

## **COVER PAGE**

**Paper Title:** No Teacher Left Behind (NTLB): Raising the Standard for Ethical Teachers

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## **No Teacher Left Behind (NTLB): Raising the Standard for Ethical Teachers**

### **Abstract**

From 2001 to 2009, about 4.5 million students will report some type of educator misconduct during their K-12 schooling, and as many as 9 out of 10 cases may go unreported (Shakeshaft, 2007). Codes of ethical conduct have decreased misconduct cases within other helping professions. Since there has been an increased awareness of teacher behavior, 25 out of 50 Professional Standards Boards throughout the United States have established codes of ethical conduct to raise the standard for teachers. Codes of ethical conduct seem to increase ethical decision-making among teachers.

### **Introduction**

“Teachers play a special role in society. They are responsible for the formal education of society’s young people and for ensuring that the students within their classrooms are provided with positive and safe environments” (Hooker, 1994). Teachers also have a duty of ethical behavior toward their students. According to the United States Department of Census (2009), there has been an increase of certified teaching staff. In 2000, there were 3.1 million teachers in comparison to 6.2 million teachers in 2009. The number of certified teachers has increased by 3.1 million teachers (U.S. Department of Census, 2000; 2009). With a 100% increase in certified teachers, increases in teacher misconduct cases have risen. Since 2001, establishing codes of conduct has been essential to teaching. In the State of New York, teacher misconduct cases had increased from 2001-2005 (New York State Education Department, 2007) with 134 teacher misconduct cases reported in 2005, in comparison to 70 cases reported in 2001 (New York State Education Department, 2005). Since the State of New York has developed an ethical code of conduct, misconduct cases have decreased by 52% from 2007 to 2008.

Throughout the United States there has been a steady decrease in teacher misconduct cases by 74% from 2005 to 2009. This decrease in misconduct cases has been found in states that have implemented ethical codes of conduct in public school districts. Codes of ethical conduct have built awareness for teachers in their decision-making and teaching practices in the States of Connecticut, Delaware, and New York to develop ethical codes of conduct for teachers (See Appendix A). In 2007 and 2008, other state education departments throughout the U.S. began adopting ethical codes of conduct. Table 1 includes a listing of state education departments in five states whose state departments of Education have recently established codes of ethical conduct for teachers.

**Table 1**

*Examples of Codes of Ethical Conduct and Decreased Teacher Misconduct Cases in Specific States, 2007-2008*

State	2007	2008	Decreased %	Year Code Established
Kentucky	258	122	47%	2007
Ohio	786	655	83%	2008
Oregon	200	120	36%	2007
South Carolina	117	108	92%	2008
West Virginia	41	29	70%	2008

According to the Delaware Department of Education (2009), codes of ethical conduct promote professionalism in teachers. Codes of ethical conduct guide many occupations categorized as helping professions, including teachers. Social worker and psychologist professional boards have devised codes of conduct as a guide to ethical practice and professionalism. The National Association of Social Work or NASW (2009) stated that:

codes of ethics cannot resolve all ethical issues or disputes or capture the richness and complexity involved in striving to make responsible choices within an ethical community. Rather, a code of ethics sets forth values, principles and standards, to which professionals aspire and by which their actions may be judged (p. 4).

The APA (2008) code includes:

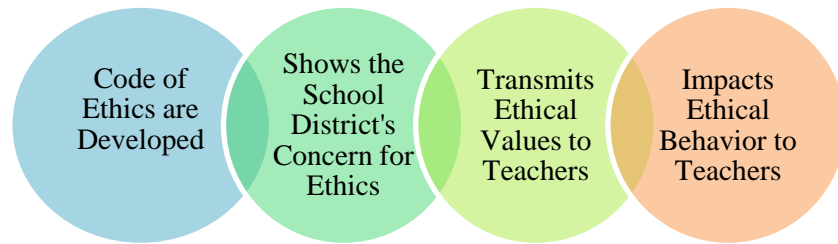
The development of a dynamic set of ethical standards for a psychologist's work-related conduct requires a personal commitment to a lifelong effort to act ethically; to encourage ethical behavior by students, supervisees, employees, and colleagues, as appropriate; and to consult with others, as needed, concerning ethical problems. This aspiration may be used as a guide to encourage ethical behavior not only in social workers and psychologists, but also in business leaders and people in general (p. 3).

The APA and NASW codes have been helpful to resolve an ethical dilemma. Psychologists are further instructed to consider relevant laws and psychology board regulations, consult with colleagues and follow the dictates of their own consciences. According to Barnett and Lorenc (2003, p. 1), psychologists are further instructed to consider relevant laws and psychology board regulations, consult with colleagues and follow the dictates of their own consciences. Ethical codes protect Psychologists and Social Workers.

