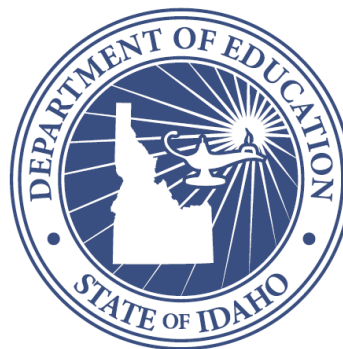




CODE OF ETHICS FOR IDAHO PROFESSIONAL EDUCATORS



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FOREWORD

Idaho is blessed with great educators who want to help our kids build the knowledge and skills that will prepare them to be engaged citizens and successful in their lives and careers.

This responsibility requires high ethical standards that teachers and administrators must adhere to on a daily basis. Those standards can be found in this booklet, the *Code of Ethics for Idaho Professional Educators*. Please take the time to read it, reflect on it, and continuously reinforce the values expressed in its pages.

The *Code of Ethics for Idaho Professional Educators* is designed to remind everyone that educators are public servants in our communities, providing education and opportunity to all Idaho Students. Our educators have the power to unlock the potential in every child, especially those children who are uncertain of their potential or face challenges.

Education has the power to be “the great equalizer.” It can only be so if its practitioners maintain professional conduct while putting students first. To that end, we are pleased to provide you with this Code of Ethics.

Thank you for recognizing the power of teaching and choosing to be part of Idaho’s educational community. Welcome!

Sincerely,



Debbie Critchfield
Superintendent of Public Instruction

PREAMBLE

Believing in the worth and dignity of each human being, the professional 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 professional educator accepts the responsibility to practice the profession according to the highest ethical principles.

The *Code of Ethics for Idaho Professional Educators* symbolizes the commitment of all Idaho educators and provides principles by which to judge conduct.

ASPIRATIONS AND COMMITMENTS

The professional educator aspires to stimulate the spirit of inquiry in students and to provide opportunities in the school setting that will help them acquire viable knowledge, skills, and understanding that will meet their needs now and in the future.

The professional educator provides an environment that is safe to the cognitive, physical and psychological well-being of students and provides opportunities for each student to move toward the realization of his or her goals and potential as an effective citizen.

The professional educator, recognizing that students need role models, will act, speak and teach in such a manner as to exemplify nondiscriminatory behavior and encourage respect for other cultures and beliefs.

The professional educator is committed to the public good and will help preserve and promote the principles of democracy. He or she will provide input to the local school board to assist in the board's mission of developing and implementing sound educational policy, while promoting a climate in which the exercise of professional judgment is encouraged.

The professional educator believes the quality of services rendered by the education profession directly influences the nation and its citizens. He or she strives, therefore, to establish and maintain the highest set of professional principles of behavior, to improve educational practice, and to achieve conditions that attract highly qualified persons to the profession.

The professional educator regards the employment agreement as a pledge to be executed in a manner consistent with the highest ideals of professional service. He or she believes that sound professional personal relationships with colleagues, governing boards, and community members are built upon integrity, dignity, and mutual respect. The professional educator encourages the practice of the profession only by qualified persons.

DEFINITIONS

Administrative Complaint. A document outlining the specific, purported violations of Section 33-1208, Idaho Code, or the *Code of Ethics for Idaho Professional Educators*.

Educator. A person who held, holds, or applies for an Idaho Certificate (Section 33-1201, Idaho Code).

Education Official. An individual identified by local school board policy, including, but not limited to, a superintendent, principal, assistant principal, or school resource officer (SRO).

Executive Committee. A decision-making body comprised of members of the Professional Standards Commission, including the chair and/or vice-chair of the Commission. A prime duty of the Committee is to review alleged violations of the *Code of Ethics for Idaho Professional Educators* to determine probable cause and recommend possible disciplinary action.

Hearing. A formal review proceeding that ensures the respondent due process. The request for a hearing is initiated by the respondent and is conducted by a panel of peers.

Hearing Panel. A minimum of three (3) educators appointed by the chair of the Professional Standards Commission and charged with the responsibility to make a final determination regarding the charges specifically defined in the Administrative Complaint.

Investigation. The process of gathering factual information concerning a valid, written complaint in preparation for review by the Professional Standards Commission Executive Committee, or following review by the Executive Committee at the request of the deputy attorney general assigned to the Professional Standards Commission.

No Probable Cause. A determination by the Executive Committee that there is not sufficient evidence to take action against an educator's Certificate.

Principles. Guiding behaviors that reflect what is expected of professional educators in the state of Idaho while performing duties as educators, in both the private and public sectors.

