well-established standards which insure due process for the staff being evaluated.

Management Skills

- (1) The competent educator is a person who understands students and is able to relate to them in constructive ways. The competent educator establishes and maintains good rapport. The competent educator maintains and uses records as required and as needed to assist the growth of students.
- (2) The competent teacher demonstrates skills in:
 - (a) Establishing and maintaining classroom management that is conducive to learning;
 - (b) Using and maintaining district property, equipment, and materials appropriately;
 - (c) Using and maintaining student records as required by district policies and procedures;
 - (d) Using district and school business and financial procedures; and
 - (e) Using district lawful and reasonable rules and regulations.
- (3) The competent administrator demonstrates:
 - (a) Skills in managing the school, its students, staff, and programs as required by lawful and reasonable district policies, rules, and regulations, state and federal laws, and regulations, and other programs as assigned, and assumes that staff is informed of these requirements, and
 - (b) Skills in planning and staff utilization.

Human Relations and Communications

584-20-030

- (1) The competent educator works effectively with others – students, staff, parents, and patrons. The competent educator is aware of the ways the community identifies with the school, as well as community needs and ways the school programs is designed to meet those needs. The competent educator can communicate with knowledge, clarity, and judgment about educational matters, the school, and the needs of students.
- (2) The competent teacher demonstrates:

- (a) Willingness to be flexible in cooperatively working with others, and
- (b) Skill in communicating with students, staff, parents, and other patrons.

(3) The competent administrator demonstrates:

- (a) Skill in helping students, staff, parents, and other patrons to learn about the school and its programs;
- (b) Skills in communicating district and school goals to staff and public;
- (c) Willingness to be flexible in cooperatively working with others, and
- (d) Skill in reconciling conflict.

The Ethical Educator

584-20-35 The ethical educator is a person who accepts the requirements of membership in the teaching profession and acts at all times in ethical ways. In so doing the ethical educator considers the needs of the students, the district, and the profession.

(1) The ethical educator, in fulfilling obligations to the student, will:

- (a) Keep the confidence entrusted in the profession as it relates to confidential information concerning a student and family; and
- (b) Refrain from exploiting professional relationships with and student for personal gain, or in support of persons or issues.

(2) The ethical educator, in fulfilling obligations to the district, will:

- (a) Apply for, accept, offer, or assign a position of responsibility only on the basis of professional qualifications, and will adhere to the conditions of a contract or the terms of the appointment;
- (b) Conduct professional business, including grievances, through established lawful and reasonable procedures;
- (c) Strive for continued improvement and professional growth;
- (d) Accept no gratuities or gifts of significance that could influence judgment in the exercise of professional duties, and
- (e) Not use the district's or school's name, property, or resources for non-educational benefit without approval of the educator's supervisor or the appointing authority.

(3) The ethical educator, in fulfilling obligations to the professional, will:

- (a) Maintain the dignity of the profession by respecting and obeying the law, exemplifying personal integrity and honesty;
- (b) Extend equal treatment to all members of the profession in the exercise of their professional rights and responsibilities; and

- (c) Respond to requests for evaluation of colleagues and keep such information confidential as appropriate.

Grounds for denial, suspension, or revocation of licenses, or other disciplinary action

584-20-040

- (1) The Commission shall deny a license to an applicant or revoke the license of an educator who, after August 20, 1957, has been convicted of a crime listed in ORS 163.355, 163.365, 163.375, 163.385, 163.395, 163.405, 163.415, 163.425, 163.435, 163.445, 163.455, (1981 Replacement Part), 163.465, 163.515, 163.525, 163.575, 167.070, 167.075, 167.080, or after July 8, 1987 has been convicted of a crime, listed in ORS 163.408, 163.411, 163.670, 163.675, 163.680, 167.062, 167.087, or 167.090.
- (2) An applicant fails to meet the requirements of ORS 342.143 “good moral character” if the applicant engages in gross neglect of duty, gross misconduct, or other acts which are in violation of sections (1) or (3) of this rule.
- (3) The Commission may initiate proceeding, to suspend or revoke the license of an educator under ORS 342.175 or deny a license to an applicant under ORS 342.143 who:
 - (a) Has been convicted of a crime not listed in section (1) of this rule, if the Commission finds that the nature of the act or acts constituting the crime for which the educator was convicted render the educator unfit to hold a license;
 - (b) Is charged with knowingly making any false statements in the application for a license;
 - (c) Is charged with gross neglect of duty; and
 - (d) Is charged with gross unfitness.
- (4) Gross neglect of duty is any serious and material inattention to or breach of professional responsibilities. The following may be admissible as evidence of gross neglect of duty. Consideration may include but is not limited to:
 - (a) Knowing and substantial unauthorized use of school name or financial credit, school materials or equipment for personal purposes; or school personnel to provide personal services unrelated to school business;
 - (b) Knowing and substantial unauthorized use of employment time or school resources for private purposes;
 - (c) Knowing falsification of any document or knowing misrepresentation directly related to licensure, employment, or professional duties;
 - (d) Unreasonable physical force against students, fellow employees, or visitors to the school, except as permitted under ORS 339.250;
 - (e) Violent or destructive behavior on school premises, or at a school-sponsored activity;