The APA and NASW codes are used to decrease the risk that psychologists will be punished or penalized unnecessarily. The new Standards advance awareness and understanding of the competence required for providing services to diverse groups, clarify wording and introduce modifiers – reasonable, appropriate, potential - in an attempt to decrease the chance of misinterpretation by courts and licensing boards (Knapp & VandeCreek, 2002). Ethic codes allow for professional judgment, eliminate injustice or inequality that would occur without the modifiers, ensure applicability across the broad range of activities conducted.

#### *Encouraging Behavior: Effectiveness of Codes of Ethical Conduct in Business Professions*

Research conducted by Okpara (2003) showed that corporate codes of ethical conduct transmitted ethical value to business organization members and ultimately influenced ethical behavior of business employees. The research framework indicated that there was a linkage between organizational codes of ethics and employee behavior. Figure 1, adopted from Okpara (2003), shows the progression of how developing a code leads to employees, in particular teachers, using ethical behavior.



**Figure 1.**

*Encouraging Ethical Behavior in Teachers (Guarneri, 2009, adopted from Okpara, 2003, p.4)*

In the U.S. nearly 75% of all corporate organizations were reported to have adopted codes of ethics (White & Montgomery, 1980; Somers, 2001). Okpara, (2003) suggested that by following codes of ethical conduct, a decrease in misconduct occurs since the invitation for dialogue about new situations allows for a professional spirit to be developed. Rather than handing down the code of ethical conduct, school leaders explain the rationale and inspiration for the school district constitution, which may be amended to reflect changing values and realities. Importantly, school leaders are able to articulate how the code of ethical conduct is central to school district personnel in achieving goals.

*The Role of Ethics*

Among parents and the community, there are legitimate expectations for teacher behavior and student learning as these relate to decision-making. The ethical principles of a code are meant to articulate a common set of beliefs for teaching and provide goals to which teachers aspire. In addition, the ethical principles provide a foundation for a specific set of ethical standards that are the basis for charging someone with an ethical violation before the professional association’s ethics committee. The specific language of a code provides concrete detail for guidance in situations. According to the American Psychological Association (APA, 2008), setting specific ethical standards, therapists and psychologists cannot enter into sexual

relationships with former therapy patients for two years following the termination of treatment – and then only under a specific set of circumstances. By establishing ethical standards, psychologists and other personnel in the helping professions have maintained the integrity and trust of the profession. Codes, however, are not exhaustive and cannot cover all situations. The APA Code provides guidance about the relationship between ethical standards and legal standards. “Compliance with, or violation of, the Ethics Code may be admissible as evidence in some legal proceedings, depending on the circumstances” (APA, 2008, p. 10). For teachers, however, a code can assist with resolving conflicts, build professional respect from parents and the community, and promote reflection prior to decision-making.

### *Reflection and Teaching*

Among professional teachers’ associations, codes of conduct have helped to shape teacher behavior and decision-making in areas such as grading, increasing student learning, community personnel, and with teachers becoming reflective practitioners (American Federation of Teachers [AFT], 1971; National Education Association [NEA], 1975). Reflection is a process of self-awareness, and self-inquiry. Reflection requires continual evaluation of beliefs and assumptions. Lickona, (1997) asserted that ethical reflection is not reserved for the teacher, but may be taught to students. Teachers bring meaning to the classroom through a shared participation in the teaching/learning process. A definition of ethical reflection is a:

strategy that focuses on developing several qualities that make up the cognitive side of character: being ethically alert; knowing the virtues and what teachers require of students and parents in concrete situations; taking the perspective of others; reasoning ethically; making thoughtful ethical decisions; and having ethical self-knowledge, including the capacity for self-criticism (Lickona, 1997, p.143).

Within the teaching field, a focus on reflection is about practical knowledge such as actions, which allow teachers to learn from experience. Actions and behaviors may help a teacher answer the question, "what must I do?" (Spaulding, 2005).

Reflection is a practice for achieving desired behaviors and attitudes as an outcome of teacher's role in education. These goals address teacher professional development as a whole and relate to real-world functioning. Typically, reflection is large ideas that encompass many areas and skills. Reflection often is included in teacher professional development plans because they serve as a reminder of the long-range goals and behaviors to which students can aspire.

