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| Book             | Exhibits   |
| Section          | 4000 PERSONNEL   |
| Title            | Code of Ethics and Teaching Standards Professional Teaching Practices Commission |
| Code             | E 4119.21  |
| Status           |  |
| Cross References | <a href="#">BP 4119.21 - Code of Ethics</a>                                      |
| Adopted          | February 7, 2005   |

## State of Alaska

# Code of Ethics of the Education Profession

### 20 AAC 10.020. CODE OF ETHICS AND TEACHING STANDARDS.

(a) The following code of code of ethical standards governs an individual holding a teaching, administrative, or special services certificate issued under 4 AAC 12, an individual authorized as a student teacher under 4 AAC 30.020, and all other members of the teaching profession. A violation of this section is grounds for discipline as provided in AS 14.20.030.

**(b) In fulfilling obligations to students, an educator:**

(1) repealed 10/25/2000;

(2) may not deliberately distort, suppress, or deny access to curricular materials or educational information in order to promote the personal view, interest, or goal of the educator;

(3) shall make reasonable effort to protect students from conditions harmful to learning or to health and safety;

(4) may not engage in

(A) physical abuse of a student or sexual conduct with a student and shall report to the commission knowledge of such an act by an educator; or

(B) sexual conduct with a former student whom the educator taught, supervised, or exercised authority over, including in coaching or other school-sponsored activity; the restrictions against sexual conduct in this subparagraph apply to an educator for one year after the student has graduated from or ceased to attend high school, and an educator shall report to the commission knowledge of such an act by an educator;

(5) may not expose a student to unnecessary embarrassment or disparagement;

(6) may not harass, discriminate against, or grant a discriminatory advantage to a student on the grounds of race, color, creed, sex, national origin, marital status, political or religious beliefs, physical or mental conditions, family, social, or cultural background, gender identification, or sexual orientation; shall make reasonable effort to assure that a student is protected from harassment or discrimination on

these grounds; and may not engage in a course of conduct that would encourage a reasonable student to develop a prejudice on these grounds:

(7) may not use professional relationships with students for private advantage or gain;

(8) shall keep in confidence information that has been obtained in the course of providing professional service, unless disclosure serves a compelling professional purpose or is required by law;

(9) shall accord just and equitable treatment to all students as they exercise their educational rights and responsibilities.

**(c) In fulfilling obligations to the public, an educator**

(1) repealed 10/25/2000;

(2) shall take reasonable precautions to distinguish between the educator's personal views and those of any educational institution or organization with which the educator is affiliated;

(3) shall cooperate in the statewide student assessment system established under 4AAC 06.710-4 ACC 06.790 by

(A) safeguarding and maintaining the confidentiality of test materials and information; and

(B) adhering to all written rules, policies, procedures, and other requirements established by the department regarding the administration and operation of the statewide student assessment system as set out in 4 AAC 06.761 (test administration) and 4 AAC 06.765 (test security; consequences of breach);

(4) repealed 10/25/2000;

(5) may not use institutional privileges for private gain, to promote political candidates, or for partisan political activities;

(6) may not accept a gratuity, gift, or favor that might influence or appear to influence professional judgment, and may not offer a gratuity, gift, or favor to obtain special advantage;

(7) may not knowingly withhold or misrepresent material information in communicating with the school board regarding a matter before the board for its decision; and

(8) may not use or allow the use of district resources for private purposes not related to the district programs and operation.

**(d) In fulfilling obligations to the profession, an educator**

(1) may not, on the basis of race, color, creed, sex, age, national origin, marital status, political or religious beliefs, physical condition, family, social or cultural background, gender identification, or sexual orientation, deny to a colleague a professional benefit, advantage, or participation in any professional organization, and may not discriminate in employment practice, assignment, or personnel evaluation;

(2) shall accord just and equitable treatment of all members of the teaching profession as set out in AS 14.20.370 in the exercise of their professional rights and responsibilities;

(3) may not use coercive means or promise special treatment in order to influence professional decisions of colleagues;

(4) may not sexually harass a fellow employee;

(5) shall withhold and safeguard information acquired about colleagues in the course of employment, unless disclosure serves a compelling professional purpose;

(6) shall provide, upon the request of the affected party, who must be a member of the teaching profession as set out in AS 14.20.370, a written statement of specific reasons for recommendations that led to the denial of increments, significant changes in employment, or termination of employment;

(7) may not deliberately misrepresent the educator's or another's professional qualifications; (8) repealed 10/25/2000;

(9) may not falsify a document, or make a misrepresentation on a matter related to

(A) licensure;

(B) employment, including an employment application;

(C) employment evaluation;

(D) test results; or

(E) professional duties;

(10) may not intentionally make a false or malicious statement about a colleague's professional performance or conduct;

(11) may not intentionally file a false or malicious complaint with the commission;

(12) may not seek reprisal against any individual who has filed a complaint, provided testimony or given other assistance in support of a complaint filed with the commission;

(13) shall cooperate fully and honestly in investigations and hearings of the commission; (14) repealed 10/25/2000;

(15) may not unlawfully breach a professional employment contract;

- (16) shall conduct professional business through appropriate channels;
- (17) may not assign tasks to unqualified personnel;
- (18) may not continue in or seek professional employment while unfit due to
  - (A) use of drugs or alcohol that impairs the educator's competence or the safety of students or colleagues;
  - (B) physical or mental disability that impairs the educator's competence or the safety of students or colleagues;
- (19) may not interfere with a colleague's exercise of political or citizenship rights and responsibilities.