Probable Cause. A determination by the Executive Committee that sufficient evidence exists to issue an administrative complaint.

Respondent. The legal term for the professional educator who is under investigation or been charged for a purported violation of the *Code of Ethics for Idaho Professional Educators*.

Revocation. The invalidation of a Certificate held by the educator.

Stipulated Agreement. A written agreement between the respondent and the Professional Standards Commission to resolve matters arising from an allegation of unethical conduct, following a complaint or an investigation. The stipulated agreement is binding to both parties and is enforceable under its own terms

PRINCIPLES I-X

Principle I - Professional Conduct. A professional educator abides by all federal, state, and local education laws and statutes. Unethical conduct shall include the conviction of any felony or misdemeanor offense set forth in Section 33-1208, Idaho Code.

Principle II - Educator/Student Relationship. A professional educator maintains a professional relationship with all students, both inside and outside the physical and virtual classroom. Unethical conduct includes, but is not limited to:

- a. Committing any act of child abuse, including physical or emotional abuse;
- b. Committing any act of cruelty to children or any act of child endangerment;
- c. Committing or soliciting any sexual act from any minor or any student regardless of age;
- d. Committing any act of harassment as defined by local education agency policy;
- e. Soliciting, encouraging, or consummating a romantic relationship (whether written, verbal, virtual, or physical) with a student, regardless of age;
- f. Soliciting or encouraging any form of personal relationship with a student that a reasonable educator would view as undermining the professional boundaries necessary to sustain an effective educator-student relationship;
- g. Using inappropriate language including, but not limited to, swearing and improper sexual comments (e.g., sexual innuendoes or sexual idiomatic phrases);
- h. Taking or possessing images (digital, photographic, or video) of students of a harassing, confidential, or sexual nature;
- i. Inappropriate contact with any minor or any student regardless of age using electronic or social media;
- j. Furnishing alcohol or illegal or unauthorized drugs to any student or allowing or encouraging a student to consume alcohol or unauthorized drugs except in a medical emergency;
- k. Conduct that is detrimental to the health or welfare of students; and
- l. Deliberately falsifying information presented to students.

Principle III - Alcohol and Drugs Use or Possession. A professional educator refrains from the abuse of alcohol or drugs during the course of professional practice. Unethical conduct includes, but is not limited to:

- a. Being on school premises or at any school-sponsored activity, home or away, involving students while possessing, using, or consuming illegal or unauthorized drugs;
- b. Being on school premises or at any school-sponsored activity, home or away, involving students while possessing, using, or consuming alcohol;

- c. Inappropriate or illegal use of prescription medications on school premises or at any school-sponsored events, home or away;
- d. Inappropriate or illegal use of drugs or alcohol that impairs the individual's ability to function; and
- e. Possession of an illegal drug as defined in Chapter 27, Idaho Code, Uniform Controlled Substances.

Principle IV - Professional Integrity. A professional educator exemplifies honesty and integrity in the course of professional practice. Unethical conduct includes, but is not limited to:

- a. Fraudulently altering or preparing materials for licensure or employment;
- b. Falsifying or deliberately misrepresenting professional qualifications, degrees, academic awards, and related employment history when applying for employment or licensure;
- c. Failure to notify the state at the time of application for licensure of past revocations or suspensions of a certificate or license from another state;
- d. Failure to notify the state at the time of application for licensure of past criminal convictions of any crime violating the statutes or rules governing teacher certification;
- e. Falsifying, deliberately misrepresenting, or deliberately omitting information regarding the evaluation of students 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.);
- f. Falsifying, deliberately misrepresenting, or deliberately omitting reasons for absences or leaves;
- g. Falsifying, deliberately misrepresenting, or deliberately omitting information submitted in the course of an official inquiry or investigation;
- h. Falsifying, deliberately misrepresenting, or deliberately omitting material information on an official evaluation of colleagues; and
- i. Failure to notify the state of any criminal conviction of a crime violating the statutes and/or rules governing teacher certification.

Principle V - Funds and Property. A professional educator entrusted with public funds and property honors that trust with a high level of honesty, accuracy, and responsibility. Unethical conduct includes, but is not limited to:

- a. Misuse, or unauthorized use, of public or school-related funds or property;
- b. Failure to account for school funds collected from students, parents, patrons, or other donors from all sources, including online donation platforms;
- c. Submission of fraudulent requests for reimbursement of expenses or for pay;

- d. Co-mingling of public or school-related funds in personal bank account(s);
- e. Use of school property for private financial gain;
- f. Use of school computers to deliberately view or print pornography; and,
- g. Deliberate use of poor budgeting or accounting practices.

