

1 16 NCAC 06C .0602 is amended under temporary procedures as follows:

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3 **16 NCAC 06C .0602 STANDARDS OF PROFESSIONAL CONDUCT**

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5 ~~(a) The standards [Standards of Professional Conduct (“Standards”)] listed in this Section shall be generally accepted~~
6 ~~for the education profession and shall be the basis for State Board review of [reviewing the] performance of~~
7 ~~professional educators. [educators by the State Board of Education (“SBE”).] These standards shall establish~~
8 ~~mandatory prohibitions and requirements for educators. Violation of these standards [Standards] shall subject an~~
9 ~~educator to investigation and disciplinary action by the SBE or LEA. [any public school unit by which the educator is~~
10 ~~employed.]~~

11 ~~(b) Professional educators shall adhere to the standards of professional conduct contained [Standards as set forth] in~~
12 ~~this Rule. Any intentional act or omission that violates these standards [Standards] is prohibited.~~

13 ~~This Rule establishes uniform Standards of Professional Conduct (“Standards”) for professional educators in North~~
14 ~~Carolina, which apply to all persons who hold a professional educator license issued pursuant to this Subchapter and~~
15 ~~Chapter 115C, Article 17E of the General Statutes. These Standards shall be the basis for reviewing the performance~~
16 ~~or professional educators by the State Board of Education (“SBE”). Violation of these Standards shall be grounds for~~
17 ~~disciplinary sanctions against a professional educator’s license as provided in this Section.~~

18 ~~(1) Generally recognized professional standards. Recognized Professional Standards.~~ The educator shall adhere
19 ~~to and practice the professional standards of all federal, state, and local governing bodies.~~ ~~bodies [with oversight~~
20 ~~of public education] with public education oversight.~~

21 ~~(2) Personal conduct. [Conduct.]~~ The educator shall serve as a positive role model for students, parents, and the
22 ~~community. Because the educator is entrusted with the care and education of small children and adolescents, the~~
23 ~~educator shall demonstrate a high standard of personal character and conduct. [The educator is entrusted with the~~
24 ~~care and education of children and adolescents. As a result, the educator shall demonstrate a high standard of~~
25 ~~personal character and conduct and shall serve as a positive role model for students, parents, and the community.]~~

26 ~~[(3)] (2) Conduct with Students.~~ The educator shall treat all students with respect and maintain appropriate
27 ~~professional boundaries with all students, regardless of whether that student is directly under the care or~~
28 ~~supervision of the educator. [The] Specifically the, educator shall not engage in any of the following conduct~~
29 ~~toward or in the presence of a student:~~

30 ~~(A) Use of profane, vulgar, or demeaning language.~~

31 ~~(B) Intentional or reckless exposure of students to profane, vulgar, or sexually explicit material except as part~~
32 ~~of age-appropriate classroom instruction or other pedagogical practice.~~

33 ~~[(B) Intentional solicitation.] (C) Solicitation,~~ encouragement, or consummation of a romantic, physical, or
34 ~~sexual relationship with a [student,] student in any form, whether written, verbal, or physical.~~ As used in this
35 ~~context, “solicitation” or “encouragement” shall include engaging in a pattern of flirtatious behavior; efforts~~
36 ~~to gain access to, or time alone with, a student with no clear educational or school-related objective; provision~~
37 ~~of individualized or specialized treatment, including tangible or monetary gifts, to a student that does not~~

1 comply with generally recognized professional standards for educators; or any other behavior that could be
2 perceived by a rational observer as excessively personal or intimate in the context of the educator-student
3 relationship.

4 ~~[(C)]~~ (D) Solicitation, encouragement, or consummation of sexual contact with a student.

5 ~~[(D)]~~ (E) Sexual harassment, as defined in 34 C.F.R. 106.30(a).

6 ~~[(E)]~~ (F) Child abuse, as defined in G.S. 14-318.2 or G.S. 14-318.4.

7 ~~[(4)]~~ (3) Alcohol and Controlled Substances. The educator shall not be under the influence of, possess, use, or
8 consume an alcoholic beverage or a controlled substance, as defined in G.S. 90-95, on school premises, at a
9 school-sponsored activity, or when otherwise discharging the educator's professional duties, unless the educator
10 has a prescription from a licensed medical professional authorizing such use. The educator shall not furnish
11 alcoholic beverages or controlled substances to a student, except for the administration of medication prescribed
12 by a ~~licensee~~ licensed medical professional in accordance with the educator's professional duties.

13 ~~(3)~~ ~~[(5)]~~ (4) Honesty. The educator shall not engage in conduct involving dishonesty, fraud, deceit, or
14 misrepresentation in the performance of the educator's professional duties, including the following:

15 (A) ~~statement-statements or representations~~ of professional qualifications;

16 (B) application or recommendation for professional employment, promotion, or licensure;

17 (C) ~~application or recommendation-applications or recommendations~~ for college or university admission,
18 scholarship, grant, academic award, or similar benefit;

19 (D) ~~representation-statements or representations~~ of completion of college or staff development credit;

20 (E) evaluation or grading of students or school personnel;

21 (F) submission of financial or program compliance reports submitted to state, federal, or other governmental
22 agencies;

23 (G) submission of information in the course of an official inquiry by the ~~employing LEA or the SBE related~~
24 ~~to facts of unprofessional misconduct, provided, however, SBE or the educator's employing PSU into~~
25 allegations of professional misconduct, provided that an educator shall be given adequate notice of the
26 allegations and may be represented by legal counsel; and

27 (H) submission of information in the course of an investigation into school related criminal activity by a law
28 enforcement agency, child protective services, or any other agency with the ~~right authority to investigate,~~
29 ~~regarding school related criminal activity; provided, however, investigate, provided that an educator shall be~~
30 ~~entitled to decline to give evidence may~~ refuse decline to provide information to law enforcement if such
31 evidence may tend to could incriminate the educator as that term is defined by the Fifth Amendment to in
32 violation of the educator's rights under the U.S. Constitution, United States Constitution or North Carolina
33 Constitution.

