CODE OF ETHICS REVIEW COMMITTEE

FEBRUARY 2018 REPORT TO THE EPSB

TABLE OF CONTENTS

Contents

Background 1
Membership 1
Report 2
Recommendations 3
Next Steps 4
Appendix A: The Professional Code of Ethics for Kentucky Certified School Personnel 5
Appendix B: The Model Code of Ethics for Educators 7

CODE OF ETHICS REVIEW COMMITTEE REPORT

Background

The Combating Inappropriate Student-Teacher Relationship Task Force was chartered by the EPSB for the purpose of reviewing current practices and policies relating to inappropriate student-teacher relationships and making recommendations to various stakeholders to combat such relationships. The Task Force's objective was to develop and recommend to the Board policies and/or procedures that could work toward preventing inappropriate student-educator relationships.

In April 2016, the EPSB accepted the two recommendations that the Task Force made specifically to the EPSB and voted to proceed with development and implementation. With these recommendations, the Task Force included that the EPSB use the Model Code of Ethics for Educators as a resource and consider adopting it if applicable.

As a result, the EPSB created the Code of Ethics Review Committee. The Committee was tasked with reviewing the Professional Code of Ethics for Kentucky Certified School Personnel and the Model Code of Ethics for Educators.

Membership

- Mr. Rob Akers
- Ms. Sarah Burnett
- Ms. Tolya Ellis
- Mr. David Graham
- Dr. Donna Hedgepath
- Mr. Dusty Phelps

Report

The Code of Ethics Review Committee met on November 30, 2017. Dr. Phil Rogers, Executive Director of the National Association for State Directors of Teacher Education and Certification presented to the Committee on the organization and the Model Code of Ethics for Educators (MCEE). He detailed how the MCEE came about, and why NASDTEC was chosen to create it. The process for creating the MCEE, included a taskforce of key stakeholders from around the country and an extensive public comment period that led the taskforce to completely revise the MCEE.

Dr. Rogers explained the MCEE is not a list of "shall nots," but it is meant to provide a shared language for educators to help them talk about all the little decisions they make every day that have ethical implications. Dr. Rogers explained that the intention was for states to be able to adopt the MCEE, adapt it, endorse it, or use it in any other way they see fit. He explained it has been used in some states by their EPPs and in local school districts. Dr. Rogers explained the MCEE is not meant to be a code of conduct or charging document. He used the analogy that a code of conduct is like a stop sign and a code of ethics, like the MCEE, is a yellow caution sign. A code of ethics is a list of standards to assist practitioners in choosing the best course of action. He then provided a brief breakdown of the MCEE's 5 key principles, with subtopics and 89 indicators.

Following Dr. Rogers' presentation, Cassie Trueblood reviewed the full text of the Professional Code of Ethics and the MCEE with the Committee. Chelsea Young then provided the Committee with a crosswalk and reverse cross walk of the two documents to show where they correspond. Ms. Trueblood then provided the Committee with examples of how the MCEE is being utilized in other states.

Committee members responded positively to the MCEE. They found overlap between the Professional Code of Ethics for Kentucky Certified School Personnel and the MCEE. It was determined that the MCEE could be used as an ethical decision making framework, to prevent violations of the Professional Code of Ethics for Kentucky Certified School Personnel.

Committee members felt that the MCEE would make a great training tool, and wanted to ensure that it would be readily available to those already in education and those thinking about pursuing a career in education. The committee members in attendance unanimously agreed that they wished to endorse the MCEE.

Recommendations

RECOMMENDATION 1:

The Committee Recommends that the Education Professional Standards Board endorse the Model Code of Ethics for Educators for use by school districts.

RECOMMENDATION 2:

The Committee Recommends that the Education Professional Standards Board endorse the Model Code of Ethics for Educators for use by educator preparation providers.

RECOMMENDATION 3:

The Committee Recommends that the Education Professional Standards Board task staff with examining how the Model Code of Ethics for Educators can be incorporated into the Kentucky Teacher Internship Program.

