

## Evaluations & Qualifications (EVAL): Standards of Professional Conduct

Unless otherwise stated, the guidelines listed became law in May 2024. This guidance document is a resource for understanding the new policies and does not constitute legal advice.

### Purpose

The State Board of Education updated the Standards of Professional Conduct for educators for the first time since 1998. The new policies create systematic Standards of Professional Conduct for educators in North Carolina. The regulations outline protocols for reviewing performance and disciplinary actions against a professional educator's license. The policy includes reporting requirements for public school administrators.

### Overview

- Adhere to overarching professional standards (Part 1).
- Understanding the Standards for Professional Conduct (Part 2).
- Investigating licensed educator's misconduct process (Part 3).

### Part I: Overarching Professional Standards

The State Board of Education (SBE) expects educators to act as positive role models. The Supreme Court of NC has noted that teachers are being entrusted with the care of our most vulnerable population, children and adolescents. Therefore a teacher's character is held to higher standards of character. Consequently, the SBE requires all educators to uphold high standards of personal character and conduct both inside and outside of the learning environment. Educators must understand and abide by policies outlined by federal, state, and local boards for public education.

### Part 2: Standards for Professional Conduct

- The educator must always treat all students with respect and maintain appropriate professional boundaries. This includes refraining from using profane, vulgar, or demeaning language in the presence of students, avoiding any romantic or sexual relationships with students, and refraining from any form of sexual harassment or child abuse.
- The educator is not allowed to use or possess alcohol or controlled substances on school premises or at school-sponsored activities unless prescribed by a licensed medical professional. The educator is also prohibited from providing alcohol or controlled substances to students except for administering prescribed medication.
- The educator must not engage in dishonesty, fraud, or misrepresentation in professional duties, including professional qualifications, employment applications, student evaluations, or compliance reports.
- The educator shall not break the laws under the jurisdiction of the continental USA.
- The educator should not ask current students or their parents to buy anything in a private capacity. They should not tutor their students for pay without the superintendent's approval. Overtime or extra services requested by the school are allowed. Gifts from students, parents, or others are fine as long as they are given and received freely.
- If obtained during professional services, the educator must keep all personally identifiable information about students and their families confidential. Information is only disclosed if required by law or for the safety of students or others.
- The educator will not breach the constitutional or civil rights of a student, parent, or colleague.
- The educator will develop necessary reports under Charter 115C.
- The educator must accurately account for funds collected and request reimbursements honestly. They must not misuse funds or property associated with the school.

- The educator must not perform duties requiring licensure while their license is suspended or revoked.
- The educator should not use their authority to discourage, restrain, coerce, interfere with, or discriminate against anyone who reports a violation of public school policies.

### Part 3: Educator Misconduct Discipline Process

*This policy outlines the duty of the Superintendent of Public Instruction on behalf of the State Board of Education to carry out disciplinary actions related to licensed professional educators' misconduct or those seeking a professional license. The policy also sets actions for local superintendents and PSU administrators.*

- **Investigating Allegations:** The responsibility of an investigation is the duty of the school administrator, principals, or local superintendent of the staff member holding the highest decision-making authority for the PSU. The process is as follows:
  - Upon receiving an allegation against an educator, the superintendent must investigate to determine if disciplinary action is warranted.
  - The superintendent is granted authority to secure witnesses, gather documents, and hire investigators.
  - If disciplinary actions are inevitable, the superintendent must prepare a report with findings of fact and a conclusion.
  - The superintendent must provide the educator with a copy of the report. The educator has 60 days from delivery to contest the superintendent's decision, or the superintendent's decision is final.
  - It is recommended that the superintendent seek legal counsel. **Reporting Must for PSU Administrators:**
  - The administrator must report in writing to the State Board of Education (SBE) within five days if an educator is dismissed, suspended, or resigned due to misconduct. If the educator resigns within 30 days, it is presumed to be due to misconduct.
  - If the PSU demotes, dismisses, or accepts a licensed educator's resignation for misconduct, the administrator must report to the state superintendent within 30 days.
- **Denying a License:** the superintendent may deny issuing an educator license if evidence exists that the teacher has committed any of the following acts:
  - The teacher breached any acts under the standards for professional conduct (EVAL-035).
  - Violated the Testing Code of Ethics (SBE policy TEST-010).
  - The educator had a revoked or suspended license.
  - Failed to follow the timeline outlined by the PSU for resignations.
  - The educator was convicted of a federal, state, or local crime.
  - The educator was dismissed by a local board of education.
  - The educator does not meet licensure requirements.
  - The superintendent should review policy LICN-007 to understand the considerations and sanctions further.
- **Voluntary Surrender:** an educator may notify the superintendent in writing of the intent to surrender their license to NCDPI (Chapter 115C, article 17E).
  - The Superintendent of Public Instruction will send the required documents to NCDPI, and DPI will add the revoked licensed candidate to the published revocation list on its website at the end of the 10-day limit (Chapter 115C, article 21A).
  - An educator with a revoked or denied license may seek reinstatement or reconsideration 12 months after the effective date.
  - The Superintendent of Public Instruction will determine whether to reinstate the license and any terms that may apply.

## Resources:

- [EVAL-035 Standards for Professional Conduct](#)
- General Statute References
  - [G.S. 115C-12. Powers and Duties of the Board Generally](#)
  - [G.S. 115C-288. Powers and Duties of the Principal](#)
  - [G.S. 115C-307. Duties of Teachers.](#)
- Administrative Procedures
  - [16 NCAC 06C .0601 Definitions](#)
  - [16 NCAC 06C .0602 Standards of Professional Conduct](#)
  - [16 NCAC 06C .0603 Investigation of Alleged Misconduct](#)
  - [16 NCAC 06C .0604 Denying or Sanctioning a License](#)
  - [16 NCAC 06C .0605 Disciplinary Sanctions](#)
  - [16 NCAC 06C .0606 Voluntary Surrender of a License](#)
  - [16 NCAC 06C .0607 Reinstatement or Reconsideration of a License](#)
  - [16 NCAC 06C .0608 Reporting Requirements for PSU Administrators](#)
- [LICN-007 Disciplinary Process and Sanctions](#)
- [Licensed Educator Misconduct Reporting Form](#)
- [DPI Website - Discipline of Professional Educators](#)