

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 listed in this Section shall be generally accepted for the education profession and shall be the basis~~
6 ~~for State Board review of performance of professional educators. These standards shall establish mandatory~~
7 ~~prohibitions and requirements for educators. Violation of these standards shall subject an educator to investigation and~~
8 ~~disciplinary action by the SBE or LEA.~~

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

14 ~~(b) Professional educators shall adhere to the standards of professional conduct contained in this Rule. Any intentional~~
15 ~~act or omission that violates these standards is prohibited.~~

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

19 ~~(2) Personal conduct. The educator shall serve as a positive role model for students, parents, and the community.~~
20 ~~Because the educator is entrusted with the care and education of small children and adolescents, the educator shall~~
21 ~~demonstrate a high standard of personal character and conduct.~~

22 (2) Conduct with Students. The educator shall treat all students with respect and maintain appropriate
23 professional boundaries with all students, regardless of whether that student is directly under the care or
24 supervision of the educator. Specifically, the educator shall not engage in any of the following conduct toward or
25 in the presence of a student:

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

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

29 (C) Solicitation, encouragement, or consummation of a romantic, physical, or sexual relationship with a
30 student in any form, whether written, verbal, or physical. As used in this context, “solicitation” or
31 “encouragement” shall include engaging in a pattern of flirtatious behavior; efforts to gain access to, or time
32 alone with, a student with no clear educational or school-related objective; provision of individualized or
33 specialized treatment, including tangible or monetary gifts, to a student that does not comply with generally
34 recognized professional standards for educators; or any other behavior that could be perceived by a rational
35 observer as excessively personal or intimate in the context of the educator-student relationship.

36 (D) Solicitation, encouragement, or consummation of sexual contact with a student.

37 (E) Sexual harassment, as defined in 34 C.F.R. 106.30(a).

1 (F) Child abuse, as defined in G.S. 14-318.2 or G.S. 14-318.4.

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

8 ~~(3)~~(4) Honesty. The educator shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation
9 in the performance of the educator's professional duties, including the following:

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

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

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

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

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

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

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

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

28 (5) Compliance with Criminal Laws. The educator shall not violate the criminal laws of this State, the United
29 States, or any other state or territory under the jurisdiction of the United States.

30 ~~(4)~~(6) Proper remunerative conduct. Remunerative Conduct. The educator shall not solicit current students or
31 parents of students to purchase equipment, supplies, or services from the educator in a private remunerative
32 capacity. An educator shall not tutor for remuneration students currently assigned to the educator's classes, unless
33 approved by the local superintendent. An educator shall not accept any compensation, benefit, or thing of value
34 other than the educator's regular compensation for the performance of any service that the educator is required to
35 render in the course and scope of the educator's employment. This Rule shall not restrict performance of any
36 overtime or supplemental services at the request of the LEA; PSU, nor shall it apply to or restrict the acceptance
37 of gifts or tokens of minimal value offered and accepted openly from students, parents, or other persons in

1 recognition or appreciation of ~~service~~the educator's professional service, provided the gift is given and received
2 freely, openly, and without expectation of favor or advantage to the donor in return.

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

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

7 (B) any sexual act;

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

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

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

11 (F) any intentional solicitation, encouragement, or consummation of a romantic or physical relationship with
12 a student, or any sexual contact with a student. The term "romantic relationship" shall include dating any
13 student.

14 ~~(6)(7) Confidential information. Information.~~ The educator shall keep ~~in confidence~~confidential all personally
15 identifiable information regarding students or their family members that the educator has been obtained in the
16 course of professional service, unless disclosure is required or permitted by law ~~or professional standards~~, or is
17 necessary for the personal safety of the student or others.

18 ~~(7)(8) Rights of others. Others.~~ The educator shall not willfully or maliciously violate the constitutional or civil
19 rights of a student, ~~parent/legal parent or legal guardian~~, or colleague.

20 ~~(8)(9) Required reports. Reports.~~ The educator shall make all reports required by ~~G.S. 115C~~Chapter 115C of the
21 General Statutes.

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

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

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

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

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

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

1 (11 ~~Scope of professional practice.~~ Professional Practice. The educator shall not perform any ~~act as an employee~~
2 ~~in a position~~ professional duty or function for which licensure is required by ~~the rules of the SBE or by G.S. 115C~~
3 ~~or the North Carolina General Statutes this Chapter or by Chapter 115C of the General Statutes~~ during any period
4 in which the educator's license ~~has been~~ is suspended or revoked.

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

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13 *History Note:* Authority G.S. 115C-295.3; 115C-12(9); 115C-270.5; 115C-307;
14 Eff. May 1, 1998.
15 Temporary Amendment Eff. [DATE DETERMINED BY G.S. 150B-21.3(a)].
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