Combating Inappropriate Student Teacher Relationships Task Force Report and Recommendations

"She could be anyone's little girl. She has curly hair framing a pretty, friendly face that sparkles when she smiles. She doesn't smile much anymore. Last year, when she was in the seventh grade, she was an "A" student and a promising athlete. Today she is homeschooled and does not have much to do with other children. When asked to talk about what happened to her, tears form in the corners of her eyes. "Because of what happened, I can't have a prom. I can't be with my friends." Then she becomes very quiet. Her mother speaks for her. "We trusted the school and the teachers. It never crossed our minds that a teacher would almost destroy our child!" Wendy's tragic experience is not an isolated event. It is one of hundreds of cases each year of students being sexually exploited by educators. Wendy was sexually abused by her music teacher over a period of two years. The abusing teacher is now in jail, the school district is defending itself in a lawsuit, and Wendy's life is changed forever." <u>Sexual Exploitation in Schools</u>, Robert J. Shoop, 2004

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Background

On April 6, 2015, an op-ed column titled "Taking Steps to End Inappropriate Teacher-Student Contact" was published in the Lexington Herald-Leader (http://www.kentucky.com/opinion/op-ed/article44567301.html) from Representative Regina Bunch. In the column she states, "One of the key components of public education is the fact that there should be a high level of public trust." She continues saying, "It is with a heavy heart that I recently read articles outlining the rise in inappropriate teacher-student relations in Kentucky. It is a disturbing trend that has affected nearly every section of Kentucky, and indeed the nation over the past few years."

The Education Professional Standards Board (EPSB) chartered the Combating Inappropriate Student-Teacher Relationships Task Force at its meeting on June 8, 2015. The task force convened key stakeholders with the purpose of reviewing current practices and policies relating to inappropriate student-teacher relationships and making recommendations to combat such relationships.

Objective

The Task Force's objective was to develop and recommend to the Education Professional Standards Board policies and or procedures that could work toward preventing inappropriate student-educator relationships.

Membership

- Mr. Jimmy Adams, Education Professional Standards Board
- Mr. Jon Akers, Kentucky Center for School Safety
- Mr. Mike Armstrong, Kentucky School Board Association
- Ms. Robin Cochran, Washington County Schools
- Ms. Teresa Combs, Kentucky School Board Association
- Ms. Lucie Estill, Cabinet for Health and Family Services
- Ms. Barbara Gateskill, Kentucky Center for School Safety
- Ms. Lisa Lang, Kentucky Department of Education
- Dr. Amy Lingo, University of Louisville
- Ms. Lowe Marcie, Education Professional Standards Board
- Mr. Hart Megibben, Shelby County Attorney
- Ms. Shanna Mills, Kentucky Education Association
- Maj. Bob Shoultz, Kentucky State Police
- Ms. Sandy Sinclair-Curry, Adair County Schools
- Mr. Wayne Young, Kentucky Association of School Administrators

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Report

The Task Force met on three different occasions (November 11, 2015; February 2, 2016; and March 15, 2016).

Prior to the first meeting of November 11, 2015, the members of the Task Force were asked to prepare by reading Sexual Exploitation in Schools, by Robert J. Shoop. A discussion of the book was held to start the November 11, 2015 meeting. The review also helped the Task Force to develop common language concerning inappropriate student-educator relationships, identify how these situations can occur, determine responsibilities of schools and districts, and specify the rights of students and staff.

Following the review of the book, the Task Force identified the following areas for recommendations to be considered.