Principle VI - Compensation. A professional educator maintains integrity with students, colleagues, parents, patrons, or business personnel when accepting gifts, gratuities, favors, and additional compensation. Unethical conduct includes, but is not limited to:

- a. Unauthorized solicitation of students or parents of students to purchase equipment, supplies, or services from the educator who will directly benefit;
- b. Acceptance of gifts from vendors or potential vendors for personal use or gain where there may be the appearance of a conflict of interest;
- c. Tutoring students assigned to the educator for remuneration unless approved by the local board of education; and,
- d. Soliciting, accepting, or receiving a financial benefit greater than fifty dollars (\$50) as defined in Section 18-1359(b), Idaho Code.
- e. Keeping for oneself donations, whether money or items, that were solicited or accepted for the benefit of a student, class, classroom, or school.

Principle VII - Confidentiality. A professional educator complies with state and federal laws and local school board policies relating to the confidentiality of student and employee records, unless disclosure is required or permitted by law. Unethical conduct includes, but is not limited to:

- a. Sharing of confidential information concerning student academic and disciplinary records, personal confidences, health and medical information, family status or income, and assessment or testing results with inappropriate individuals or entities; and
- b. Sharing of confidential information about colleagues obtained through employment practices with inappropriate individuals or entities.

Principle VIII - Breach of Contract or Abandonment of Employment. A professional educator fulfills all 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:

- a. Abandoning any contract for professional services without the prior written release from the contract by the employing local education agency;
- b. Willfully refusing to perform the services required by a contract; and,

- c. Abandonment of classroom or failure to provide appropriate supervision of students at school or school-sponsored activities to ensure the safety and well-being of students.

Principle IX - Duty to Report. A professional educator reports breaches of the *Code of Ethics for Idaho Professional Educators* and submits reports as required by Idaho Code. Unethical conduct includes, but is not limited to:

- a. Failure to comply with Section 33-1208A, Idaho Code, (reporting requirements and immunity);
- b. Failure to comply with Section 16-1605, Idaho Code, (reporting of child abuse, abandonment or neglect);
- c. Failure to comply with Section 33-512B, Idaho Code, (suicidal tendencies and duty to warn); and
- d. Having knowledge of a violation of the *Code of Ethics for Idaho Professional Educators* and failing to report the violation to an appropriate education official.

Principle X - Professionalism. A professional educator ensures just and equitable treatment for all members of the profession in the exercise of academic freedom, professional rights and responsibilities while following generally recognized professional principles. Unethical conduct includes, but is not limited to:

- a. Any conduct that seriously impairs the Certificate holder's ability to teach or perform his professional duties;
- b. Committing any act of harassment toward a colleague;
- c. Failure to cooperate with the Professional Standards Commission in inquiries, investigations, or hearings;
- d. Using institutional privileges for the promotion of political candidates or for political activities, except for local, state or national education association elections;
- e. Willfully interfering with the free participation of colleagues in professional associations; and
- f. Taking, possessing, or sharing images (digital, photographic, or video) of colleagues of a harassing, confidential, or sexual nature.

RELATED STATUTES

For information pertinent to allegations of violations of state statute and/or *Code of Ethics for Idaho Professional Educators*, please visit the [Professional Standards Commission](#) website.

IDAHO CODE 33-1208

Revocation, suspension, denial, or place reasonable conditions on certificate - Grounds.

1. The professional standards commission may deny, revoke, suspend, or place reasonable conditions on any certificate issued or authorized under the provisions of section 33-1201, Idaho Code, upon any of the following grounds:
 - a. Gross neglect of duty;
 - b. Incompetency;
 - c. Breach of the teaching contract;
 - d. Making any material statement of fact in the application for a certificate, that the applicant knows to be false;
 - e. Revocation, suspension, denial, or surrender of a certificate in another state for any reason constituting grounds for revocation in this state;
 - f. Conviction, finding of guilt, withheld judgment, or suspended sentence in this or any other state of a crime involving moral turpitude;
 - g. Conviction, finding of guilt, withheld judgment, or suspended sentence in this state or any other state for the delivery, manufacture, or production of controlled substances or simulated controlled substances as those terms are defined in section 37-2701, Idaho Code;
 - h. A guilty plea or a finding of guilt, notwithstanding the form of the judgment or withheld judgment, in this or any other state of the crime of involuntary manslaughter, section 18-4006 (2) or (3), Idaho Code;
 - i. Any disqualification that would have been sufficient grounds for refusing to issue or authorize a certificate, if the disqualification existed or had been known at the time of its issuance or authorization;
 - j. Willful violation of any professional code or standard of ethics or conduct adopted by the state board of education;
 - k. The kidnapping of a child, section 18-4503, Idaho Code;
 - l. Conviction, finding of guilt, withheld judgment, or suspended sentence in this state or any other state of any felony, the commission of which renders the certificated person unfit to teach or otherwise perform the duties of the certificated person's position.
2. The professional standards commission shall permanently revoke any certificate issued or authorized under the provisions of section 33-1201, Idaho Code, and shall deny the application for issuance of a certificate of a person who pleads guilty to or is found guilty of, notwithstanding the form of the judgment or withheld judgment, any of the following felony offenses:

- a. Aggravated assault, section 18-905, Idaho Code, or assault with intent to commit a serious felony, section 18-909, Idaho Code.
- b. Aggravated battery, section 18-907, Idaho Code, or battery with intent to commit a serious felony, section 18-911, Idaho Code.
- c. The injury or death of a child, section 18-1501, Idaho Code.
- d. The sexual abuse of a child under sixteen (16) years of age, section 18-1506, Idaho Code.
- e. The ritualized abuse of a child under eighteen (18) years of age, section 18-1506A, Idaho Code.
- f. The sexual exploitation of a child, section 18-1507, Idaho Code.
- g. Lewd conduct with a child under the age of sixteen (16) years, section 18-1508, Idaho Code.
- h. The sexual battery of a minor child sixteen (16) or seventeen (17) years of age, section 18-1508A, Idaho Code.
- i. The sale or barter of a child for adoption or other purposes, section 18-1511, Idaho Code.
- j. Murder, section 18-4003, Idaho Code, or voluntary manslaughter, section 18-4006 (1), Idaho Code.
- k. Kidnapping, section 18-4502, Idaho Code.
- l. Interstate trafficking in prostitution, section 18-5601, Idaho Code.
- m. Utilizing a person under eighteen (18) years of age for prostitution, section 18-5610, Idaho Code.
- n. Rape, section 18-6101, Idaho Code.

The general classes of felonies listed in this subsection shall include equivalent laws of federal or other state jurisdictions. For the purpose of this subsection, "child" means a minor or juvenile as defined by the applicable state or federal law.

3. The professional standards commission may investigate and follow the procedures set forth in section 33-1209, Idaho Code, for any allegation of inappropriate conduct as defined in this section by a holder of a certificate whether or not the holder has surrendered his certificate without a hearing or failed to renew his certificate. In those cases where the holder of a certificate has surrendered or failed to renew his certificate and it was found that inappropriate conduct occurred, the commission shall record such findings in the permanent record of the individual and shall deny the issuance of a teaching certificate.
4. Any person whose certificate may be or has been revoked, suspended or denied under the provisions of this section shall be afforded a hearing according to the provisions of section 33-1209, Idaho Code. Any person holding a certificate on or before July 1, 2020, who would not be eligible for a certificate by virtue of the provisions of this section shall be afforded a hearing according to the provisions of section 33-1209, Idaho Code, prior to revocation or denial of the individual's certificate. Upon a showing of just and reasonable cause, the hearing panel shall have the authority to grant an exception to the provisions of this section for such person.
5. The professional standards commission may deny the issuance of a certificate for any reason that would be a ground for revocation or suspension.

IDAHO CODE 33-1209

Proceedings to Review, Suspend, Deny, or Place Reasonable Conditions on a Certificate – Letters of Reprimand – Complaint – Subpoena Power – Hearing.

This statute addresses who may and how a complaint must be filed; who has the authority to investigate; and how a hearing will be conducted.

Who may file a complaint?

- An individual with a substantial interest in the matter;
- A board of trustees; or,
- The Idaho Chief Certification Officer.

NOTE: A student in an Idaho public school **may not** file a complaint.

A complaint must be written and signed by the complainant (person alleging the violation of the Code of Ethics) stating the specific grounds for the allegation.

Upon receiving the written complaint, an initial review of the complaint is conducted by PSC staff and the PSC's deputy attorney general to determine if an investigation will be conducted.

The Executive Committee of the PSC reviews all documentation gathered from the investigation and determines if action is to be considered against an educator's certificate/license.

Subsequent to a recommendation from the Executive Committee, an Administrative Complaint is filed by Idaho's Chief Certification Officer. The educator may request a hearing.

NASDTEC CLEARINGHOUSE

The National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse is a searchable database of the 50 states and District of Columbia. This database provides information regarding individuals who have had their professional educator certificates/licenses annulled, denied, suspended, revoked, or otherwise invalidated.

The state of Idaho notifies the NASDTEC Clearinghouse when it has adjudicated a case with disciplinary action (denial, letter of reprimand, conditions, suspension, or revocation) on a certificate.