Next Steps

If the Education Professional Standards Board accepts the Code of Ethics Review Committee's Recommendations, then staff will work to publicize the Model Code of Ethics for Educators (MCEE) to school districts and educator preparation providers. Staff will publicize the MCEE through the EPSB's website, the executive director's monthly update memo, presentations and trainings. Staff will also work to disseminate information regarding the MCEE to the various K-groups and the educational cooperatives.

By the end of the Fall 2018 semester, staff will survey various school districts and the educator preparation providers regarding their use of the MCEE. Staff will also solicit feedback regarding the MCEE from other stakeholders. In 2019, the Committee will meet to review the feedback and determine what, if any, additional actions should be taken.

At the committee meeting, staff will also present their findings on how the MCEE can be incorporated into KTIP. Staff will also research training options and present the Committee with updated information on how other states are utilizing the MCEE.

Appendix A: The Professional Code of Ethics for Kentucky Certified School Personnel

16 KAR 1:020. Professional code of ethics for Kentucky school certified personnel.

RELATES TO: KRS 161.028, 161.040, 161.120
STATUTORY AUTHORITY: KRS 161.028, 161.030
NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.028 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 educational 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 educator;
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 student;
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.

(c) 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 B: The Model Code of Ethics for Educators

Principle I: Responsibility to the Profession

The professional educator is aware that trust in the profession depends upon a level of professional conduct and responsibility that may be higher than required by law. This entails holding one and other educators to the same ethical standards.

The professional educator demonstrates responsibility to oneself as an ethical professional by:

1. Acknowledging that lack of awareness, knowledge, or understanding of the Code is not, in itself, a defense to a charge of unethical conduct;
2. Knowing and upholding the procedures, policies, laws and regulations relevant to professional practice regardless of personal views;
3. Holding oneself responsible for ethical conduct;
4. Monitoring and maintaining sound mental, physical, and emotional health necessary to perform duties and services of any professional assignment; and taking appropriate measures when personal or health-related issues may interfere with work-related duties;
5. Refraining from professional or personal activity that may lead to reducing one's effectiveness within the school community;
6. Avoiding the use of one's position for personal gain and avoiding the appearance of impropriety;
7. Taking responsibility and credit only for work actually performed or produced, and acknowledging the work and contributions made by others.

B. The professional educator fulfills the obligation to address and attempt to resolve ethical issues by:

1. Confronting and taking reasonable steps to resolve conflicts between the Code and the implicit or explicit demands of a person or organization;

2. Maintaining fidelity to the Code by taking proactive steps when having reason to believe that another educator may be approaching or involved in an ethically compromising situation;
3. Neither discriminating nor retaliating against a person on the basis of having made an ethical complaint;
4. Neither filing nor encouraging frivolous ethical complaints solely to harm or retaliate.
5. Cooperating fully during ethics investigations and proceedings

C. The professional educator promotes and advances the profession within and beyond the school community by:

1. Influencing and supporting decisions and actions that positively impact teaching and learning, educational leadership and student services;
2. Engaging in respectful discourse regarding issues that impact the profession;
3. Enhancing one's professional effectiveness by staying current with ethical principles and decisions from relevant sources including professional organizations;
4. Actively participating in educational and professional organizations and associations; and
5. Advocating for adequate resources and facilities to ensure equitable opportunities for all students.

Principle II: Responsibility for Professional Competence

The professional educator is committed to the highest levels of professional and ethical practice, including demonstration of the knowledge, skills and dispositions required for professional competence.

A. *The professional educator demonstrates commitment to high standards of practice through:*

1. Incorporating into one's practice state and national standards, including those specific to one's discipline;
2. Using the *Model Code of Educator Ethics* and other ethics codes unique to one's discipline to guide and frame educational decision-making;
3. Advocating for equitable educational opportunities for all students;
4. Accepting the responsibilities, performing duties and providing services corresponding to the area of certification, licensure, and training of one's position;

5. Reflecting upon and assessing one's professional skills, content knowledge, and competency on an ongoing basis; and
6. Committing to ongoing professional learning.

