Educator Ethics and the Law

Competency

Educator uses their knowledge of laws and policies in their day-to-day decision-making to model and promote ethical behavior.

Key Method

The educator investigates FERPA, HIPAA, FOIA, and the First Amendment to analyze how they relate to their current district position.

Method Components

Professional Codes of Ethics

A movement is growing within the greater P–12 and educator preparation educational communities to ensure educators and prospective educators understand how professional decision-making can impact the safety and well-being of children, as well as the culture and mission of the school. Most professions have a strong set of principles to guide decision-making around these principles; in fact, all other professions have clear guidelines for professional ethics. The education profession, however, has not adopted a model code of conduct to assist educators with making ethical decisions and to assist educator preparation program providers (EPPs) in preparing their candidates to make ethical decisions. In the absence of a commonly accepted set of ethical standards, the education profession has often defaulted to judicial decisions and legislative action to govern the conduct of its members.

Code of Ethics vs. Code of Conduct

A professional code of ethics sets a higher threshold than regulatory codes of conduct. A code of conduct provides absolutes for employment, licensure, and/or criminal sanctions. The Model Code of Ethics for Educators (MCEE), however, helps mitigate the risks inherent within the profession and is designed as a guide for current and future educators to construct the best course of action when faced with ethical dilemmas, providing a basis for educator learning, self-reflection, and self-accountability.

The Model Code of Ethics for Educators (MCEE)

The Model Code of Ethics for Educators (MCEE) serves as a guide for future and current educators faced with the complexities of P–12 education. The establishment of this professional code of ethics by educators for educators honors the public's trust and upholds the dignity of the profession.

The MCEE:
- Connects the aspirations of professional ethics with the day-to-day realities of the practicing educator
- Facilitates a broad understanding of what constitutes best ethical practice
- Helps ensure that educators are equipped with a framework for ethical decision-making
- Provides a basis for conversations across the profession about the importance of having a common language rooted in professional ethics.

The Model Code of Ethics for Educators consists of five major principles which broadly define critical dimensions of ethical practice expected of the professional educator.

1. Responsibility to the Profession
2. Responsibility for Professional Competence
3. Responsibility to Students
4. Responsibility to the School Community
5. Responsible and Ethical Use of Technology

For additional information about the Model Code of Ethics for Educators, the principles and performance indicators, please visit www.nasdtec.net.

Family Educational and Privacy Act (FERPA)
The Family Educational Rights and Privacy Act of 1974 is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the US Department of Education.

Health Insurance Portability and Accountability Act of 1996 (HIPAA)

The Health Insurance Portability and Accountability Act of 1996 is United States legislation that provides data privacy and security provisions for safeguarding medical information.

Freedom of Information Act (FOIA)

The Freedom of Information Act is a United States federal law that grants public access to information possessed by government agencies. Upon written request, US government agencies are required to release information unless it falls under one of nine exemptions listed in the Act.

First Amendment

Freedom of religion, speech, press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

- Spanierman vs Hughes, 2008: US District Court-Connecticut teacher Jeffrey Spanierman was fired because of two cyber conversations with students on his MySpace page. In one posting, he teased a student about his girlfriend, and the student responded, "don't be jealous cause you can't get any lol:)" Spanierman replied: "What makes you think I want any? I'm not jealous. I just like to have fun and goof on you guys. If you don't like it. Kiss my brass! LMAO." He also jokingly threatened another student with lifelong detention for calling him "sir."
    - Spanierman was fired and lost his case.
    - A federal court ruled that Spanierman's termination didn't violate the First Amendment because his speech "was likely to disrupt school activities."
    - The court further faulted the teacher for failing "to maintain a professional, respectful association with students" and for communicating with students "as if he were their peer, not their teacher."

- Richardson vs Central Kitsap School District: Tara Richardson was a mentor for beginning teachers who sued the Central Kitsap (Washington) School District claiming that she was demoted because of comments she posted on a personal blog. She described one administrator as " a smug know-it-all creep" who has "a reputation of crapping on secretaries...."
    - A federal appeals court rejected her First Amendment argument, finding that her nasty, personal comments interfered with her job because they "fatally undermined her ability to enter into confidential and trusting mentor relationships" with beginning teachers.

