

STANDARDS OF CONDUCT AND ETHICS

PREAMBLE

In 1967, the Legislature declared that teaching and the related services including administrative and supervisory services are a profession, and that this profession shall possess all the rights, responsibilities, and privileges accorded all other recognized professions. In accordance with this declaration, the State Board of Education has adopted standards of professional conduct and ethics for teachers and administrators who hold Nebraska school certificates issued by the Nebraska Department of Education. This pamphlet will briefly set forth the minimum standards required by Nebraska public school certificate holders. It is the responsibility of all certificate holders to know and apply the standards during the duration of their certificate. Failure to abide by the standards may subject a certificate holder to disciplinary action by the Commissioner of Education, the Professional Practices Commission, or the State Board of Education.

A complete set of the standards of conduct and ethics is set forth in Title 92, *Nebraska Administrative Code*, Chapter 27. A copy of these standards is available and will be provided upon request by contacting the General Counsel's Office as listed at the end of this pamphlet. If a certificate holder is employed in a nonpublic school, that context shall be taken into account in the application of these standards.

DEFINITIONS

Admonishment shall mean a private sanction to an educator 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.

Board shall mean the Nebraska State Board of Education.

Commissioner shall mean the Nebraska State Commissioner of Education.

Educator shall mean a holder of a public or nonpublic teaching, administrative, or special services certificate issued pursuant to 92 NAC 21.

Reprimand shall mean a public sanction criticizing or rebuking an educator for unprofessional or unethical conduct. This sanction may be imposed by the Commissioner, Commission, or Board.

Revocation shall mean a public sanction canceling an educator's certificate for a certain period of time. At the expiration of the revocation period, the former educator may apply for reinstatement in accordance with 92 NAC 29. This sanction may be imposed by the Board.

Suspension shall mean a public sanction withdrawing an educator'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.

PRINCIPLE I

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:

- Shall not interfere with the exercise of political and citizenship rights and responsibilities of students, colleagues, parents, school patrons, or school board members.
- Shall not discriminate on the basis of race, color, creed, gender, marital status, age, national origin, ethnic background, or disability.
- 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.
- Shall not make any fraudulent statement or fail to disclose a material fact for which the educator is responsible.
- Shall not exploit professional relationships with students, colleagues, parents, school patrons, or school board members for personal gain or private advantage.
- Shall not sexually harass students, parents or school patrons, employees, or board members.
- Shall not have had revoked for cause a teaching certificate, administrative certificate, or any certificate enabling a person to engage in any of the activities for which a special services certificate is issued in Nebraska.*
- Shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of professional duties.
- Shall report to the Commissioner any known violation of the standards designated by an asterisk (*).
- Shall seek no reprisal against any individual who has reported a violation of the Standards of Conduct and Ethics.

PRINCIPLE II

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:

- Shall permit the student to pursue reasonable independent scholastic effort, and shall permit the student access to varying points of view.
- Shall not deliberately suppress or distort subject matter for which the educator is responsible.
- Shall make reasonable effort to protect the student from conditions which interfere with the learning process or are harmful to health or safety.
- Shall conduct professional educational activities in accordance with sound educational practices that are in the best interest of the student.
- 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.
- Shall not tutor for remuneration students assigned to his or her classes unless approved by the local board of education.
- Shall not discipline students using corporal punishment.

PRINCIPLE III

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:

- 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.
- Shall not use institutional privileges for private gain or to promote political candidates, political issues, or partisan political activities.
- Shall neither offer nor accept gifts or favors that will impair professional judgment.
- Shall support the principle of due process and protect the political, citizenship, and natural rights of all individuals.
- Shall not commit any act of moral turpitude or any felony under the laws of the United States or any state or territory, and shall not have a misdemeanor conviction involving abuse, neglect, or sexual misconduct as defined in Sections 003.12 through 003.14 of 92 NAC 21.*
- Shall, with reasonable diligence, attend to the duties of his or her professional position.

PRINCIPLE IV

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:

- 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.
- Shall not misrepresent his or her professional qualifications, nor those of colleagues.*
- Shall practice the profession only with proper certification, and shall actively oppose the practice of the profession by persons known to be unqualified.
- Continuation in professional service requires the maintenance of a valid teaching, administrative, or special services certificate in accordance with the laws of the State of Nebraska.

PRINCIPLE V

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:

- Shall apply for, accept, offer, or assign a position or responsibility on the basis of professional preparation and legal qualifications.
- Shall not knowingly withhold information regarding a position from an applicant or employer, or misrepresent an assignment or conditions of employment.
- Shall give prompt notice to the employer of any change in availability of service.
- Shall conduct professional business through designated procedures, when available, that have been approved by the employing agency.
- Shall not assign to unqualified personnel, tasks for which an educator is responsible.
- Shall permit no commercial or personal exploitation of his or her professional position.
- Shall use time on duty and leave time for the purpose for which intended.
- Educators shall adhere fully to the terms of a contract or appointment.