B. *The professional educator demonstrates responsible use of data, materials, research and assessment by*:

1. Appropriately recognizing others' work by citing data or materials from published, unpublished, or electronic sources when disseminating information;
2. Using developmentally appropriate assessments for the purposes for which they are intended and for which they have been validated to guide educational decisions;
3. Conducting research in an ethical and responsible manner with appropriate permission and supervision;
4. Seeking and using evidence, instructional data, research, and professional knowledge to inform practice;
5. Creating, maintaining, disseminating, storing, retaining and disposing of records and data relating to one's research and practice, in accordance with district policy, state and federal laws; and
6. Using data, data sources, or findings accurately and reliably.

C. *The professional educator acts in the best interest of all students by:*

1. Increasing students' access to the curriculum, activities, and resources in order to provide a quality and equitable educational experience.
2. Working to engage the school community to close achievement, opportunity, and attainment gaps; and
3. Protecting students from any practice that harms or has the potential to harm students.

Principle III: Responsibility to Students

The professional educator has a primary obligation to treat students with dignity and respect. The professional educator promotes the health, safety and well being of students by establishing and maintaining appropriate verbal, physical, emotional and social boundaries.

A. *The professional educator respects the rights and dignity of students by:*

1. Respecting students by taking into account their age, gender, culture, setting and socioeconomic context;
2. Interacting with students with transparency and in appropriate settings;

3. Communicating with students in a clear, respectful, and culturally sensitive manner;
4. Taking into account how appearance and dress can affect one's interactions and relationships with students;
5. Considering the implication of accepting gifts from or giving gifts to students;
6. Engaging in physical contact with students only when there is a clearly defined purpose that benefits the student and continually keeps the safety and well-being of the student in mind;
7. Avoiding multiple relationships with students which might impair objectivity and increase the risk of harm to student learning or well-being or decrease educator effectiveness;
8. Acknowledging that there are no circumstances that allow for educators to engage in romantic or sexual relationships with students; and
9. Considering the ramifications of entering into an adult relationship of any kind with a former student, including but not limited to, any potential harm to the former student, public perception, and the possible impact on the educator's career. The professional educator ensures that the adult relationship was not started while the former student was in school.

B. *The professional educator demonstrates an ethic of care through:*

1. Seeking to understand students' educational, academic, personal and social needs as well as students' values, beliefs, and cultural background;
2. Respecting the dignity, worth, and uniqueness of each individual student including, but not limited to, actual and perceived gender, gender expression, gender identity, civil status, family status, sexual orientation, religion, age, disability, race, ethnicity, socio-economic status, and culture; and
3. Establishing and maintaining an environment that promotes the emotional, intellectual, physical, and sexual safety of all students.

C. *The professional educator maintains student trust and confidentiality when interacting with students in a developmentally appropriate manner and within appropriate limits by:*

1. Respecting the privacy of students and the need to hold in confidence certain forms of student communication, documents, or information obtained in the course of professional practice;

2. Upholding parents'/guardians' legal rights, as well as any legal requirements to reveal information related to legitimate concerns for the well-being of a student; and
3. Protecting the confidentiality of student records and releasing personal data in accordance with prescribed state and federal laws and local policies.

Principle IV: Responsibility to the School Community

The professional educator promotes positive relationships and effective interactions, with members of the school community, while maintaining professional boundaries.

A. *The professional educator promotes effective and appropriate relationships with parents/guardians by:*

1. Communicating with parents/guardians in a timely and respectful manner that represents the students' best interests;
2. Demonstrating a commitment to equality, equity, and inclusion as well as respecting and accommodating diversity among members of the school community;
3. Considering the implication of accepting gifts from or giving gifts to parents/guardians; and
4. Maintaining appropriate confidentiality with respect to student information disclosed by or to parents/guardians unless required by law.

B. *The professional educator promotes effective and appropriate relationships with colleagues by:*

1. Respecting colleagues as fellow professionals and maintaining civility when differences arise;
2. Resolving conflicts, whenever possible, privately and respectfully and in accordance with district policy;
3. Keeping student safety, education, and health paramount by maintaining and sharing educational records appropriately and objectively in accordance with local policies and state and federal laws;
4. Collaborating with colleagues in a manner that supports academic achievement and related goals that promote the best interests of students;
5. Enhancing the professional growth and development of new educators by supporting effective field experiences, mentoring or induction activities across the career continuum;

6. Ensuring that educators who are assigned to participate as mentors for new educators, cooperating teachers, or other teacher leadership positions are prepared and supervised to assume these roles;
7. Ensuring that educators are assigned to positions in accordance with their educational credentials, preparation, and experience in order to maximize students' opportunities and achievement; and
8. Working to ensure a workplace environment that is free from harassment.