- Snyder vs Millersville University: A Pennsylvania college senior, Stacey Snyder, was dismissed from her student teaching position because of "unprofessional" postings on her MySpace site, which she urged her students to visit. Her site included comments criticizing her supervisor and a photograph of her wearing a pirate hat and drinking from a plastic cup with the caption "Drunken pirate."
  - Because she did not complete her student-teaching practicum, Snyder was forced to graduate with a degree in English instead of Education. The lack of student-teaching experience also prevented her from applying for a Pennsylvania teaching certificate.
  - A federal court found no First Amendment violation.
  - The lesson from the Snyder case is this: Unprofessional and inappropriate Internet postings by college students can be used to prevent them from entering the teaching profession.

Supporting Rationale and Research

Bullough, R. (2011). Ethical and moral matters in teaching and teacher education. Science Direct. Retrieved from:
https://www.sciencedirect.com/science/article/pii/S0742051X10001587?via%3Dihub

Darden, E. (2014). Ethics at school: Let your conscience be your guide. EdLaw-Phi Delta Kappan. February 2014. DOI: 10.1177/003172171409500516
Educational testing service: new program informs teachers' ethical decision making. (2016, May 04). Education Letter Retrieved from
https://news.ets.org/press-releases/new-program-informs-teachers-ethical-decision-making/

Harrison, L. K. (2019). Educator misconduct in Idaho: A quantitative analysis (Order No. 13426867). Available from ProQuest Central; ProQuest Dissertations & Theses Global. (2175705732). Retrieved from:
https://pqdtopen.proquest.com/doc/2175705732.html?FMT=AI

Kemman, H. R. (2019). Ethical school leadership: The conceptions and practices secondary principals use to maintain ethical context and relationships in their schools (Order No. 13810380). Available from ProQuest Central; ProQuest Dissertations & Theses Global. (2201789195). Retrieved from
https://scholarspace.library.gwu.edu/etd/mg74qm740

NASDTEC (2017). Rationale for the Model Code of Ethics for Educators. Washington, DC: https://www.nasdtec.net/page/MCEE_Rationale

NASDTEC (2015). Model Code of Ethics for Educators Framing Document. Washington, DC: https://www.nasdtec.net/page/MCEE_Rationale

Umpstead, R., Brady, K., Lugg, E., Klinker, J., & Thompson, D. (2013). Educator ethics: A comparison of teacher professional responsibility laws in four states. Journal of Law and Education, 42(2), 183.

For all the talk nationally about reforming teacher tenure laws and improving student and educator performance, the authors of this study noticed that very little attention is being paid to teachers' ethical responsibilities and the existing reasons for disciplinary actions against educators. Since public school educators hold important positions requiring a high level of public trust and responsibility in our society by virtue of their work with our nation's youth, the public expects educators to adhere to high standards of moral and ethical conduct.

Resources

Ethics

Videos

[Code of Ethics with Troy Hutchings and Phil Rogers (Part 1 of 2)](#)

[Code of Ethics with Phil Rogers and Troy Hutchings (Part 2 of 2)](#)

[Overview of the Model Code of Ethics for Educators (MCEE)](#)

Articles

[Protecting the Profession-Professional Ethics in the Classroom. Educational Testing Services](#).

[The Model Code of Ethics for Educators](#)

[Rationale for the MCEE](#)

[National Council for the Advancement of Educator Ethics (NCAEE)](#)

[National Education Association (2017). ESP Professional Growth Continuum](#)

Podcasts

[Focusing on Ethics: Smartphones in the classroom](#)

[Educator Ethics in the Classroom](#)- Episode 25

[National Education Association Code of Ethics.](#)

[Blurred Lines: Protecting educators from social media mishaps](#)

Mandated reporting
[Mandatory Reporters of Child Abuse and Neglect](#)

[Child Welfare Information Gateway](#)

Submission Guidelines & Evaluation Criteria

> *To earn the micro-credential, you must receive a passing score in Parts 1 and 3, and be proficient for all components in Part 2.*

Part 1. Overview Questions (Provides Context)

300-500 words
Please use the suggested word count as a guide to answer the following contextual questions. This will help our assessor understand your current context for working on this micro-credential.