- (f) Any sexual contact with a student;
 - (g) Appearing on duty or at any district sponsored activity while under the influence of alcohol or any controlled substance;
 - (h) Unauthorized disclosure of student records information received in confidence by the educator under a statutory privilege;
 - (i) Deliberately assigning an educator in violation of licensure requirements;
 - (j) Resignation from a contract in violation of ORS 342.553;
 - (k) Knowing violation of any order or rule of the Commission;
 - (l) Sexual harassment;
 - (m) Knowing and willful failure of a chief administrator to report violations of Commission standards as required by OAR 584-20-041;
 - (n) Substantial deviation from professional standards of competency set forth in OAR 584-20-010 through 584-20-030; and
 - (o) Substantial deviation from professional standards of ethics set forth in OAR 584-20-035.
- (5) Gross unfitness is any conduct which renders an educator unqualified to perform his or her professional responsibilities. Conduct constituting gross unfitness may include conduct occurring outside of school hours and off school premises when such conduct bears a demonstrable relationship to the educator's ability to fulfill professional responsibilities effectively. The following may be admissible as evidence of gross unfitness. Consideration may include but is not limited to:
- (a) Revocation or denial of a license by another state for reasons and through procedures that are the same as, or substantially equivalent to, those permitting similar action in Oregon;
 - (b) Fraud or misrepresentation;
 - (c) Conviction of violating any federal, state, or local law;
 - (d) Commission of an act listed in OAR 584-20-040(1); and
 - (e) Admission of facts constituting criminal conduct.
- (6) In any proceeding brought under subsection (4)(h) of this rule, the Commission may not impose a sanction more severe than a suspension of the educator's license. In any proceeding brought under subsection (4)(j) of this rule, the Commission may not impose a sanction more severe than suspension of the educator's license for the remainder of the school year.

Reporting Requirements

584-20-041

- (1) For purposes of the rule, "chief administrator" means the superintendent, head teacher or person designated by a school district board as district school clerk under ORS 332.515 of a common school district, union high school district or education service district, the director or chief administrative officer of the Oregon School for the Deaf and the Oregon School for the Blind, or the director of chief

administrative officer of a private elementary or secondary school under ORS 345.505 to 345.585, regardless of whether the school is registered as a private school with the Department of Education.

- (2) A chief administrator shall report to the Executive Secretary within 30 days the name of any person holding a teaching license or participating in a practicum under OAR 584-15-070 or under 584-16-075 when after appropriate investigation the chief administrator reasonably believes the person may have committed any act which may constitute one of the designated acts of gross neglect of duty under OAR 852-20-040(4), subsections (a) to (I), (I), or (m) or one of the designated acts of gross unfitness listed under OAR 584-20-040(5), subsections (a) to (e).

Factors for imposing disciplinary sanctions

584-20-45 The Commission may consider one or more of the following factors as it deems appropriate in its determination of what sanction or sanctions, if any, should be imposed upon a finding that an educator has violated any standard set forth in OAR 584-20-040.

- (1) If the misconduct or violation is an isolated occurrence, part of a continuing pattern, or one of a series of incidents;
- (2) The likelihood of a recurrence of the misconduct or violation;
- (3) The educator's past performance;
- (4) The extent, severity, and imminence of any danger to students, other educators, or the public;
- (5) If the misconduct was open and notorious or had negative effects on the public image of the school;
- (6) The educator's state of mind at the time of the misconduct and afterwards;
- (7) The danger that students will imitate the educator's behavior or use it as a model;
- (8) The age and level of maturity of the students served by the educator;
- (9) Any extenuating circumstances or other factors bearing on the appropriate nature of a disciplinary sanction.

Appendix X

Pennsylvania

Code of Professional Practices and Conduct

CODE OF PROFESSIONAL PRACTICE AND CONDUCT PENNSYLVANIA

§ 235.1. Mission.