- Educator
    - Review of the EPSB Code of Ethics
        - Define Terms (e.g., conduct unbecoming)
    - Develop a Model Code of Conduct
        - Address Social Media
        - Personal vs. Professional
        - Time, Place, Manner
    - Pre-service Candidate Certification-Ethics Training
        - Understanding Boundaries
        - Protecting Yourself
    - Renewal of Certificate-Ethics Training
        - Development of Modules
        - Appropriate/Acceptable Use of Technology
        - Responsibility to Report
- Student
    - ES, MS, HS Student Education
    - Awareness
    - Student Code of Rights and Responsibilities
- Parent
    - "Look Fors"
    - Social Media
    - Discussing Boundaries with Children
- White Paper for Superintendents
    - Investigation Training for District HR Personnel
    - Working with Local Law Enforcement
    - KASA Employee Discipline in Education Environments

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At the second meeting of the Task Force, Dr. Troy Hutchings, Senior Strategic Advisor on Educator Ethics for ETS and contributing author to the NASDTEC Model Code of Ethics for Educators (MCEE) (see Appendix A), conducted a discussion (see Appendix B) with the Task Force on educator ethics, the difference between a code of ethics and a code of conduct, and the need to balance the dispositional framework, the regulatory framework and the ethical framework (see appendix B).

Following Dr. Hutchings discussion, staff from ETS presented *ProEthica*™ to the Task Force. According to the ETS website (http://www.ets.org/proethica), The *ProEthica*™ program is a research-based, national educator ethics training and assessment program that:

- prepares beginning and professional educators at all career stages to apply and embrace the principles of ethical decision making in their daily practice
- helps educators become familiar with and understand their state's code of conduct that governs teacher licensure and the Model Code of Ethics for Educators"

During the third meeting, the Task Force developed a series of recommendations for various state agencies, organizations, districts and schools to consider for implementation.

The following recommendations (A-J) list the identified area, the group to which the recommendation is being made, the recommendation, the rationale, and a suggested timeline for implementation. Please note that the order of the recommendations is designed to allow for some recommendations to be implemented in order to assist with the implementation of others that may occur later.

Recommendation A

Identified Area:

- Educator

Agency or Organization:

- Education Professional Standards Board

Recommendation:

- Review and consider revising the state code of ethics to include clear boundaries and definitions. Use the MCEE as a resource and consider adopting it if applicable.

Rationale:

- The current code of ethics that is in regulation is vague, difficult to interpret and apply to teachers and pre-service teacher candidates.

Suggested Timeline:

- Summer and Fall of 2016

Recommendation B

Identified Area:

- Educator

Agency or Organization:

- Kentucky Department of Education

Recommendation:

- The Kentucky Department of Education, where appropriate, should utilize the state educator code of ethics to develop regulations that would support school districts in employee discipline for a violation.

Rationale:

- This would support school districts in a discipline or termination decision based on a violation of the educator code of ethics.

Suggested Timeline:

- This item should follow the revision of the state educator code of ethics (Recommendation A).

Recommendation C

Identified Area:

- Educator

Agency or Organization:

- Education Professional Standards Board

Recommendation:

- Work with the Educator Preparation Programs to develop training modules for pre-service teacher candidates to complete prior to program completion that are related to the revised code of ethics (Recommendation A).

Rationale:

- Prevention starts during educator preparation. Teacher candidates will develop an understanding of how to protect themselves and their future students from inappropriate behaviors prior to becoming a fully certified educator.

Suggested Timeline:

- This item should follow the revision of the state educator code of ethics (Recommendation A).

Recommendation D

Identified Area:

- Educator

Agency or Organization:

- Kentucky School Boards Association
- Kentucky Association of School Administrators
- Kentucky Education Association

Recommendation:

- Develop a model code of conduct that school districts can review for consideration and adoption. The model code of conduct should include certified staff, classified staff, volunteers, students and others in a school setting.

Rationale:

- A model code of conduct provides structure by setting expectations, defining behaviors and establishing rules.

Suggested Timeline:

- Summer and Fall of 2016 while the code of ethics is being reviewed and revised.

Recommendation E

Identified Area:

- Educator

Agency or Organization:

- Kentucky School Boards Association
- Kentucky Association of School Superintendents
- Kentucky Association of School Administrators
- Kentucky Association of School Human Resource Managers
- Kentucky Education Association

Recommendation:

- Develop a model policy and associated procedures for appropriate student-school staff interactions, including but not limited to classroom, extra-curricular, and electronic communication and actions to be taken if violations occur.