STANDARDS OF COMPETENCY

Administrative and Supervisory Requirements:

Educators must possess the abilities and skills necessary to accomplish the designated task. Each educator shall:

- Keep records for which he or she is responsible in accordance with law and policies of the school system;
- Supervise others in accordance with law and policies of the school system;
- Recognize 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.

Each teacher and special services provider shall:

- Utilize available instructional materials and equipment necessary to accomplish the designated task;
- Adhere to and enforce written and dated administrative policy of the school which has been communicated to the teacher or special services provider;
- Use channels of communication when interacting with administrators, community agencies, and groups, in accordance with school policy.

Each administrator shall:

- Use available instructional personnel, materials and equipment necessary to accomplish the designated task;
- Adhere to and enforce school law, state board regulation, and written and dated school board policy which has been communicated to the administrator;
- Use channels of communication when interacting with teachers, community agencies and groups in accordance with school policy.

Analysis of Individual Needs and Individual Potential:

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:

- Personal observation;
- Analysis of individual performance and achievement;
- Specific performance testing.

Instructional Procedures: Each educator shall seek accomplishment of the designated task through selection and utilization of appropriate instructional procedures. Each educator shall:

- Create an atmosphere which fosters interest and enthusiasm for learning and teaching;
- Use procedures appropriate to accomplish the designated task;
- Encourage expressions of ideas, opinions and feelings.

Each teacher shall:

- Create interest through the use of materials and techniques appropriate to the varying abilities and background of students;
- Consider individual student interests and abilities when planning and implementing instruction.

Each administrator shall:

- Support the creation of interest by providing the materials, equipment and encouragement necessary for the teacher to accomplish the designated task;
- Make reasonable assignment of tasks and duties in light of individual abilities and specialties and available personnel resources.

Communication Skills: In communicating with students and other educators, each educator, within the limits prescribed by his or her assignment and role, shall:

- Utilize information and materials that are relevant to the designated task;
- Use language and terminology which are relevant to the designated task;
- Use language which reflects an understanding of the ability of the individual or group;
- Assure that the designated task is understood;
- Use feedback techniques which are relevant to the designated task;
- Consider the entire context of the statements of others when making judgments about what others have said;
- Encourage each individual to state his ideas clearly.

Management techniques: The educator shall:

- Resolve discipline problems in accordance with law, school board policy, and administrative regulations and policies;
- Maintain consistency in the application of policy and practice;
- Use management techniques which are appropriate to the particular setting such as group work, seat work, lecture, discussion, individual projects and others;
- Develop and maintain positive standards of conduct.

Competence in Specialization: Each educator shall:

- Possess knowledge, within his or her area of specialization, consistent with his or her record of professional preparation;

- Be aware of current developments in his or her field;
- Possess knowledge of resources which may be utilized in improving instruction in his or her area of specialization.

Evaluation of Learning and Goal Achievement: An educator shall accept responsibility commensurate with delegated authority to evaluate learning and goals achievement. Each educator shall:

- Utilize several types of evaluation techniques;
- Provide frequent and prompt feedback concerning the success of learning and goal achievement efforts;
- Analyze and interpret effectively the results of evaluation for judging instruction, the achievement of stated goals, or the need for further diagnosis;
- Utilize the results of evaluation for planning, counseling and program modification;
- Explain methods and procedures of evaluation to those concerned.

Human and Interpersonal Relationships: Educators shall possess effective human and interpersonal relations skills. Each educator shall:

- Allow others who hold and express differing opinions or ideas to freely express such ideas;
- Not knowingly misinterpret the statement of others;
- Not show disrespect for or lack of acceptance of others;
- Provide leadership and direction for others by appropriate example;
- Offer constructive criticism when necessary;
- Comply with reasonable requests and orders given by and with proper authority;
- Not assign unreasonable tasks;
- Demonstrate self-confidence and self-sufficiency in exercising authority.

Personal Requirements: 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 of 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:

- Be able to engage in physical activity appropriate to the designated task except for temporary disability;
- Be able to communicate so effectively as to accomplish the designated task;
- Appropriately control his or her emotions;
- Possess and demonstrate sufficient intellectual ability to perform designated tasks.

Individuals with questions about these standards may contact General Counsel's Office, P. O. Box 94933, Lincoln, NE 68509-4933;
Nde.investigations@nebraska.gov.

7/2018



STANDARDS OF CONDUCT AND ETHICS FOR HOLDERS OF PUBLIC SCHOOL CERTIFICATES

CERTIFICATION INVESTIGATIONS