The Professional Standards and Practices Commission 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) (24P.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).

(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.

§ 235.3. Purpose.

(a) Professional educators in this Commonwealth believe that the quality of their services directly influences the Nation and its citizens. Professional 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 seek to ensure that every student receives the highest quality of service and that every professional maintains a high level of competence from entry through ongoing professional development. Professional educators are responsible for the development of sound educational policy and obligated to implement that policy and its programs to the public.

(b) Professional 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.

§ 235.4. 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 are expected to abide by the following:

(1) Professional educators shall abide by the Public School Code of 1949 (24 P.S. §§ 1-101—27-2701), other school laws of the Commonwealth, sections 1201(a)(1), (2) and (4) and (b)(1), (2) and (4) of the Public Employee Relations Act (43 P.S. §§ 1101.1201(a)(1), (2) and (4) and (b)(1), (2) and (4)) and this chapter.

(2) Professional 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: 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 shall maintain high levels of competence throughout their careers.

(4) Professional 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.

(5) Professional 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 shall impart to their students principles of good citizenship and societal responsibility.

(7) Professional educators shall exhibit acceptable and professional language and communication skills. 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 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 keeping 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 shall exert reasonable effort to protect the student from conditions which interfere with learning or are harmful to the student's health and safety.

§ 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 ad revocation.

§ 235.6. Legal obligations.

(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.

Cross References

This section cited in 22 Pa. Code § 235.4 (relating to conduct).

§ 235.7. Certification.

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.

Cross References

This section cited in 22 Pa. Code § 235.5 (relating to conduct).

§ 235.8.Civil Rights.

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; disability 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.

Cross References

This section cited in 22 Pa. Code § 235.5 (relating to conduct).

§ 235.9.Improper personal or financial gain.

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.

Cross References

This section cited in 22 Pa. Code § 235.5 (relating to conduct).

§ 235.10.Relationships with students.

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

Cross References

This section cited in 22 Pa. Code § 235.5 (relating to conduct).

§ 235.11.Professional relationships.

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 employee.
- (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.

Cross References

This section cited in 22 Pa. Code § 235.5 (relating to conduct).

APPENDIX Y

South Dakota

Code of Professional Ethics for Teachers

CODE OF PROFESSIONAL ETHICS FOR TEACHERS

24:08:03:01. Obligations to students. In fulfilling their obligations to the students, educators shall act as follows:

1. Not, without just cause, restrain students from independent action in their pursuit of learning;
2. Not, without just cause, deny to the students access to varying point of view in the classroom.
3. Present subject matter for which they bear responsibility without deliberate suppression or distortion;
4. Make a reasonable effort to maintain discipline and order in the classroom and the school system to protect the students from conditions harmful to learning, physical and emotional well-being, health and safety;
5. Conduct professional business in such a way that they do not expose the students to unnecessary intimidation, embarrassment, or disparagement;
6. Accord just and equitable treatment to every student, regardless of race, color, creed, sex, sexual preference, age, marital status, handicapping condition, national origin, or ethnic background;
7. Maintain professional relationships with students without exploitation of a student for personal gain or advantage;
8. Keep in confidence information that has been obtained in the course of professional service, unless disclosure serves professional purposes or is required by law;
9. Maintain professional relationships with students in a manner which is free of vindictiveness, recrimination, and harassment.

24:08:03:02. Obligations to the public. In fulfilling their obligations to the public, educators shall act as follows:

1. Take precautions to distinguish between their personal views and those of the local school district or governing body;
2. Not knowingly distort or misrepresent the facts concerning educational matters in direct and indirect public expressions;

3. Not interfere with a colleague's exercise of political and citizenship rights and responsibilities;
4. Not exploit the local school district or governing body for public or personal gain;
5. Not exploit the local school district or governing body to promote political candidates or partisan political activities;
6. Neither accept nor offer any gratuities, gifts, services, or things of value that impair professional judgment, offer special advantage, or provide personal benefit;
7. Engage in no act that results in a conviction;
8. Commit no act of moral turpitude or gross immorality; and
9. Not misuse or abuse school equipment or property.