Rationale:

- There are numerous Supreme Court decisions that clearly state educators are role models for students. Educators must recognize this responsibility and act accordingly.

Suggested Timeline:

- 2016-2017 school year

Recommendation F

Identified Area:

- Student

Agency or Organization:

- Kentucky Department of Education

Recommendation:

- Develop a model student code of rights and appropriate boundaries that districts could add to their student codes of conduct.

Rationale:

- Students have the right to be safe, have basic needs met (physical, social, emotional), be respected, and the responsibility to respect others. Students must be aware of their rights and understand the concept of appropriate boundaries.

Suggested Timeline:

- 2017-2018 school year

Recommendation G

Identified Area:

- Student

Agency or Organization:

- Kentucky Department of Education

Recommendation:

- Develop a research-based curriculum to help students understand the concept of appropriate boundaries.

Rationale:

- "Students should not be expected to take total responsibility for reporting" inappropriate student-educator relationships. "However, they should know and understand the school's code of conduct, and they should be taught to model responsible behavior." Shoop

Suggested Timeline:

- Develop and pilot in the 2016-2017 school year
- Implement in the 2017-2018 school year

Recommendation H

Identified Area:

- Parent/Guardian

Agency or Organization:

- School Districts
- Kentucky Department of Education
- Parent Teacher Association

Recommendation:

- Provide for parents and guardians a concise list of expectations for school staff when communicating and interacting with students including electronic communications.

Rationale:

- Parents and guardians should know and understand what to expect from school staff and should be included in all electronic communication between staff and students.

Suggested Timeline:

- Fall 2016

Recommendation I

Identified Area:

- Parent/Guardian

Agency or Organization:

- Cabinet for Health and Family Services
- Parent Teacher Association

Recommendation:

- Provide resources for parents and guardian to use with their children about how to discuss appropriate and inappropriate interactions with school staff.

Rationale:

- Parents may need assistance in how to discuss what is appropriate behavior of their children and what their children should expect as appropriate behavior from school staff.

Suggested Timeline:

- Fall 2016

Recommendation J

Identified Area:

- Parent/Guardian

Agency or Organization:

- School Districts
- Kentucky Center for School Safety
- Parent Teacher Association

Recommendation:

- Provide resources and information for parents and guardians on what they need to know about their students' activity on social media.

Rationale:

- This will assist parents in understanding what, to whom, and how students communicate through electronic systems.

Suggested Timeline:

- Fall 2016

Appendix A: Modell 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

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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.

Fiduciary relationship:

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

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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.

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

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

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.

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

Appendix B: Presentation by Troy R. Hutchings, Ed. D.

Educator Ethics

Giving Our Profession
Permission to have the Difficult
Conversation

EPSB Ethics Task Force
Frankfort, Kentucky
February 2, 2016

Troy R. Hutchings, Ed.D.
Senior Strategic Advisor – Educator Ethics
thutchings@ets.org

Imagine a profession...

…in which historically there has NOT existed a code of ethics to guide professional decision-making

…in which the policies, statutes, and regulations that govern practitioners' conduct are NOT even known by the practitioners

Would you call it a profession?

and what if that profession's practitioners...

...make thousands of decisions in a day that directly impact a highly vulnerable population; yet, have NEVER been prepared in ethical decision-making

...are NOT aware of the professional risks and vulnerabilities that are inherent in the profession; yet, they are expected to address the academic, personal, and social needs of 100's of individuals a day

...have *in loco parentis* responsibilities; yet NEVER received training in supervisory liability

Would you call it a

profession?

and so it is with the education profession...

A dilemma to ponder...

"Is this ethical?"

Mr. Smith is a 23 year-old high school English teacher and volleyball coach who has just finished his first year as a certified educator at the local high school.

In July of his summer break, he stops by his favorite coffee shop to enjoy a cup of fresh-brewed Sumatra. He runs into one of his former student-athletes, Julie, who is 18 years old and is preparing to enter college in the fall.