C. *The professional educator promotes effective and appropriate relationships with the community and other stakeholders by*:

1. Advocating for policies and laws that the educator supports as promoting the education and well-being of students and families;
2. Collaborating with community agencies, organizations, and individuals in order to advance students' best interests without regard to personal reward or remuneration; and
3. Maintaining the highest professional standards of accuracy, honesty, and appropriate disclosure of information when representing the school or district within the community and in public communications.

D. *The professional educator promotes effective and appropriate relationships with employers by:*

1. Using property, facilities, materials, and resources in accordance with local policies and state and federal laws;
2. Respecting intellectual property ownership rights (e.g. original lesson plans, district level curricula, syllabi, gradebooks, etc.) when sharing materials;
3. Exhibiting personal and professional conduct that is in the best interest of the organization, learning community, school community, and profession; and
4. Considering the implications of offering or accepting gifts and/or preferential treatment by vendors or an individual in a position of professional influence or power.

E. *The professional educator understands the problematic nature of multiple relationships by*:

1. Considering the risks that multiple relationships might impair objectivity and increase the likelihood of harm to students' learning and well-being or diminish educator effectiveness;
2. Considering the risks and benefits of a professional relationship with someone with whom the educator has had a past personal relationship and vice versa;
3. Considering the implications and possible ramifications of engaging in a personal or professional relationship with parents and guardians, student teachers, colleagues, and supervisors; and
4. Ensuring that professional responsibilities to paraprofessionals, student teachers or interns do not interfere with responsibilities to students, their learning, and well-being.

Principle V: Responsible and Ethical Use of Technology

The professional educator considers the impact of consuming, creating, distributing and communicating information through all technologies. The ethical educator is vigilant to ensure appropriate boundaries of time, place and role are maintained when using electronic communication.

A. *The professional educator uses technology in a responsible manner by:*

1. Using social media responsibly, transparently, and primarily for purposes of teaching and learning per school and district policy. The professional educator considers the ramifications of using social media and direct communication via technology on one's interactions with students, colleagues, and the general public;
2. Staying abreast of current trends and uses of school technology;
3. Promoting the benefits of and clarifying the limitations of various appropriate technological applications with colleagues, appropriate school personnel, parents, and community members;
4. Knowing how to access, document and use proprietary materials and understanding how to recognize and prevent plagiarism by students and educators;
5. Understanding and abiding by the district's policy on the use of technology and communication;
6. Recognizing that some electronic communications are records under the Freedom of Information Act (FOIA) and state public access laws and should consider the implications of sharing sensitive information electronically either via professional or personal devices/accounts; and

7. Exercising prudence in maintaining separate and professional virtual profiles, keeping personal and professional lives distinct.

B. *The professional educator ensures students' safety and well-being when using technology by:*

1. Being vigilant in identifying, addressing and reporting (when appropriate and in accordance with local district, state, and federal policy) inappropriate and illegal materials/images in electronic or other forms;
2. Respecting the privacy of students' presence on social media unless given consent to view such information or if there is a possibility of evidence of a risk of harm to the student or others; and
3. Monitoring to the extent practical and appropriately reporting information concerning possible cyber bullying incidents and their potential impact on the student learning environment.

C. *The professional educator maintains confidentiality in the use of technology by:*

1. Taking appropriate and reasonable measures to maintain confidentiality of student information and educational records stored or transmitted through the use of electronic or computer technology;
2. Understanding the intent of Federal Educational Rights to Privacy Act (FERPA) and how it applies to sharing electronic student records; and
3. Ensuring that the rights of third parties, including the right of privacy, are not violated via the use of technologies.