24:08:03:03. Obligations to the profession. In fulfilling their obligations to the profession, educators shall act as follows:

1. Accord just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities;
2. Maintain confidentiality of professional information acquired about colleagues in the course of employment, unless disclosure serves professional purposes;
3. Discuss professional matters concerning colleagues in a professional manner;
4. Accept a position or responsibility only on the basis of professional preparation and legal qualifications;
5. Adhere to the terms of a contract or appointment unless the contract has been altered without the consent of the affected parties, except as provided by law, legally terminated, or legally voided;
6. Use sound professional judgment in delegating professional responsibilities to others;
7. Not interfere with the free participation of colleagues in the affairs of their associations;
8. Not use coercive or threatening means in order to influence professional decisions of colleagues;
9. Not knowingly misrepresent their professional qualification;

10. Not knowingly distort evaluation of colleagues;
11. Not criticize a colleague before students, except as unavoidably related to an administrative or judicial proceeding;
12. Cooperative with authorities and the commissions regarding violations of the codes of ethics of the South Dakota Professional Teachers Practices and Standards Commission and the Professional Administrators Practices and Standards Commission;
13. Perform duties in accordance with local, state, and federal rules, and laws.

APPENDIX Z

South Dakota

Code of Professional Ethics for Administrators

CODE OF PROFESSIONAL ETHICS FOR SCHOOL ADMINISTRATORS

24:11:03:01. Code of ethics for professional administrators. The profession administrator shall comply with the following code of ethics:

1. Make the well-being of the students the basis of decision making and action;
2. Enforce and obey local, state, and national rules and laws in the performance of duties;
3. Exemplify high moral standards by not engaging in or becoming a party to such activities as fraud, embezzlement, deceit, moral turpitude, gross immorality, illegal drugs, or use of misleading or false statements.
4. Respect the civil rights of those with whom the administrator has contact in the performance of duties;
5. Interpret, accurately represent, and implement the policies and administrative regulations of the appropriate educational governing board;
6. Distinguish personal politics, attitudes, and opinions from stated policies of the appropriate education governing board;
7. Fulfill professional responsibilities with honesty and integrity;
8. Maintain professional relationships which are free from vindictiveness, willful intimidation, and disparagement;
9. Safeguard confidential information;
10. Not allow professional decisions or actions to be impaired or influenced by personal gain, gifts, gratuities, favors, and services made or withheld;
11. Avoid preferential treatment and conflicts of interest;;
12. Honor all contracts until fulfillment, release, or dissolution by mutual agreement of all parties;
13. Apply for, accept, offer, or assign a position of responsibility on the basis of professional preparation and legal qualifications;
14. Accurately represent personal qualifications and the evaluations and recommendations of others;

15. Cooperate with authorities regarding violations of the codes of ethics of the South Dakota Professional Administrators Practices and Standards Commission and the South Dakota Professional Teachers practices and Standards Commission.

APPENDIX AA

Texas

Code of Ethics and Standard Practices

RULE §247.2 Code of Ethics and Standard Practices for Texas Educators

(a) Statement of Purpose. The Texas educator shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall safeguard academic freedom. The Texas educator, in maintaining the dignity of the profession, shall respect and obey the law, demonstrate personal integrity, and exemplify honesty. The Texas educator, in exemplifying ethical relations with colleagues, shall extend just and equitable treatment to all members of the profession. The Texas educator, in accepting a position of public trust, shall measure success by the progress of each student toward realization of his or her potential as an effective citizen. The Texas educator, in fulfilling responsibilities in the community, shall cooperate with parents and others to improve the public schools of the community.

(b) Enforceable Standards.

(1) Professional Ethical Conduct, Practices and Performance.

(A) Standard 1.1. The educator shall not knowingly engage in deceptive practices regarding official policies of the school district or educational institution.

(B) Standard 1.2. The educator shall not knowingly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.

(C) Standard 1.3. The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.

(D) Standard 1.4. The educator shall not use institutional or professional privileges for personal or partisan advantage.

(E) Standard 1.5. The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or to obtain special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents, or other persons or organizations in recognition or appreciation of service.

(F) Standard 1.6. The educator shall not falsify records, or direct or coerce others to do so.

(G) Standard 1.7. The educator shall comply with state regulations, written local school board policies, and other applicable state and federal laws.

(H) Standard 1.8. The educator shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications.

(2) Ethical Conduct Toward Professional Colleagues.

- (A) Standard 2.1. The educator shall not reveal confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law.
- (B) Standard 2.2. The educator shall not harm others by knowingly making false statements about a colleague or the school system.
- (C) Standard 2.3. The educator shall adhere to written local school board policies and state and federal laws regarding the hiring, evaluation, and dismissal of personnel.
- (D) Standard 2.4. The educator shall not interfere with a colleague's exercise of political professional, or citizenship rights and responsibilities.
- (E) Standard 2.5. The educator shall not discriminate against or coerce a colleague on the basis of race, color, religion, national origin, age, sex, disability, or family status.
- (F) Standard 2.6. The educator shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.
- (G) Standard 2.7. The educator shall not retaliate against any individual who has filed a complaint with the SBEC under this chapter.