They end up talking for several hours, and decide to meet the following day at the same coffee shop. They meet several more times that week, and mutually decide to commence a romantic dating relationship.

Let's throw in a few "ick" variables...

Mr. Smith is 45 years-old and Julie is 18

Or Perhaps...

Mr. Smith is 45 and has a daughter Julie's age

Or Perhaps...

Mr. Smith knew that Julie had a crush on him all year

Or Perhaps...

Julie was texting Mr. Smith during her senior year about personal problems she was encountering

Does this change the ethicality of the situation?

"…is this ethical?"

Personal Morality

Right vs Wrong
Good vs Evil
Us vs Them

Law

Right vs Wrong
Good vs Evil
Us vs Them
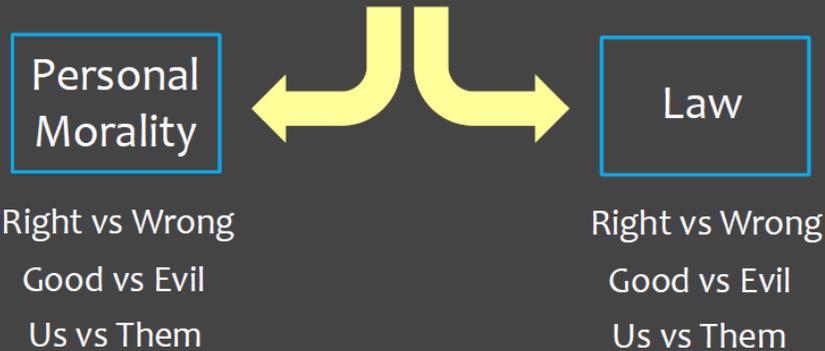
Is this even the RIGHT question?

Let's reframe the question

Does their dating pose any risks to…

Mr. Smith's responsibility to students ?
Mr. Smith's responsibility to the profession?
Mr. Smith's responsibility to himself?

… and that's exactly
        what ETHICS attempts to do!

Model Code of Ethics for Educators
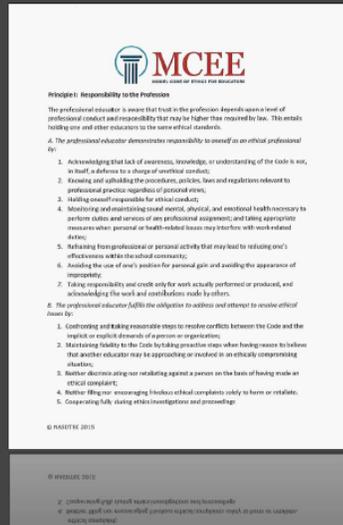
Principle III: Responsibility to Students

A (8): Acknowledging that there are no circumstances that allow for educators to engage in romantic or sexual relationships with students. ?

A (9): Considering the ramifications of entering into an adult relationship of any kind with a former student, including but not limited to, an potential harm to the former student, public perception, and the possible impact on the teacher's career. The professional also ensures that the adult relationship was not started while the former student was in school.

And if we continue to ask the "wrong question"…

How can we
inspire public confidence?

How can we
bear public scrutiny?

How can we ensure that
students' welfare is our top
responsibility?

How can we assist educators
as they navigate the complexities
of a highly nuanced profession?

We can't.

"Shouldn't TEACHERS just
KNOW BETTER?"

Should the behavior of teachers be judged
solely within the framework of the law?

"External control... implies that teachers require
discipline to produce good behavior"

(Dresscher qtd. in van Nuland, 2009)

or

... within the framework of professional teaching?

"Internal control... connotes a self-regulatory process,
implies that teachers are working for the good of their
students."