D. *The professional educator promotes the appropriate use of technology in educational settings by:*

1. Advocating for equal access to technology for all students, especially those historically underserved**;**
2. Promoting the benefits of and clarifying the limitations of various appropriate technological applications with colleagues, appropriate school personnel, parents, and community members; and
3. Promoting technological applications (a) that are appropriate for students' individual needs, (b) that students understand how to use and (c) that assist and enhance the teaching and learning process.

Glossary

Boundaries:
The verbal, physical, emotional and social distances that an educator must maintain in order to ensure structure, security, and predictability in an educational environment. Most often, the boundaries that are transgressed relate to role, time and place. By respecting contracted roles, appropriate working hours, and the location of the learning environment, secure boundaries are in place for all members of the schooling community.

District/school district:
This is often referred to as a "local education agency." A "district" in this document is defined as a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools. This can include charter schools, magnet schools, virtual magnet schools, regional educational school districts, or other entities falling under the definition above.

Culture:
The customary beliefs, social forms, and material traits of a racial, religious, or social group, including the characteristic features of everyday existence shared by people in a place or time[1].

Educator:
Educators are the target audience for the MCEE, and are defined as licensed educators. These include paraprofessionals, teachers, teacher leaders, student support personnel and administrators. However, others who interact with students who are not under the auspices of an education-related licensing organization such as coaches, school secretaries, custodians or other school staff are encouraged to adopt or adapt this *Model Code of Educator Ethics*. See a separate definition for "professional educator."

Ethic of care:
Responding with compassion to the needs of students.

Ethical Decision-Making Model:
A framework utilized by educators to guide decision-making which includes professional dispositions; applicable laws, statutes, and policies; the *Model Code of Educator Ethics*; and other guidelines that have been adopted and endorsed by educational organizations.

[1] http://www.merriam-webster.com/dictionary/culture

Fiduciary relationship:
A fiduciary relationship is one in which a person justifiably places confidence in another whose aid, advice, or protection is assumed. Inherent in such fiduciary relationships is an imbalance of power. Educators have a unique responsibility, as the relationship between student and teacher differs from other professional/client relationships (e.g., attorneys, physicians, clergy). Educators are entrusted with the safety and welfare of students during and after school hours and serve "in loco parentis."

Implicit or Explicit Demands of an Organization:
Implicit demands are often subjective or implied and reflect the culture of the schooling environment. Explicit demands are clearly articulated through mandates, policies, or statutes.

Harm:
The impairment of learning or any potential action which may lead to physical, emotional, psychological, sexual, or intellectual damage to a student or a member of the school community.

Learning Community:
A group of educators who work with one another to achieve the shared goals of their school and engage in collaborative professional learning to strengthen practice and increase student results.[2]

Multiple Relationships:
Multiple relationships occur when the educator is in a professional role with one or more members of the school community and also has a personal relationship with that person or a member of that person's family. Multiple relationships have the potential to impair objectivity, competence, or effectiveness in performing his or her functions as an educator.

New Educators:
New educators include individuals in an educator preparation program or newly employed in the education profession, including paraprofessionals, teachers, administrators, and student support personnel.

Professional educator:
A licensed educator who demonstrates the highest standards of ethical and professionally competent practice and is committed to advancing the interests, achievement and well-being of students. The professional educator is also committed to supporting the school community and the education profession.

Proprietary materials:
Materials that protected from unauthorized use by copyright or other forms of intellectual property rights.

[2] http://learningforward.org/standards/learning-communities#.VTVerkv7Q3Y

Safe environments/Safety and well-being:
A school setting which promotes the well-being of all members of the school community and is characterized by the absence of physical, psychological, sexual or emotional harm

School Community:
This term usually refers to those stakeholders invested in the welfare of a school and its community. A school community includes school administrators, teachers, school staff members, students, their parents and families, school board members and other community members.[3]

Sensitive Information:
This includes but is not limited to student information and educational records, including medical or counseling records.

Student:
A learner attending a P-12 school.

Technology:
Tools, systems, applications and processes that can include, but are not limited to, electronic communications networks such as the internet and electronic devices such as computers, laptops, phones and other hardware/software that deliver text, audio, images, animation, and streaming video.

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

[3] http://edglossary.org/school-community/