(3) Ethical Conduct Toward Students.

- (A) Standard 3.1. The educator shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.
- (B) Standard 3.2. The educator shall not knowingly treat a student in a manner that adversely affects the student's learning, physical health, mental health, or safety.
- (C) Standard 3.3. The educator shall not deliberately or knowingly misrepresent facts regarding a student.
- (D) Standard 3.4. The educator shall not exclude a student from participation in a program, deny benefits to a student, or grant an advantage to a student on the basis of race, color, sex, disability, national origin, religion, or family status.

- (E) Standard 3.5. The educator shall not engage in physical mistreatment of a student.
- (F) Standard 3.6. The educator shall not solicit or engage in sexual conduct or a romantic relationship with a student.
- (G) Standard 3.7. The educator shall not furnish alcohol or illegal/unauthorized drugs to any students or knowingly allow any student to consume alcohol or illegal/unauthorized drugs in the presence of the educator.

APPENDIX AB

Utah

Professional Practices and Conduct

Rule R686-103. Professional Practices and Conduct for Utah Educators.

R686-103-1. Definitions

- A. "Basic Administrative/Supervisory License" means the initial certificate issued by the Board which permits the holder to be employed in a public school position which requires administration or supervision of kindergarten, elementary, middle, or secondary levels.
- B. "Commission" means the Utah Professional Practices Advisory Commission as defined and authorized under Section 53A-6-301 et seq.
- C. "Competent" means an educator who is duly qualified, is skillful, and meets all the legal requirements of the educator's position.
- D. "Educator" means a licensed person who is paid on the teachers or administrators salary schedule and whose primary function is to provide instructional, counseling or administrative services in the public schools or administrative offices as assigned.
- E. "Inappropriate" means conduct by an educator toward a student or minor that is unjustifiable because:
 - (1) the conduct is illegal;
 - (2) the conduct is inconsistent with Utah State Board of Education or Commission Administrative Rules; or
 - (3) the conduct is inconsistent with the special position of trust of an educator.
- F. "Sexual contact" means:
 - (1) the intentional touching of any sexual or intimate part of an individual
 - (2) causing, encouraging, or permitting an individual to touch any sexual or intimate part of another; or
 - (3) any physical conduct of a sexual nature directed at an individual.
- G. "Sexual harassment" means any repeated or unwarranted verbal or physical advances, sexually explicit derogatory statements, or sexually discriminatory or explicit visual material or remarks made or displayed by an individual which is offensive or objectionable to the recipient or which causes the recipient discomfort or humiliation.

R686-103-2. Authority and Purpose.

A.This rule is authorized by Section 53A-6-306(1)(a) which directs the Commission to adopt rules to carry out its responsibilities under the law.

B.The purpose of this rule is to provide for competent practices and standards of moral and ethical conduct for educators in order to serve the needs of Utah students and to maintain the dignity of the education profession in the state of Utah.

R686-103-3. Commission Action if a Licensed Educator Violates the Provisions of Professional Practice and Conduct for Utah Educators.

A.The individual conduct of a professional educator at all levels reflects upon the practices, values, integrity and reputation of the Utah educational profession as a whole. Violation of this rule may result in the following:

- (1) A disciplinary letter that may effect the educator's ability to obtain employment as an educator;
- (2) A letter of reprimand that would be placed in the educator's certification file and in the personnel file(s) of the district(s) where the educator is employed or seeks employment;
- (3) A designated period of probationary status for a license holder. The probation may be for a specific or indefinite time period;
- (4) Suspension of the educator's license(s) that would prevent the educator from practicing education in the state of Utah or other states during the period of suspension; and
- (5) Revocation of the educator's license(s) for a minimum of five years.

B. This rule does not preclude alternative action by the Commission consistent with Utah law and Utah State Board of Education rules warranted under the facts of the case.

R686-103-4. Professionalism in Employment Practices.