(Dresscher qtd. in van Nuland, 2009)
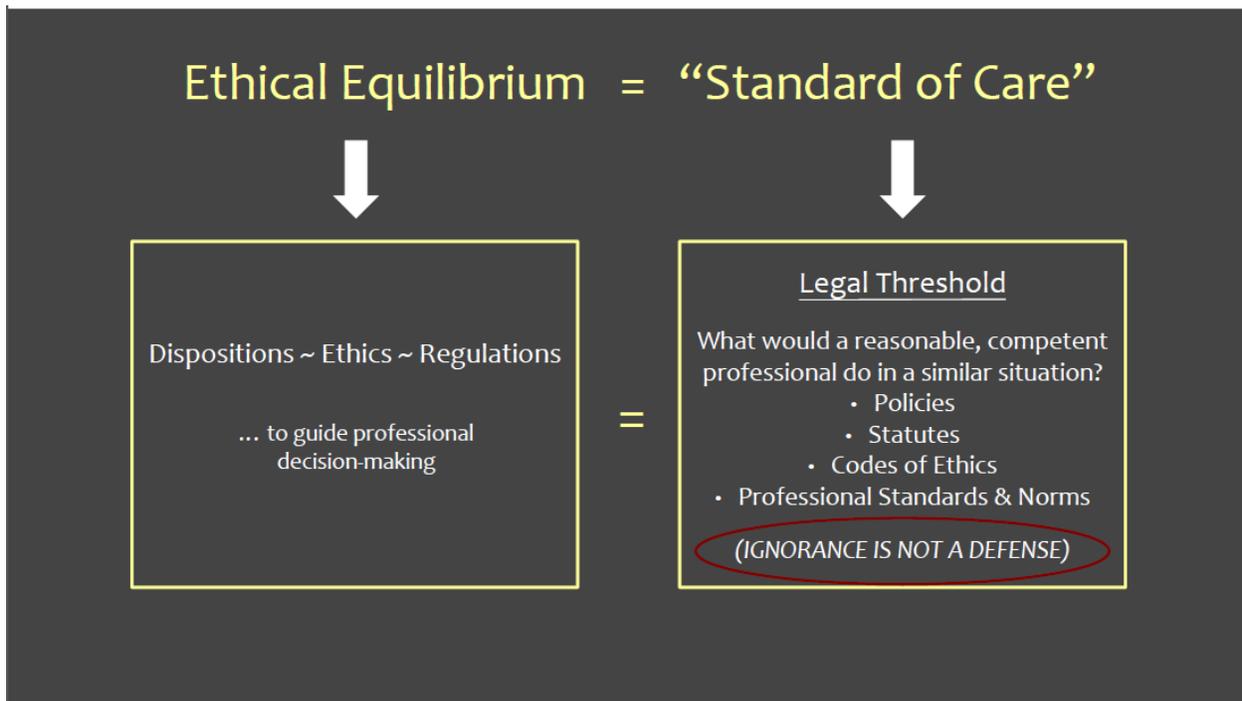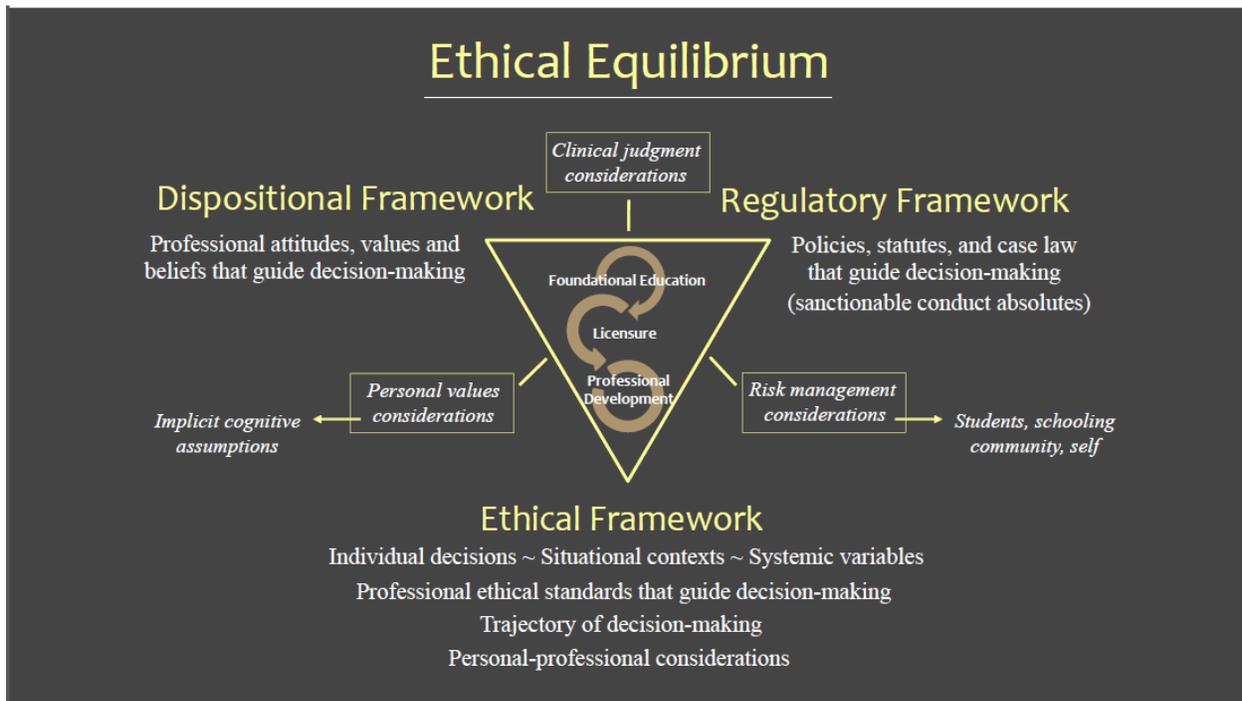
Several National Initiatives