Please do not include any information that will make you identifiable to your reviewers.

1. List your Career/Membership category, specific position and title, number of years working in education and a basic description of your worksite (grades, student population, and demographics), community information (urban/rural/suburban), and other relevant contextual information.
2. Describe your current knowledge of ethics in education. Have you had any training in educational ethics? How do you know if something is ethical? Be sure to fully explain your response with examples and details.

Passing: Responses completely answer each question and include specific examples that clearly illustrate understanding. Writing is easy to organize and understand.

Part 2. Work Examples/Artifacts/Evidence

To earn this micro-credential please submit the following **three artifacts** as evidence of your learning. *Please do not include any information that will make you or your students identifiable to your reviewers.*

Artifact 1: One-Pagers

Create a series of one-pagers for each of the topics below that can be shared with colleagues:
- FERPA
- HIPAA
- FOIA
- Mandated reporting
- First Amendment

Each one pager needs to:
- Summarize the policy
- Include information on how it relates to 3–5 roles in your workplace.

Artifact 2: Presentation

Create a presentation to introduce the one-pagers to colleagues. Submit an outline or slide deck of the presentation.
- Explain FERPA, HIPAA, FOIA, mandated reporting, and the First Amendment in terms of their role within your professional and personal life.
- Share with educators in your building or at an association meeting.

Artifact 3: Real World Examples and Analysis

(500-800 words)

Find and analyze two current situations that deal with an ethical decision or dilemma. The situations should involve at least one of the following: FERPA, HIPAA, FOIA, mandated reporting, or the First Amendment. Your analysis for each situation should include:
- A summary of the situation
- What violations occurred
- What could have been done differently to minimize the risk to the educator
- A source list and/or links to the situation

Part 2. Rubric

	Proficient	Basic	Developing
Artifact 1: One-Pagers	One-pager for each of the 5 topics listed **And all one-pagers** -accurately summarize the policy being discussed -provide information on how the policies relate to 3–5 roles in your workplace.	One-pager for only 3–4 of the 5 topics listed **And/or the one-pagers** -may include some inaccuracies -may be missing some key points in the summary of the policies -may be missing information on how the policies relate to 3–5 roles in your workplace.	One-pager for only 1–2 of the 5 topics listed **And/or the one-pagers** -include many inaccuracies -are missing most of the key points in the summary of the policies -are missing any information on how the policies relate to 3–5 roles in your workplace.
Artifact 2: Presentation	Presentation accurately explains each of the 5 topics and includes how these policies apply to real situations within professional and personal life.	Presentation accurately explains 3–4 of the 5 topics but is missing how these policies apply to real world situations within professional or personal life.	Presentation provides inaccurate or incomplete information of the topics and/or does not include how these policies apply to real world situations within professional or personal life.
Artifact 3: Real World Examples and Analysis	Two situations are researched and summarized **And** For both examples, an analysis if	Only one situation is researched and summarized **And/or**	Only one situation is researched and summarized **And/or**

	provided that includes: -a thorough list of violations for each situation -an explanation of how educators can minimize the risk for each situation -sources and/or links.	Analysis may be missing some of the following: -a thorough list of violations for each situation -an explanation of how educators can minimize the risk for each situation -sources and/or links.	Analysis is missing most of the following: -a thorough list of violations for each situation -an explanation of how educators can minimize the risk for each situation -sources and/or links.

Part 3 Reflection

300-500 words
Use the word count as a guide to write a personal reflection about your work on this micro-credential. For tips on writing a good reflection review the following resource:

How Do I Write a Good Personal Reflection?

Please do not include any information that will make you identifiable to your reviewers.

Within the realm of this micro-credential, based on your new understanding of level of risk, what do you plan to do differently when encountering risky situations, especially as you interact with students, parents, community, and/or colleagues?

Passing: Reflection provides evidence that this activity has had a positive impact on both educator practice and student success. Specific examples are cited directly from personal and/or work-related experiences to support claims. Also included are specific actionable steps that demonstrate how new learning will be integrated into future practices.