Reflection has been a part of society through a process of transmission and communication of habits of doing, thinking, and feeling from the older to the younger (Dewey, 1916 as cited in Lindahl, 2009, p. 33). The National Council for Accreditation of Teacher Education or NCATE (2006) promoted the use of dispositions to increase ethical decision-making. Under the New Teacher Assessment and Support Consortium (INTASC, 2002), a list of dispositions suggests standards for teachers and a basis for state boards of education as follows:

1. the teacher is concerned about all aspects of a child's well-being (cognitive, emotional, social, and physical), and is alert to all signs;
2. the teacher values both long-term and short-term planning;
3. the teacher values planning as a collegial activity;
4. the teacher respects the privacy of students and confidentiality of information;
5. the teacher takes responsibility for establishing a positive climate in the classroom and participates in maintaining such a climate in the school as a whole; and
6. the teacher is a thoughtful and responsive listener.

Reflection is most clearly associated with personal characteristics, ethical conduct, and relational aspects of teaching. Teachers conduct themselves by communicating and interacting with

students that include the ability to engage in the purpose of teaching students (Sherman, 2006) and for modeling and mentoring new teachers.

### *The Role of Dispositions and Teacher Conduct*

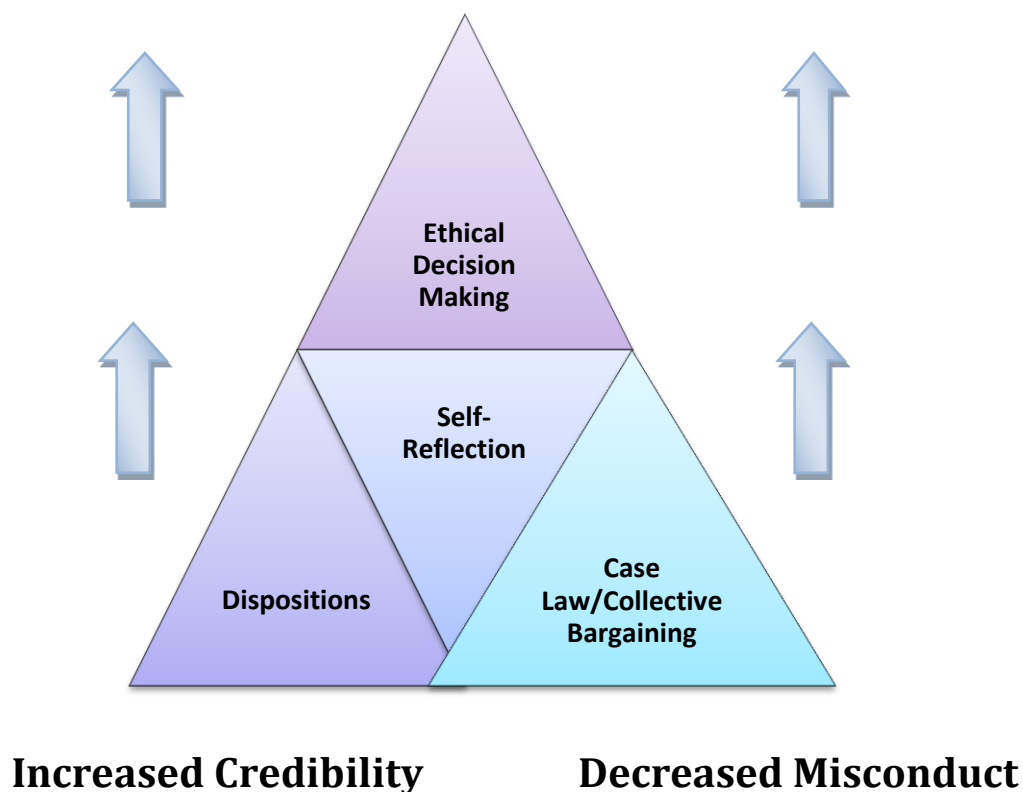
The responsibilities of New Jersey teachers are monitored by school district and State Department of Education personnel. Modeling is primarily done by providing first-year teachers with an experienced teacher within the school district as a mentor (Phelps, 2006). The mentor becomes a role model who influences new teacher attitudes and desirable professional practices such as reflection (Reiman & Peace, 2002). Teachers who reflect on their behavior can examine areas such as work expectations, classroom management, and decision-making over a period of time before misjudgment occurs. Many teachers have a mental image of a former teacher that may be used as a guide for their own actions. Being aware of the attitudes that guided a selected mentor's behaviors helps teachers to acquire similar attitudes (Phelps, 2006). Modeling in the same way on a past or even present mentor serves to strengthen dispositions and more importantly, to influence teacher efficacy.

