

**NEBRASKA DEPARTMENT
OF EDUCATION**

RULE 27

**REGULATIONS AND STANDARDS FOR PROFESSIONAL PRACTICES
CRITERIA**

**TITLE 92, NEBRASKA ADMINISTRATIVE CODE,
CHAPTER 27**

**EFFECTIVE DATE
NOVEMBER 12, 2003
(REVISED)**

**State of Nebraska
Department of Education
301 Centennial Mall South
Lincoln, Nebraska 68509**



TITLE 92 - NEBRASKA DEPARTMENT OF EDUCATION
CHAPTER 27 - PROFESSIONAL PRACTICES CRITERIA

NUMERICAL TABLE OF CONTENTS

<u>SUBJECT</u>	<u>STATUTORY AUTHORITY</u>	<u>CODE SECTION</u>
General Information	79-866	001
Definitions	79-866	002
Standards Applicable to Nonpublic School Certificate Holders	79-866, 79-869, 79-318	003
Standards of Ethical and Professional Performance for Public School Certificate Holders	79-866	004
Standards of Competent Professional Performance for Public School Certificate Holders	79-866	005
Standards for Continuance in Professional Service for All Certificate Holders	79-866	006
Standards for Contractual Obligations for All Certificate Holders	79-866	007

TITLE 92 - NEBRASKA DEPARTMENT OF EDUCATION
CHAPTER 27 - PROFESSIONAL PRACTICES CRITERIA

ALPHABETICAL TABLE OF CONTENTS

<u>SUBJECT</u>	<u>STATUTORY AUTHORITY</u>	<u>CODE SECTION</u>
Definitions	79-866	002
General Information	79-866	001
Standards Applicable to Nonpublic School Certificate Holders	79-866, 79-869, 79-318	003
Standards for Continuance in Professional Service for All Certificate Holders	79-866	006
Standards for Contractual Obligations for All Certificate Holders	79-866	007
Standards of Competent Professional Performance for Public School Certificate Holders	79-866	005
Standards of Ethical and Professional Performance for Public School Certificate Holders	79-866	004

TITLE 92 - NEBRASKA DEPARTMENT OF EDUCATION
CHAPTER 27 - PROFESSIONAL PRACTICES CRITERIA

001 General Information

001.01 Statutory Authority. Section 79-866 of the Revised Statutes of Nebraska (R.R.S.) requires that the Nebraska State Board of Education (Board) shall adopt and promulgate rules and regulations establishing standards of professional practices in areas including but not limited to: (1) ethical and professional performance, (2) competency, (3) continuance in professional service, and (4) contractual obligations. The Board shall receive the advice and counsel of the Nebraska Professional Practices Commission (Commission) in the adoption of such standards as they apply to the holders of public school certificates. The Board also adopts the standards in this chapter pursuant to the authority granted to it by Sections 79-318 (5)(g) and (i), 79-808 and 79-869 R.R.S., which collectively give the Board authority to adopt standards relating to professional practices for holders of all teaching, administrative, and special services certificates in Nebraska.

001.02 Scope and Application of this Chapter. This chapter contains basic professional practices criteria for all persons holding administrative, teaching, or special services certificates issued pursuant to Title 92, Nebraska Administrative Code, Chapter 21, (92 NAC 21).

001.03 Violations. Violations of the standards of this chapter constitute just cause for the suspension or revocation of a certificate by the Board or may result in an admonishment or reprimand by the Commissioner of Education (Commissioner), or the Commission in the case of holders of public school certificates, or by the Commissioner or Board in the case of holders of nonpublic school certificates. No finding of a violation of the standards set forth in this chapter shall be made unless shown by a preponderance of the evidence.

001.04 Related Regulations. Several other state regulations deal with professional practices matters. Title 95, Nebraska Administrative Code, Chapter 1 (95 NAC 1), a regulation of the Commission, deals with hearing procedures for petitions involving holders of public school certificates. Title 92, Nebraska Administrative Code, Chapter 28 (92 NAC 28) deals with investigations of complaints involving holders of both public and nonpublic certificates, hearing procedures for nonpublic school certificate cases, and determinations by the Board as a result of hearings under 95 NAC 1, Title 95, Nebraska Administrative Code, Chapter 2 (95 NAC 2), and 92 NAC 28.

