

## Explanations and Guidance to Clarify the Intent of the Code of Ethics

The purpose of this *Appendix C* is to provide greater clarity and intent of each ethical standard listed in 6 CAR § 192-104. Therefore, *Appendix C* is not designed to supersede the required standard of ethical conduct but rather to provide some rationale of the intent and purpose and thus the proper application of each ethical standard of conduct. It is recognized that *Appendix C* is a general application of the intent and purpose of each ethical standard and is considered a guide and not all inclusive of each and every interpretation and application of the Code of Ethics as required in 6 CAR § 192-104.

**Employer/Employee or Contractual Relationship.** The Code of Ethics is designed as a model of minimum standards for maintaining the public's respect for, and support of, educators. It is not intended to regulate the employer/employee or contract relationship between any public school district and its educators.

The Code of Ethics is an overarching and superior set of standards and rules intended to establish and contribute to the development and maintenance of a supportive student-focused learning community that values and promotes human dignity, fairness, care, the greater good, and individual rights.

**Standard 1     An educator maintains a professional relationship with each student, both in and outside the classroom.**

**Guidance:** This standard goes to the core of a professional educator's expected conduct and relationship with all students and transcends criminal behavior or other actions which violate law. The professional relationship with students is such behavior and action which promotes at all times the mental, emotional, and physical health and safety of students. An educator should show respect for and not demean, embarrass, or harass students.

An educator should not participate in and should discourage bullying based on such characteristics as race, national origin, color, gender, sexual orientation or identity, age, disability, or religion. "Bullying" means the intentional harassment, intimidation, humiliation, ridicule, defamation, or threat or incitement of violence against a student by a written, verbal, electronic, or physical act that may address an attribute, as defined in A.C.A. § 6-18-514, of the student and that causes or creates actual or reasonably foreseeable: (a) physical harm to a student or damage to the student's property; (b) substantial interference with a student's education; or (c) a hostile educational environment for one (1) or more students due to the severity, persistence, or pervasiveness of the act.

Educators should maintain professional relationships with students while using social-networking technology tools.

A professional relationship is one where the educator maintains a position of educator/student authority with students even while expressing concern, empathy, and encouragement for students. In that position of authority, an educator may nurture the student's intellectual, physical, emotional, social and civic potential. An educator may display concern and compassion for a student's personal problems and, when appropriate, refer the student for school counseling or other help.

<p><b>Standard 2     An educator maintains competence regarding his or her professional practice, inclusive of professional and ethical behavior, skills, knowledge, dispositions, and responsibilities relating to his or her organizational position.</b></p>
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Guidance: This standard addresses the professional educator's obligation to implement best practices and maintain competence in skills and knowledge. An educator has many dispositions that are required in the course of instruction. Educators have a responsibility to exercise professionalism and competence when dealing with members of the school community. Members of the school community include, but are not limited to, administrators, teachers, staff, parents, guardians, school board members, residents of the school district's community.

<p><b>Standard 3     An educator honestly fulfills reporting obligations associated with professional practices.</b></p>
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Guidance: This standard covers those situations where there is an intentional or knowing attempt to deceive or mislead an educational entity. Honest errors or mistakes or inaccuracies are not intended to be encompassed by this standard. To uphold this standard and educator should be honest when reporting data and information to the DESE, the Arkansas Legislative Audit, the Arkansas State Board of Education, and other state and federal governmental agencies. Honestly reporting grades is also a part of this standard. It is also important that an educator honor this standard when giving information to recommend an individual for employment, promotion, or licensure as well as when reporting professional qualifications, criminal history, college credits and degrees, awards, and employment history. Similarly the failure to timely submit information covers those situations where there is a knowing failure to submit or provide information. The State Board of Education may take direct action to revoke, suspend, or place on probation an educator whose conduct violates Ark. Code Ann. § 6-17-410(d)(1)(A)(vii) and (viii) without submission of an ethics complaint. It is important to note that noncompliance with mandated child abuse reporting laws also falls within this standard.

**Standard 4     An educator entrusted with public funds and property, including school sponsored activity funds, honors that trust with honest, responsible stewardship.**

Guidance: An educator must be a good steward of public funds, personnel and property dedicated to school related purposes. The use and accounting for these resources under the educator's control must comply with state and federal laws that regulate the use of public funds and property. The use of such resources for personal gain, other than incidental personal benefit for which there is no public education purpose would not be in keeping with the intent of this standard.

**Standard 5     An educator maintains integrity regarding acceptance of any gratuity, gifts, compensation or favor that might impair or appear to influence professional decision or actions and shall refrain from using the educator's position for personal gain.**

Guidance: The standard is intended to prohibit that conduct which is solely for personal gain and creates an appearance of a conflict of interest in the role as an educator. The standard of conduct called for by this section involves an examination of the total circumstances surrounding the gratuity, gift, compensation, or favor. Factors to consider include the value of the gratuity, gift or favor, the reasonableness of any compensation; the timing of the gratuity, gift, compensation, or favor; and the relationship between the educator and the person from whom the gratuity, gift, compensation, or favor comes. Pursuant to Ark. Code Ann. § 6-24-113 an educator may accept awards and grants as provided for therein. Ark. Code Ann. § 6-24-112 contains some specific prohibited transactions involving gratuities or offers of employment. The second part of this standard requires that the educator does not use the position for personal gain.

**Standard 6     An educator keeps in confidence secure standardized test materials and results and maintains integrity regarding test administration procedures.**

Guidance: When standardized tests are administered, educators should maintain the confidentiality of those parts of the standardized test materials that are to remain confidential such as actual test items and test booklets in accordance with state law, regulation, and testing policy. This standard applies to all educators, whether licensed or non-licensed. Licensed educators should be reminded that this standard is in addition to conduct prohibited by law and the Division of Elementary and Secondary Education Rules Governing Test Security, Testing Violations, and Alleged Testing Improprieties. The State Board may take direct action to revoke, suspend, or place on probation, the license of an educator whose conduct violates this standard without the filing of an ethics complaint.

**Standard 7** An educator maintains the confidentiality of information about students and colleagues obtained in the course of the educator's professional services that is protected under state law or regulations, federal law or regulations, or the written policies of the educator's school district, unless disclosure serves a professional purpose as allowed or required by law or regulations.

Guidance: At times educators are entitled to and/or for professional reasons need access to certain student records, as well as other educators' records. Much of this information is confidential and the educator should maintain that confidence unless the disclosure serves some legitimate educational purpose as allowed or required by law. The Family Education Rights and Privacy Act (FERPA) addresses the confidentiality of certain student records. Such federal and state laws permit disclosure of some student information and restrict the disclosure of other student information. Educators should respect and comply with these and other similar confidentiality laws. Confidential student information may include student academic and disciplinary records, health and medical information, family status and/or income, assessment/testing results, and Social Security information. Educators shall not knowingly or maliciously disclose confidential information about a student or colleague.

**Standard 8** An educator, while on school premises or at school-sponsored activities involving students, refrains from:

- a) using, possessing and/or being under the influence of alcohol or unauthorized drugs/substances, possessing items prohibited by law,
- b) possessing or using tobacco or tobacco-related products, e-cigarettes, e-liquid, or vapor products, or
- c) abusing/misusing prescription medications or other authorized substances as evidenced by impairment.

Guidance: This standard sets forth the expectation of the professional educator concerning using, possessing, or being under the influence of the listed substances while on school premises or at school-sponsored activities involving students or being in violation of state law governing the using, possessing or being under the influence of alcohol, tobacco, or unauthorized/illegal drugs/substances while on school property or at school-sponsored activities involving students.