(Eff. 1/30/75, Register 53; am 8/1/80, Register 75; am 6/16/84, Register 90; am 8/5/90, Register 115; am 7/21/91, Register 119; am 7/28/94, Register 131; am 4/8/99, Register 150; am 10/25/2000, Register 156; am 9/27/17, Register 223; **am 8/2/2018, Register 227**) **Authority:** AS 14.20.030 AS 14.20.370 AS 14.20.450 AS 14.20.460 AS 14.20.480

**20 AAC 10.035. MORAL TURPITUDE.** For the purpose of AS 14.20.030(a)(2),

- (1) "moral turpitude" means conduct that is wrong in itself even if no statute were to prohibit the conduct; and
- (2) a crime involving moral turpitude includes
  - (A) homicide;
  - (B) manslaughter;
  - (C) assault;
  - (D) stalking;
  - (E) kidnapping;
  - (F) sexual assault;
  - (G) sexual abuse of minor;
  - (H) unlawful exploitation of a minor;
  - (I) robbery;
  - (J) extortion;
  - (K) coercion;
  - (L) theft;
  - (M) burglary;
  - (N) arson;
  - (O) criminal mischief;
  - (P) forgery;
  - (Q) criminal impersonation;
  - (R) bribery;
  - (S) perjury;
  - (T) unsworn falsification;
  - (U) interference with official proceedings;
  - (V) witness tampering;
  - (W) jury tampering;
  - (X) terroristic threatening;
  - (Y) possession or distribution of child pornography;
  - (Z) unlawful distribution or possession for distribution of a controlled substance; (AA) unlawfully furnishing alcohol to a minor;
  - (BB) felony possession of a controlled substance;
  - (CC) unlawfully furnishing marijuana or products containing marijuana to a minor.

(Eff. 4/8/99, Register 150; am 12/25/2005, Register 176; **am 8/2/2018, Register 227**) **Authority:** AS 14.20.030 AS 14.20.450 AS 14.20.460

**20 AAC 10.900. DEFINITIONS:** In this chapter,

- (1) "sexual conduct" includes
  - (A) explicit sexual jokes and stories;
  - (B) flirtatious or sexually related comments;
  - (C) sexual kidding or teasing;

- (D) sexual innuendos or comments with double entendre;
  - (E) inappropriate physical touching;
  - (F) soliciting, encouraging, participating in, or initiating inappropriate written, verbal, or electronic communication of a sexual nature with a student;
  - (G) a physical or romantic relationship with a student, whether consensual or nonconsensual;
  - (H) discussion of the educator's sexual feelings or activities; and
  - (I) discussion, outside of a professional teaching or counseling context, of a student's sexual feelings or activities; and
  - (J) "sexual penetration" and "sexual contact" as those terms are defined in AS 11.81.900(j);
- (2) "physical abuse" is an action beyond reasonable discipline that results in an adverse physical effect upon a student;
  - (3) "director" means the person appointed to fill the position of "executive secretary" as described in AS 14.20.470 (a)(7);
  - (4) "colleague" includes
    - (A) a certificated educator;
    - (B) an individual who is employed by the school district on a permanent or temporary basis;
  - (5) "educator" includes
    - (A) an individual holding a teaching, administrative, or special services certificate issued under 4 AAC 12, or a student teacher authorization issued under 4 AAC 30.020;
    - (B) an instructor in an institution of higher learning;
  - (6) "student" means an individual who is
    - (A) enrolled in public or private school,
    - (B) under 18 years of age and has not yet completed grade 12; or
    - (C) enrolled in at least one course at an institution of higher learning.

(Eff. 8/5/90, Register 115; am 7/28/94, Register 131; am 4/8/99, Register 150; am 9/27/17, Register 223; **am 8/2/2018, Register 227**)

**Authority:** AS 14.20.030 AS 14.20.450 AS 14.20.460 AS 14.20.470 AS 14.20.480

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- ~~(1) May not deliberately distort, suppress, or deny access to curricular materials or educational information in order to promote the personal view, interest, or goal of the educator;~~
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- ~~(3) May not engage in physical abuse of a student or sexual conduct with a student and shall report to the commission knowledge of such an act by an educator;~~
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