002 Definitions. As used herein the following words and terms have these meanings:

002.01 Administrator shall mean any holder of a public or nonpublic administrative certificate issued pursuant to 92 NAC 21.

002.02 Admonishment shall mean a private sanction to an educator that further unprofessional or unethical conduct may result in more serious action, including the suspension or revocation of a certificate. This sanction may be imposed by the Commissioner, Commission, or Board.

002.03 Available shall mean that which can be used or obtained.

TITLE 92
CHAPTER 27

002.04 Board shall mean the Nebraska State Board of Education.

002.05 Commission shall mean the Nebraska Professional Practices Commission.

002.06 Commissioner shall mean the Nebraska State Commissioner of Education.

002.07 Communication Skills shall mean the capacity, ability, or art of giving, or giving and receiving, through any of the senses, information, ideas, and attitudes.

002.08 Competent shall mean the ability or fitness to discharge the required duties as set forth in this chapter.

002.09 Corporal Punishment shall mean the infliction of bodily pain as a penalty for disapproved behavior. This does not include physical contact that is intended to preserve order in schools or to protect persons or property from harm.

002.10 Designated Task shall mean the duty or assignment for which an educator is responsible at any given time.

002.11 Diagnosis shall mean identification of needs, strengths and weaknesses through examination, observation and analysis.

002.12 Educator shall mean a holder of a public or nonpublic teaching, administrative, or special services certificate issued pursuant to 92 NAC 21.

002.13 Effective shall mean producing a definite, desired result.

002.14 Management shall mean controlling, supervising, and guiding the efforts of others.

002.15 Policy shall mean authorized written and dated expressions of public intent which have been communicated to the educator and which reflect the general principles guiding the efforts of the school system or school toward approved goals.

002.16 Preponderance of Evidence shall mean a superiority of weight. Weight is not a question of mathematics, but depends on its effect in inducing belief.

002.17 Reasonable shall mean just; proper. Ordinary or usual. Fit and appropriate to the end in view.

002.18 Reprimand shall mean a public sanction criticizing or rebuking an educator for unprofessional or unethical conduct. This sanction may be imposed by the Commissioner, Commission, or Board.

002.19 Revocation shall mean a public sanction canceling an educator's certificate for a certain period of time. At the expiration of the revocation period, the former educator may apply for reinstatement in accordance with 92 NAC 28. This sanction may be imposed by the Board.

002.20 Special Services Provider shall mean any holder of a public or nonpublic special services

TITLE 92
CHAPTER 27

certificate issued pursuant to 92 NAC 21.

002.21 Suspension shall mean a public sanction withdrawing an educator's certificate for a certain period of time. The certificate is automatically reinstated at the expiration of the suspension period if it has not expired during the period of suspension. This sanction may be imposed by the Board.

002.22 Teacher shall mean any holder of a public or nonpublic certificate for teaching issued pursuant to 92 NAC 21.

003 Standards of Conduct Applicable to Nonpublic School Certificate Holders

003.01 Applicability. Failure to comply with the standards of conduct in the following subsection by persons holding nonpublic school certificates may serve as the basis for disciplinary action up to and including revocation of the certificate.

003.02 Standards of Conduct. The following standards of conduct apply to holders of nonpublic certificates. The educator:

003.02A Shall possess and demonstrate the ability and skill necessary to satisfactorily complete professional duties.

003.02B Shall not commit any crime involving moral turpitude or any felony under the laws of the United States or any state or territory, and shall not have a misdemeanor conviction involving abuse, neglect, or sexual misconduct as defined in Sections 003.12 through 003.14 of 92 NAC 21.

003.02C Shall, with reasonable diligence, attend to the duties of his or her professional position.

003.02D Shall not have obtained a certificate by fraudulent means.

003.02E Shall not have had revoked for cause a teaching certificate, administrative certificate, or any certificate enabling a person to engage in any of the activities for which a special services certificate is issued in Nebraska.

003.02F Shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of professional duties.

003.02G Shall report to the Commissioner any known violation of Sections 003.02B, 003.02D, or 003.02E of this chapter.

003.02H Shall seek no reprisal against any individual who has reported a violation of this chapter.