### *Theoretical Framework for Decreasing Teacher Misconduct*

Figure 2 portrays a theoretical framework that a teacher or a researcher might use when practicing self-reflection and dispositions in making decisions that should impact student development, learning, and effective teaching (See Figure 2). Effective teaching involves self-reflection and the ability to function under an ethical standard that encourages the teacher in the process of self-awareness, self-inquiry, and self-reflection (Larrivee, 2000); increases professional relationships among peers, credibility and trust; and decreases the number of current court cases for teacher misconduct for building stronger professional relationships with students. Holmes & Rempel (1989) and Rempel, Holmes, & Zanna (1985), suggests that regardless if trust



is underdeveloped, undermined, or not perfectly refined, trust provides the guiding framework for making causal connections, and acts as a “filter” through which events and others’ motives are perceived and interpreted.



**Figure 2.** *Theoretical Framework for Increasing Teachers’ Ethical Behavior*

#### *Accountability*

Accountability holds oneself to be responsible for asserting actions through professional decisions, actions, and the public good that promotes professional development through assessments such as observations. Observations and professional development may be promoted since leaders are able to recognize the complexities of teaching and learning. Observations are a type of assessment that help teachers to define ethics by promoting self-reflection on the basis of personal value and environmental issues. Teachers are given the opportunity to listen to the viewpoints of school administrators and to analyze their priorities.

## **Discussion and Importance**

Since 2001, there has been greater awareness of the conduct and credibility of teachers by parents and community stakeholders. The value of teachers, their work, and the commitment that is involved in educating young people is of great importance. An ethical code of conduct encourages a high standard of behavior and outlines responsibilities and practices of teachers. Teachers become committed to increasing their professional knowledge and using such knowledge to improve the condition of their students, school employees, parents, and community members. Teachers perform many roles, such as a temporary guardian, educator, role model, and counselor to students.

### *Teacher Misconduct*

Teachers should create a learning environment that fosters autonomy and guides students in their learning experiences. An important part of teacher work is assessment of students' knowledge and progress. Without such an assessment, a teacher cannot determine what learning is taking place. Teachers may determine student learning by applying a set of rules and predefined formulas to estimate the amount of knowledge that has been successfully retained by students or perhaps teacher, will check the understanding of a problem being considered. In multiple-choice, yes/no, and other similar tests, the assessment of students' work seems relatively uncomplicated. The gray area begins to surface when teachers have to use their own judgment in the assessment process and contaminate the process with subjectivity.

### *Ethics in Teaching*

While there are state laws covering some instances of misconduct in New Jersey, the use of codes of ethical conduct may create awareness for teachers as to already existing laws being used by school-district personnel for promoting school policies and for protecting students.

Outside of working with union representatives, teachers are responsible for learning the policies of the school district. Codes of ethical conduct bring together in one place a) ethics provisions that may be scattered throughout various official government statutes and, b) policies, responsibilities, and expectations found in our states' laws.

Another aspect of codes of ethical conduct is that codes allow for increased awareness of the current laws as part of yearly union contracts. Their purposes are to outline processes and to make a difference in a school district by clarifying the gray areas and providing guidance on everything from the simplest to the most complex ethical dilemmas. Codes of ethical conduct can benefit teachers in many ways. The codes could

- Build trust internally and externally with parents and the community;
- Increase awareness of key ethical issues;
- Stimulate and legitimize ethical dialogue;
- Build consensus around vital issues;
- Guide decision-making;
- Encourage teachers to seek advice;
- Foster the reporting of misconduct and related concerns; and
- Clarify where teachers should go to seek advice (Ethics Resource Guide, 2001, p. 1).

### *Codes and Contracts*

Between 2007-2009 states including Connecticut, Delaware, Ohio, and South Carolina had developed an ethical standard for teachers. In January 2008, a guide for teacher practice was established by the New Jersey Department of Professional Development entitled Standard 11: Professional Responsibility. During 2008-2009, a committee was established as the Professional Teaching Standards Board (PTSB), and included teachers, administrators, representatives of

higher education, local boards of education, and the general public, to define ethics and policy as a helping profession (United States Department of Labor, 2008). The helping professions of, nursing, social work, counseling, and psychology each have state compliance laws and accreditation organizations that require a code of conduct to be a part of union contracts. Without such codes of conduct, hospitals and private nursing agencies are not allowed to hire and maintain helping-profession staff. The lack of compliance could result in the closure of healthcare facilities. Teachers are required to follow school district policies and procedures under their union contract. Teachers that fail to follow their union contracts are subject to termination of employment. However, the closure of public school districts is less likely to occur.