An educator acting consistent with professional practices and standards shall:

A.assist only qualified persons, as define by Utah law and Utah State Board of Education rules, to enter or continue in the education profession;

B.employ only persons qualified or licensed appropriately for positions, except as provided under R277-511;

- C. document professional misconduct of other educators under the educator's direction as set forth in the law or this rule and take appropriate action based upon the misconduct. Such action shall include supervision or termination of employment when necessary to protect the physical or emotional well-being of students and employees and to protect the integrity of the profession, or both;
- D. not personally falsify or direct another person to falsify records or application of any type;
- E. not recommend for employment in another district an educator who has been disciplined for unprofessional or unethical conduct or who has not met minimum professional standards in a current or previous assignment, consistent with Section 34-42-1;
- F. adhere to the terms of a contract or assignment unless health or emergency issues requires vacating the contract or assignment. Persons shall in good faith comply with penalty provisions;
- G. accept an educational employment assignment only if the educator has the appropriate certification required for that particular employment assignment except as provided for under R277-511 and shall provide only true and accurate pre-employment information or documentation;
- H. recommend for employment or continuance of employment only persons who are licensed for the position; and
- I. maintain confidentiality, consistent with the law, regarding students and colleagues.
- J. Act consistent with Section 67-16-1 through 14, Utah Public Employees Ethics Act.

R686-103-5. Competent Practices.

An educator shall:

- A. adhere to federal and state laws, State Board of Education Administrative rules, local board policies and specific directives from supervisors regarding educational practices at school and school-related activities; and
- B. exercise good judgment and prudence in the educator's personal life to avoid the impairment of the educator's professional effectiveness and respect the cultural values and standards of the community in which the educator practices.

R686-103-6. Competent Practice Related to Students

An educator shall:

- A. develop and follow objectives related to learning, organize instruction time consistent with those objectives, and adhere to prescribed subject matters and curriculum.
- B. deal with each student in a just and considerate manner.
- C. resolve disciplinary problems according to law and school board policy and local building procedures
- D. maintain confidentiality concerning a student unless a revelation of confidential information serves the best interest of the student and serves a lawful purpose;
- E. not exclude a student from participating in any program, deny or grant any benefit to any student on the basis of race, color, creed, sex, national origin, marital status, political or religious beliefs, physical or mental conditions, family, social, or cultural background, or sexual orientation, and may not engage in a course of conduct that would encourage a student to develop a prejudice on these grounds or any others;
- F. impart to students principles of good citizenship and societal responsibility by directed learning as well as by personal example;
- G. cooperate in providing all relevant information and evidence to the proper authorities in the course of an investigation by a law enforcement agency or by Child Protective Services regarding criminal activity. However, an educator shall be entitled to decline to give evidence against himself in any such investigation if the same may tend to incriminate the educator as that term is defined by the Fifth Amendment of the U.S. Constitution;
- H. take appropriate action to prevent student harassment;
- I. follow appropriate instructions and protocols in administering standardized tests to students consistent with Section 53A-1-608; and
- J. supervise students appropriately consistent with district policy and the age of the student.

R686-103.7. Moral and Ethical Conduct.

An educator shall:

- A. not be convicted of domestic violence or abuse, including physical, sexual, and emotional abuse of any family member;

- B. not be convicted of a stalking crime;
- C. not use or distribute illegal drugs, or be convicted of any crime related to illegal drugs;
- D. not be convicted of any illegal sexual conduct;
- E. not attend school or school functions under the influence of illegal drugs or alcohol, or prescription drugs if the drug affects the educator's ability to perform regular activities;
- F. not participate in sexual, physical, or emotional harassment or any combination toward any student or co-worker, nor knowingly allow harassment to continue;
- G. not participate in inappropriate sexual contact with a student or minor;
- H. not knowingly fail to protect a student from any condition detrimental to that student's physical health, mental health, safety, or learning;
- I. not harass or discriminate against a student or co-worker on the basis of race, color, creed, sex, national origin, marital status, political or religious beliefs, physical or mental conditions, family, social, or cultural background, or sexual orientation;
- J. not interfere with the legitimate exercise of political and civil rights and responsibilities of colleagues or a student acting consistently with law and district and school policies;
- K. not threaten, coerce or discriminate against any fellow employee, regardless of employment classification, who reports or discloses to a governing agency actual or suspected violations of law, educational regulations, or standards;
- L. conduct financial business with integrity by honestly accounting for all funds committed to the educator's charge and collect and report funds consistent with school and district policy;
- M. not accept gifts or exploit a professional relationship for gain or advantage that might create the appearance of impropriety or that may impair professional judgment, consistent with Section 67-16-1 through 14, Utah Public Employees Ethics Act; and
- N. not use or attempt to use district or school computers or information systems in violation of the district's acceptable use policy for employees or access information that may be detrimental to young people or inconsistent with the educator's role model responsibility.

- O. Avoid not only impropriety but also the appearance of impropriety in actions towards students and colleagues.