004 Standards of Ethical and Professional Performance for Holders of Public School Certificates

The following standards apply to all holders of public school certificates.

TITLE 92
CHAPTER 27

004.01 Preamble: The educator shall believe in the worth and dignity of human beings. Recognizing the supreme importance of the pursuit of truth, the devotion to excellence and the nurture of democratic citizenship, the educator shall regard as essential to these goals the protection of the freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator shall accept the responsibility to practice the profession to these ethical standards.

The educator shall recognize the magnitude of the responsibility he or she has accepted in choosing a career in education, and engages, individually and collectively with other educators, to judge his or her colleagues, and to be judged by them, in accordance with the provisions of this chapter.

The standards listed in this section are held to be generally accepted minimal standards for public school certificate holders in Nebraska with respect to ethical and professional conduct and are, therefore, declared to be the criteria of ethical and professional performance adopted pursuant to the provisions of Section 79-866 R.R.S. for holders of public school certificates.

If the certificate holder is employed in a nonpublic school, that context shall be taken into account in the application of these standards.

004.02 Principle I - Commitment as a Professional Educator: Fundamental to the pursuit of high educational standards is the maintenance of a profession possessed of individuals with high skills, intellect, integrity, wisdom, and compassion. The educator shall exhibit good moral character, maintain high standards of performance and promote equality of opportunity.

In fulfillment of the educator's contractual and professional responsibilities, the educator:

004.02A Shall not interfere with the exercise of political and citizenship rights and responsibilities of students, colleagues, parents, school patrons, or school board members.

004.02B Shall not discriminate on the basis of race, color, creed, gender, marital status, age, national origin, ethnic background, or disability.

004.02C Shall not use coercive means, or promise or provide special treatment to students, colleagues, school patrons, or school board members in order to influence professional decisions.

004.02D Shall not make any fraudulent statement or fail to disclose a material fact for which the educator is responsible.

004.02E Shall not exploit professional relationships with students, colleagues, parents, school patrons, or school board members for personal gain or private advantage.

004.02F Shall not sexually harass students, parents or school patrons, employees, or board members.

004.02G Shall not have had revoked for cause a teaching certificate, administrative certificate, or any certificate enabling a person to engage in any of the activities for which a special services certificate is issued in Nebraska.

TITLE 92
CHAPTER 27

004.02H Shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of professional duties.

004.02I Shall report to the Commissioner any known violation of Sections 004.02G, 004.04E, or 004.05B of this chapter.

004.02J Shall seek no reprisal against any individual who has reported a violation of this chapter.

004.03 Principle II - Commitment to the Student: Mindful that a profession exists for the purpose of serving the best interests of the client, the educator shall practice the profession with genuine interest, concern, and consideration for the student. The educator shall work to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.

In fulfillment of the obligation to the student, the educator:

004.03A Shall permit the student to pursue reasonable independent scholastic effort, and shall permit the student access to varying points of view.

004.03B Shall not deliberately suppress or distort subject matter for which the educator is responsible.

004.03C Shall make reasonable effort to protect the student from conditions which interfere with the learning process or are harmful to health or safety.

004.03D Shall conduct professional educational activities in accordance with sound educational practices that are in the best interest of the student.

004.03E Shall keep in confidence personally identifiable information that has been obtained in the course of professional service, unless disclosure serves professional purposes, or is required by law.

004.03F Shall not tutor for remuneration students assigned to his or her classes unless approved by the local board of education.

004.03G Shall not discipline students using corporal punishment.

TITLE 92
CHAPTER 27

004.04 Principle III - Commitment to the Public: The magnitude of the responsibility inherent in the education process requires dedication to the principles of our democratic heritage. The educator bears particular responsibility for instilling an understanding of and confidence in the rule of law, a respect for individual freedom, and a responsibility to promote respect by the public for the integrity of the profession.

In fulfillment of the obligation to the public, the educator:

004.04A Shall not misrepresent an institution with which the educator is affiliated, and shall take added precautions to distinguish between the educator's personal and institutional views.

004.04B Shall not use institutional privileges for private gain or to promote political candidates, political issues, or partisan political activities.

004.04C Shall neither offer nor accept gifts or favors that will impair professional judgment.

004.04D Shall support the principle of due process and protect the political, citizenship, and natural rights of all individuals.