From 2008-2009, an investigation as to the reasons for why a code did not exist in public school districts, evidence had shown that such ethical compliance was neither expected nor required in New Jersey. In Connecticut, Delaware, New York, and Pennsylvania a new requirement for teachers to have an ethical code of conduct was incorporated between 2001 through 2009, as part of their professional development practices. Within these states, legislators have also passed statutes for teachers and school district personnel to follow as an ethical guide for decision-making. In New Jersey, the state education department has established Standard 11 as an alternative to an ethical code of conduct. This alternative was created due to the length of time it would take for state legislators to pass such a code. The intent seems to be that codes of conduct/ethics may guide and inspire teachers toward the highest ethical ideals of the profession. By guiding and inspiring teachers, state education departments may be raising the conduct standard to assure that No Teacher is Left Behind (NTLB).

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## Appendix A



# NEW YORK STATE CODE OF ETHICS FOR EDUCATORS

# Code of Ethics

### Statement of Purpose

The Code of Ethics is a public statement by educators that sets clear expectations and principles to guide practice and inspire professional excellence. Educators believe a commonly held set of principles can assist in the individual exercise of professional judgment. This Code speaks to the core values of the profession. "Educator" as used throughout means all educators serving New York schools in positions requiring a certificate, including classroom teachers, school leaders and pupil personnel service providers.

### Principle 1

Educators nurture the intellectual, physical, emotional, social, and civic potential of each student. Educators promote growth in all students through the integration of intellectual, physical, emotional, social and civic learning. They respect the inherent dignity and worth of each individual. Educators help students to value their own identity, learn more about their cultural heritage, and practice social and civic responsibilities. They help students to reflect on their own learning and connect it to their life experience. They engage students in activities that encourage diverse approaches and solutions to issues, while providing a range of ways for students to demonstrate their abilities and learning. They foster the development of students who can analyze, synthesize, evaluate and communicate information effectively.

### Principle 2

Educators create, support, and maintain challenging learning environments for all. Educators apply their professional knowledge to promote student learning. They know the curriculum and utilize a range of strategies and assessments to address differences. Educators develop and implement programs based upon a strong understanding of human development and learning theory. They support a challenging learning environment. They advocate for necessary resources to teach to higher levels of learning. They establish and maintain clear standards of behavior and civility. Educators are role models, displaying the habits of mind and work necessary to develop and apply knowledge while simultaneously displaying a curiosity and enthusiasm for learning. They invite students to become active, inquisitive, and discerning individuals who reflect upon and monitor their own learning.

### Principle 3

Educators commit to their own learning in order to develop their practice. Educators recognize that professional knowledge and development are the foundations of their practice. They know their subject matter, and they understand how students learn. Educators respect the reciprocal nature of learning between educators and students. They engage in a variety of individual and collaborative learning experiences essential to develop professionally and to promote student learning. They draw on and contribute to various forms of educational research to improve their own practice.

### Principle 4

Educators collaborate with colleagues and other professionals in the interest of student learning. Educators encourage and support their colleagues to build and maintain high standards. They participate in decisions regarding curriculum, instruction and assessment designs, and they share responsibility for the governance of schools. They cooperate with community agencies in using resources and building comprehensive services in support of students. Educators respect fellow professionals and believe that all have the right to teach and learn in a professional and supportive environment. They participate in the preparation and induction of new educators and in professional development for all staff.

### Principle 5

Educators collaborate with parents and community, building trust and respecting confidentiality. Educators partner with parents and other members of the community to enhance school programs and to promote student learning. They also recognize how cultural and linguistic heritage, gender, family and community shape experience and learning. Educators respect the private nature of the special knowledge they have about students and their families and use that knowledge only in the students' best interests. They advocate for fair opportunity for all children.

### Principle 6

Educators advance the intellectual and ethical foundation of the learning community. Educators recognize the obligations of the trust placed in them. They share the responsibility for understanding what is known, pursuing further knowledge, contributing to the generation of knowledge, and translating knowledge into comprehensible forms. They help students understand that knowledge is often complex and sometimes paradoxical. Educators are confidantes, mentors and advocates for their students' growth and development. As models for youth and the public, they embody intellectual honesty, diplomacy, tact and fairness.

This Code shall not be used as a basis for discipline by any employer and shall not be used by the State Education Department as a basis for a proceeding under Part 83 of Commissioner's Regulations, nor shall it serve as a basis for decisions pertaining to certification or employment in New York State. Conversely, this Code shall not be interpreted or used to diminish the authority of any public school employer to evaluate or discipline any employee under provisions of law, regulation, or collective bargaining agreement.



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