APPENDIX AC

Washington

Code of Professional Conduct

Chapter 180-87 WAC
PROFESSIONAL CERTIFICATION—ACTS OF UNPROFESSIONAL CONDUCT

WAC 180-87-003 Authority. The authority for this chapter is RCW 28A.70.005 which authorizes the state board of education to establish, publish, and enforce rules and regulations determining eligibility for and certification of personnel employed in the common schools of this state. This authority is supplemented by RCW:28A.70.160 which authorized the revocation of certificates for unprofessional conduct. (Note: RCW28A.02.201 (3)(a) requires most private school classroom teachers to hold appropriate Washington state certification with few exceptions.)

WAC 180-87-005. Purpose. The sole purpose of this chapter is set forth policies and procedures related to reprimand, suspension, and revocation actions respecting certification of education practitioners in the state of Washington for acts of unprofessional conduct. It is recognized that grounds for the discharge, nonrenewal of contracts, or other adverse change in contract status affecting the employment contracts of education practitioners are broader than stated herein. The grounds set forth as unprofessional conduct in this chapter shall not limit discharge, nonrenewal of contracts, or other employment action by employers of education practitioners.

WAC 180-87-010. Public policy goals of chapter. The public policy goals of this chapter are as follows:

- (1) To protect the health, safety, and general welfare of students within the state of Washington.
- (2) To assure the citizens of the state of Washington that education practitioners are accountable for acts of unprofessional conduct.
- (3) To define and provide notice to education practitioners within the state of Washington of the acts of unprofessional conduct for which they are accountable pursuant to the provisions of chapter 180-86 WAC.

WAC 180-87-015. Accountability for acts of unprofessional conduct. Any educational practitioner who commits an act of unprofessional conduct proscribed within this chapter may be held accountable for such conduct pursuant to the provisions of chapter 180-86 WAC.

ADMINISTRATIVE PROVISIONS

WAC 180-87-020. Applicability of chapter to private conduct. As a general rule, the provisions of this chapter shall not be applicable to the private conduct of an education practitioner except where the education practitioner's role as a private person is not clearly distinguishable from the role as an education practitioner and the fulfillment of professional obligations.

WAC 180-87-025. Exclusivity of chapter. No act, for the purpose of this chapter, shall be defined as an act of unprofessional conduct unless it is included in this chapter.

WAC 180-87-030. Prospective application of chapter and amendments. The provisions of this chapter shall take effect ninety calendar days after adoption and shall apply prospectively to acts of unprofessional conduct committed after such effective date. Unless provided to the contrary, any revision shall take effect six months after adoption and shall apply prospectively from such effective date.

WAC 180-87-035. Education practitioner—Definition. As used in this chapter, the term “education practitioner” means any certificate holder licensed under rules of the state board of education to serve as a certificated employee.

WAC 180-87-040. Student—Definition. As used in this chapter, the term “student” means the following:

- (1) Any student who is under the supervision, direction, or control of the education practitioner.
- (2) Any student enrolled in any school or school district served by the education practitioner.
- (3) Any student enrolled in any school or school district while attending a school related activity at which the education practitioner is performing professional duties.
- (4) Any former student who is under eighteen years of age and who has been under the supervision, direction, or control of the education practitioner. Former student, for the purpose of this section, includes but is not limited to drop outs, graduates, and students who transfer to other districts or schools.

WAC 180-87-045. Colleague—Definition. As used in this chapter, the term “colleague” means any person with whom the education practitioner has established a professional relationship and includes fellow workers and employees regardless of their status as education practitioners.

ACTS OF UNPROFESSIONAL CONDUCT

WAC 180.87.050. Misrepresentation of falsification in the course of professional practice. Any falsification or deliberate misrepresentation, including omission, of a material fact by an education practitioner concerning any of the following is an act of unprofessional conduct:

- (1) Statement of professional qualifications.

- (2) Application or recommendation for professional employment, promotion, certification, or an endorsement.
- (3) Application or recommendation for college or university admission, scholarship, grant, academic award, or similar benefit.
- (4) Representation of completion of in-service or continuing education credit hours.
- (5) Evaluations or grading of students and/or personnel.
- (6) Financial or program compliance reports submitted to state, federal, or other governmental agencies.
- (7) Information submitted in the course of an official inquiry by the superintendent of public instruction related to the following:
 - (a) Good moral character or personal fitness.
 - (b) Acts of unprofessional conduct.
- (8) Information submitted in the course of an investigation by a law enforcement agency or by child protective services regarding school related criminal activity.