004.04E Shall not commit any act of moral turpitude or any felony under the laws of the United States or any state or territory, and shall not have a misdemeanor conviction involving abuse, neglect, or sexual misconduct as defined in Sections 003.12 through 003.14 of 92 NAC 21.

004.04F Shall, with reasonable diligence, attend to the duties of his or her professional position.

004.05 Principle IV - Commitment to the Profession: In the belief that the quality of the services to the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards, to improve service, to promote a climate in which the exercise of professional judgment is encouraged, and to achieve conditions which attract persons worthy of the trust to careers in education. The educator shall believe that sound professional relationships with colleagues are built upon personal integrity, dignity, and mutual respect.

In fulfillment of the obligation to the profession, the educator:

004.05A Shall provide upon the request of an aggrieved party, a written statement of specific reasons for recommendations that lead to the denial of increments, significant changes in employment, or termination of employment.

004.05B Shall not misrepresent his or her professional qualifications, nor those of colleagues.

TITLE 92
CHAPTER 27

004.05C Shall practice the profession only with proper certification, and shall actively oppose the practice of the profession by persons known to be unqualified.

004.06 Principle V - Commitment to Professional Employment Practices: The educator shall regard the employment agreement as a pledge to be executed both in spirit and in fact. The educator shall believe that sound personnel relationships with governing boards are built upon personal integrity, dignity, and mutual respect.

In fulfillment of the obligation to professional employment practices, the educator:

004.06A Shall apply for, accept, offer, or assign a position or responsibility on the basis of professional preparation and legal qualifications.

004.06B Shall not knowingly withhold information regarding a position from an applicant or employer, or misrepresent an assignment or conditions of employment.

004.06C Shall give prompt notice to the employer of any change in availability of service.

004.06D Shall conduct professional business through designated procedures, when available, that have been approved by the employing agency.

004.06E Shall not assign to unqualified personnel, tasks for which an educator is responsible.

004.06F Shall permit no commercial or personal exploitation of his or her professional position.

004.06G Shall use time on duty and leave time for the purpose for which intended.

005 Standards of Competent Professional Performance for Holders of Public School Certificates

The following standards apply only to holders of public school certificates.

005.01 General: The standards listed in this section are held to be generally accepted minimal standards for public school certificate holders in Nebraska with respect to competent performance and are therefore declared to be the criteria of competency adopted pursuant to the provisions of Section 79-866 R.R.S.

005.02 Administrative and Supervisory Requirements for Holders of Public School Certificates: Educators must possess the abilities and skills necessary to accomplish the designated task. Therefore,

TITLE 92
CHAPTER 27

005.02A Each educator shall:

005.02A1 Keep records for which he or she is responsible in accordance with law and policies of the school system;

005.02A2 Supervise others in accordance with law and policies of the school system;

005.02A3 Recognize the role and function of community agencies and groups as they relate to the school and to his or her position, including but not limited to health and social services, employment services, community teaching resources, cultural opportunities, educational advisory committees, and parent organizations.

005.02B Each teacher and special services provider shall:

005.02B1 Utilize available instructional materials and equipment necessary to accomplish the designated task;

005.02B2 Adhere to and enforce written and dated administrative policy of the school which has been communicated to the teacher or special services provider;

005.02B3 Use channels of communication when interacting with administrators, community agencies, and groups, in accordance with school policy.

005.02C Each administrator shall:

005.02C1 Use available instructional personnel, materials and equipment necessary to accomplish the designated task;

005.02C2 Adhere to and enforce school law, state board regulation, and written and dated school board policy which has been communicated to the administrator;

005.02C3 Use channels of communication when interacting with teachers, community agencies and groups in accordance with school policy.

005.03 Analysis of Individual Needs and Individual Potential for Holders of Public School Certificates: The educator shall utilize or promote the utilization of diagnostic techniques to analyze the needs and the potential of individuals. These may include but need not necessarily be limited to:

005.03A Personal observation;

005.03B Analysis of individual performance and achievement;

005.03C Specific performance testing.