Model Code of Ethics for Educators 2015

→ Foundational Preparation → Initial Licensure → Professional Development → Continued Licensure

Phase 1

2014 *Georgia – Ethics Licensure Requirement*
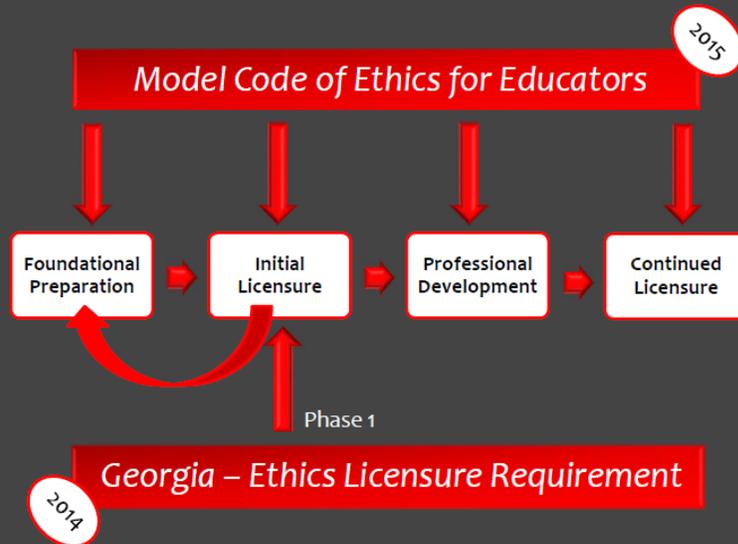
Poignant Thoughts from Teachers...

"There are no ethical dilemmas in public education... because there are no **ethics.** There is no right or wrong. See nothing, hear nothing, report nothing, punish no one.

Ethics does not exist."

ETHICS

~ Research Participant (Hutchings & Norris, 2013)

Poignant Thoughts from Teachers...

"This (ethical decision-making) is the elephant in the room. I reflect daily upon whether my decisions that day were good decisions. But I have made mistakes. If I had to do it over again... if WE had somebody with whom we could talk to on a regular basis about that elephant in the room... we could finally say, 'we are a team to be reckoned with, because we would be a group of phenomenal teachers nationwide'."

~ Research Participant (Hutchings & Norris, 2013)