34 ~~[(6)]~~ (5) Compliance with Criminal Laws. The educator shall not violate the criminal laws of this State, the United
35 States, or any other state or territory under the jurisdiction of the United States.

36 ~~(4)~~ ~~[(7)]~~ (6) Proper remunerative conduct. Remunerative Conduct. The educator shall not solicit current students
37 or parents of students to purchase equipment, supplies, or services from the educator in a private remunerative

1 capacity. An educator shall not tutor for remuneration students currently assigned to the educator's classes, unless
2 approved by the local superintendent. An educator shall not accept any compensation, benefit, or thing of value
3 other than the educator's regular compensation for the performance of any service that the educator is required to
4 render in the course and scope of the educator's employment. This Rule shall not restrict performance of any
5 overtime or supplemental services at the request of the ~~LEA; PSU,~~ nor shall it ~~apply to or~~ restrict the acceptance
6 of gifts ~~or tokens of minimal value offered and accepted openly~~ from students, parents, or other persons in
7 recognition or appreciation of ~~service,~~the educator's professional service, provided the gift is given and received
8 freely, openly, and without expectation of favor or advantage to the donor in return.

9 ~~(5) Conduct with students. The educator shall treat all students with respect. The educator shall not commit any~~
10 ~~abusive act or sexual exploitation with, to, or in the presence of a student, whether or not that student is or has~~
11 ~~been under the care or supervision of that educator, as defined below:~~

12 (A) ~~any use of language that is considered profane, vulgar, or demeaning;~~

13 (B) ~~any sexual act;~~

14 (C) ~~any solicitation of a sexual act, whether written, verbal, or physical;~~

15 (D) ~~any act of child abuse, as defined by law;~~

16 (E) ~~any act of sexual harassment, as defined by law; and~~

17 (F) ~~any intentional solicitation, encouragement, or consummation of a romantic or physical relationship with~~
18 ~~a student, or any sexual contact with a student. The term "romantic relationship" shall include dating any~~
19 ~~student.~~

20 ~~(6) [(8)] (7) Confidential information. Information.~~ The educator shall keep ~~in confidence~~ confidential all
21 personally identifiable information regarding students or their family members that the educator has been obtained
22 in the course of professional service, unless disclosure is required or permitted by law ~~or professional standards,~~
23 or is necessary for the personal safety of the student or others.

24 ~~(7) [(9)] (8) Rights of [others.] Others.~~ The educator shall not willfully or maliciously violate the constitutional
25 or civil rights of a student, parent/legal parent or legal guardian, or colleague.

26 ~~(8) [(10)] (9) Required reports. Reports.~~ The educator shall make all reports required by G.S. 115C-Chapter 115C
27 of the General Statutes.

28 ~~(9) Alcohol or controlled substance abuse. The educator shall not:~~

29 (A) ~~be under the influence of, possess, use, or consume on school premises or at a school sponsored activity~~
30 ~~a controlled substance as defined by G.S. 90-95, the Controlled Substances Act, without a prescription~~
31 ~~authorizing such use;~~

32 (B) ~~be under the influence of, possess, use, or consume an alcoholic beverage or a controlled substance on~~
33 ~~school premises or at a school sponsored activity involving students; or~~

34 (C) ~~furnish alcohol or a controlled substance to any student except as indicated in the professional duties of~~
35 ~~administering legally prescribed medications.~~

36 ~~(10) Compliance with criminal laws. The educator shall not commit any act referred to in G.S. 115C-332 and any~~
37 ~~felony under the laws of the United States or of any state.~~

1 ~~(11)~~ (10) ~~Public funds and property.~~ Funds and Property. The educator shall not misuse public funds or ~~property,~~
2 ~~funds of a school-related organization, or colleague's funds,~~ property or any funds belonging to an organization
3 ~~affiliated with the school or PSU.~~ The educator shall account for funds collected from students, colleagues, ~~or~~
4 ~~parents/legal guardians,~~ parents, or legal guardians of students. The educator shall not submit fraudulent requests
5 for reimbursement, expenses, or pay.

6 ~~(12)~~ (11) ~~Scope of professional practice.~~ Professional Practice. The educator shall not perform any ~~act as an~~
7 ~~employee in a position~~ professional duty or function for which licensure is required by ~~the rules of the SBE or by~~
8 ~~G.S. 115C or the North Carolina General Statutes~~ this Chapter or by Chapter 115C of the General Statutes during
9 any period in which the educator's license ~~has been~~ is suspended or revoked.

10 ~~(13)~~ (12) ~~Conduct related to ethical violations.~~ Abuse of Authority. The educator shall not directly or indirectly
11 use or threaten to use any official authority or influence in any manner that ~~tends to discourage, restrain, interfere~~
12 ~~with, coerce, or discriminate~~ discourages, restrains, coerces, interferes with, or discriminates against any
13 subordinate or any licensee who in good faith ~~reports, discloses, divulges, reports~~ or otherwise brings to the
14 attention of ~~an LEA, a PSU,~~ the SBE, or any other public agency authorized to take remedial action, any facts or
15 information relative to the actual or suspected violation of any law or rule regulating the duties of persons serving
16 in the public school system, including ~~but not limited to these Rules,~~ those established by this Section.

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18 *History Note:* Authority G.S. 115C-295.3; 115C-12(9); 115C-270.5; 115C-307;

19 Eff. May 1, 1998.

20 Temporary Adoption Eff. [DATE DETERMINED BY G.S. 150B-21.3(a)].

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