TITLE 92
CHAPTER 27

005.04 Instructional Procedures for Holders of Public School Certificates: Each educator shall seek accomplishment of the designated task through selection and utilization of appropriate instructional procedures. Therefore,

005.04A Each educator shall:

005.04A1 Create an atmosphere which fosters interest and enthusiasm for learning and teaching;

005.04A2 Use procedures appropriate to accomplish the designated task;

005.04A3 Encourage expressions of ideas, opinions and feelings.

005.04B Each teacher shall:

005.04B1 Create interest through the use of materials and techniques appropriate to the varying abilities and background of students;

005.04B2 Consider individual student interests and abilities when planning and implementing instruction.

005.04C Each administrator shall:

005.04C1 Support the creation of interest by providing the materials, equipment and encouragement necessary for the teacher to accomplish the designated task;

005.04C2 Make reasonable assignment of tasks and duties in light of individual abilities and specialties and available personnel resources.

005.05 Communication Skills for Holders of Public School Certificates: In communicating with students and other educators, each educator, within the limits prescribed by his or her assignment and role, shall:

005.05A Utilize information and materials that are relevant to the designated task;

005.05B Use language and terminology which are relevant to the designated task;

005.05C Use language which reflects an understanding of the ability of the individual or group;

005.05D Assure that the designated task is understood;

005.05E Use feedback techniques which are relevant to the designated task;

005.05F Consider the entire context of the statements of others when making judgments about what others have said;

TITLE 92
CHAPTER 27

005.05G Encourage each individual to state his ideas clearly.

005.06 Management techniques for Holders of Public School Certificates: The educator shall:

005.06A Resolve discipline problems in accordance with law, school board policy, and administrative regulations and policies;

005.06B Maintain consistency in the application of policy and practice;

005.06C Use management techniques which are appropriate to the particular setting such as group work, seat work, lecture, discussion, individual projects and others;

005.06D Develop and maintain positive standards of conduct.

005.07 Competence in Specialization for Holders of Public School Certificates: Each educator shall:

005.07A Possess knowledge, within his or her area of specialization, consistent with his or her record of professional preparation;

005.07B Be aware of current developments in his or her field;

005.07C Possess knowledge of resources which may be utilized in improving instruction in his or her area of specialization.

005.08 Evaluation of Learning and Goal Achievement for Holders of Public School Certificates: An educator shall accept responsibility commensurate with delegated authority to evaluate learning and goals achievement, and each educator shall:

005.08A Utilize several types of evaluation techniques;

005.08B Provide frequent and prompt feedback concerning the success of learning and goal achievement efforts;

005.08C Analyze and interpret effectively the results of evaluation for judging instruction, the achievement of stated goals, or the need for further diagnosis;

005.08D Utilize the results of evaluation for planning, counseling and program modification;

005.08E Explain methods and procedures of evaluation to those concerned.

TITLE 92
CHAPTER 27

005.09 Human and Interpersonal Relationships for Holders of Public School Certificates: Educators shall possess effective human and interpersonal relations skills and therefore:

005.09A Shall allow others who hold and express differing opinions or ideas to freely express such ideas;

005.09B Shall not knowingly misinterpret the statement of others;

005.09C Shall not show disrespect for or lack of acceptance of others;

005.09D Shall provide leadership and direction for others by appropriate example;

005.09E Shall offer constructive criticism when necessary;

005.09F Shall comply with reasonable requests and orders given by and with proper authority;

005.09G Shall not assign unreasonable tasks;

005.09H Shall demonstrate self-confidence and self-sufficiency in exercising authority.

005.10 Personal Requirements for Holders of Public School Certificates: In assessing the mental or physical health of educators, no decision adverse to the educator shall be made except on the advice or testimony of personnel competent to make such judgment by reason or training, licensure and experience. However, certain behaviors are held to be probable cause to examine, and each educator within the scope of delegated authority shall:

005.10A Be able to engage in physical activity appropriate to the designated task except for temporary disability;

005.10B Be able to communicate so effectively as to accomplish the designated task;

005.10C Appropriately control his or her emotions;

005.10D Possess and demonstrate sufficient intellectual ability to perform designated tasks.

006 Standards for Continuance in Professional Service for all Certificate Holders

Continuance in professional service requires the maintenance of a valid teaching, administrative, or special services certificate in accordance with the laws of the State of Nebraska.

007 Standards for Contractual Obligations for all Certificate Holders

Educators shall adhere fully to the terms of a contract or appointment.