WAC 180-87-055. Alcohol or controlled substance abuse. Unprofessional conduct includes:

- (1) Being under the influence of alcohol or of a controlled substance, as defined in chapter 69.50 RCW, on school premises or at a school-sponsored activity involving students, following:
 - (a) Notification to the education practitioner by his or her employer of concern regarding alcohol or substance abuse affecting job performance;
 - (b) A recommendation by the employer that the education practitioner seek counseling or other appropriate and available assistance; and
 - (c) The education practitioner has had a reasonable opportunity to obtain such assistance.
- (2) The possession, use or consumption on school premises or at a school sponsored activity of a Schedule 1 controlled substance, as defined by the state board of pharmacy, or a Schedule 2 controlled substance, as defined by the state board of pharmacy, without a prescription authorizing such use.
- (3) The consumption of an alcoholic beverage on school premises or at a school sponsored activity involving students if such consumption is contrary to written policy of the school district or school building.

WAC180-87-060. Disregard or abandonment of generally recognized professional standards. Any performance of professional practice in flagrant disregard or clear abandonment of generally recognized professional standards in the course of any of the following professional practices is an act of unprofessional conduct:

- (1) Assessment, treatment, instruction, or supervision of students.
- (2) Employment or evaluation of personnel.
- (3) Management of moneys or property.

WAC 180-87-065. Abandonment of contract for professional services. Any permanent abandonment, constituting a substantial violation without good cause, of one of the following written contracts to perform professional services for a private school or a school or an educational service district is an act of unprofessional conduct:

- (1) An employment contract, excluding any extracurricular or other specific activity within such contract or any supplementary contract.
- (2) Professional service contract.

WAC 180-87-070. Unauthorized professional practice. Any act performed without good cause that materially contributes to one of the following unauthorized professional practices is an act of unprofessional practice.

- (1) The intentional employment of a person to serve as an employee in a position for which certification is required by rules of the state board of education when such person does not possess, at the time of commencement of such responsibility, a valid certificate to hold the position for which such person is employed.
- (2) The assignment or delegation in a school setting of any responsibility within the scope of the authorized practice of nursing, physical therapy or occupational therapy to a person not licensed to practice such profession unless such assignment or delegation is otherwise authorized by law, including the rules of the appropriate licensing board.
- (3) The practice of education by a certificate holder during any period in which such certificate has been suspended.
- (4) The failure of a certificate holder to abide by the conditions within an agreement, executed pursuant to WAC 180-86-160, to not continue or to accept education employment.
- (5) The failure of a certificate holder to comply with any condition, limitation, or other order or decision entered pursuant to chapter 180-86 WAC.

- (6) Provided, That for the purpose of this section, good cause includes, but is not limited to, exigent circumstances where immediate action is necessary to protect the health, safety, or general welfare of a student, colleague, or other affected person.

WAC 180-87-080. Sexual misconduct with students. Unprofessional conduct includes the commission by an education practitioner of any sexually exploitive act with or to a student including, but not limited to, the following:

- (1) Any sexual advance, verbal or physical;
- (2) Sexual intercourse as defined in RCW 9A.44.010;
- (3) Indecent exposure as defined in RCW 9A.88.010;
- (4) Sexual contact, i.e., the intentional touching of the sexual or other intimate parts of a student except to the extent necessary and appropriate to attend to the hygienic or health needs of the student;
- (5) Provided, That the provisions of this section shall not apply if at the time of sexual conduct the participants are married to each other.

WAC 180-87-085. Furnishing alcohol or controlled substance to students. Unprofessional conduct includes the illegal furnishing of alcohol or a controlled substance, as defined in chapter 69.50 RCW, to any student by an education practitioner.

WAC 180-87-090. Improper remunerative conduct. Any deliberate act in the course of professional practice which requires or pressures students to purchase equipment, supplies, or services from the education practitioner in a private remunerative capacity is an act of unprofessional conduct.

WAC 180-87-093. Failure to assure the transfer of student record information or student records. The failure of a principal or other certificated chief administrator of a public school building to make a good faith effort to assure compliance with RCW 28A.225.330 by establishing, distributing, and monitoring compliance with written procedures that are reasonably designed to implement the statute shall constitute an act of unprofessional conduct.

WAC 180-87-095. Failure to file a complaint. The intentional or knowing failure of an education service district superintendent, a district superintendent, or a chief administrator of a private school to file a complaint pursuant to WAC 180-86-110 regarding the lack of good moral character or personal fitness of an education practitioner or the commission of an act of unprofessional conduct by an education practitioner is an act of unprofessional conduct.