



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 10.1

Meeting Date: November 4, 2021

Subject: Public Hearing: Second Reading of Revised Board Policy 4119.21,
Professional Standards (previously labeled Code of Ethics)

- ☐ Information Item Only
- ☐ Approval on Consent Agenda
- ☐ Conference (for discussion only)
- ☐ Conference/First Reading (Action Anticipated: _____)
- ☐ Conference/Action
- ☒ Action
- ☐ Public Hearing

Division: Legal Services and Human Resource Services

Recommendation: Approve revisions to Board Policy 4119.21

Background/Rationale: California has many sets of standards and expectations to guide policies, programs, and personnel effectiveness. These standards promote the highest ethical standards, professional behavior, and compliance with state and federal laws.

In order to provide guidelines and principles regarding appropriate conduct and to enhance the integrity of the District and enhance its educational programs, revisions to this policy are necessary. No prior updates to BP 4119.21 have occurred since its adoption in 2002. Such updates include the CSBA's model language.

Documents Attached:

1. Executive Summary
2. BP 4119.21 (Redlines)

Estimated Time of Presentation: 5 Minutes

Submitted by: Raoul Bozio, In House Counsel and Cancy McArn,
Chief Human Resources Officer

Approved by: Jorge A. Aguilar, Superintendent

Board of Education Executive Summary

Legal Department

Proposed Board Policy (BP) 4119.21: Professional Standards (previously labeled Code of Ethics)

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I. Overview/History of Department or Program

District employees are expected to maintain the highest ethical standards, behave professionally, follow District policies and regulations, abide by state and federal laws, and exercise good judgment when interacting with students and other members of the District's community.

This policy was adopted in 2002 and has since then not been revised. Updates are based off the model provided by the CSBA and aligns with the District's commitment to enhancing the integrity of its school and community.

II. Driving Governance:

Pursuant to Education Code 44050:

(a) A local educational agency, or a person, firm, association, partnership, or corporation offering or conducting private school instruction at the elementary or high school level, that maintains a section on employee interactions with pupils in its employee code of conduct shall do both of the following:

(1) Commencing July 1, 2018, provide a written copy of the section on employee interactions with pupils in its code of conduct to the parent or guardian of each enrolled pupil at the beginning of each school year.

(2) Commencing January 1, 2018, post the section on employee interactions with pupils in its code of conduct, or provide a link to it, on each of its schools' Internet Web sites, or, if a school of a local educational agency does not have its own Internet Web site, on the local educational agency's Internet Web site, in a manner that is accessible to the public without a password.

(b) A local educational agency may satisfy the requirement to provide a written copy of the section on employee interactions with pupils in its code of conduct to the parent or guardian of each enrolled pupil by including the section on employee interactions with pupils in its code of conduct in the notice required pursuant to Section 48980.

Further, there are guiding principles, professional standards, and codes of ethics adopted by various educational and professional associations. For example, the California Teachers Association's Code of Ethics provides:

PREAMBLE

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The educator, believing in the worth and dignity of each human being, recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nurture of democratic principles. Essential to these goals is the protection of freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator accepts the responsibility to adhere to the highest ethical standards.

The educator recognizes the magnitude of the responsibility inherent in the teaching process. The desire for the respect and confidence of one's colleagues, of students, of parents, and of the members of the community provides the incentive to attain and maintain the highest possible degree of ethical conduct. The Code of Ethics of the Education Profession indicates the aspiration of all educators and provides standards by which to judge conduct.

The remedies specified by the NEA and/or its affiliates for the violation of any provision of this Code shall be exclusive and no such provision shall be enforceable in any form other than one specifically designed by the NEA or its affiliates.

PRINCIPLE I

COMMITMENT TO THE STUDENT

The educator strives to help each student realize his or her potential as a worthy and effective member of society. The educator therefore works 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 –

- Shall not reasonably restrain the student from independent action in the pursuit of learning.
- Shall not unreasonably deny the student access to varying points of view.
- Shall not deliberately suppress or distort subject matter relevant to the student's progress.
- Shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety.
- Shall not intentionally expose the student to embarrassment or disparagement.
- Shall not on the basis of race, color, creed, sex, national origin, marital status, political or religion beliefs, family, social, or cultural background, or sexual orientation, unfairly –
 - a. Exclude any student from participation in any program
 - b. Deny benefits to any student
 - c. Grant any advantage to any student
- Shall not use professional relationships with students for private advantage.

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- Shall not disclose information about students obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law.

PRINCIPLE II

COMMITMENT TO THE PROFESSION

The education profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service.

In the belief that the quality of the services of the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards, to promote a climate that encourages the exercise of professional judgement, to achieve conditions that attract persons worthy of the trust to careers in education, and to assist in preventing the practice of the profession by unqualified persons.

In fulfillment of the obligation of the profession, the educator –

- Shall not in any application for a professional position deliberately make a false statement or fail to disclose a material fact related to competency and qualifications.
- Shall not misrepresent his/her professional qualifications.
- Shall not assist any entry into the profession of a person known to be unqualified in respect to character, education, or other relevant attribute.
- Shall not knowingly make a false statement concerning the qualifications of a candidate for a professional position.
- Shall not assist a noneducator in the unauthorized practice of teaching.
- Shall not disclose information about colleagues obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law.
- Shall not knowingly make false or malicious statements about a colleague.
- Shall not accept any gratuity, gift, or favor that might impair or appear to influence professional decisions or action.

– Adopted by the [NEA](#) 1975 Representative Assembly

III. Budget:

The proposed policy is intended to provide standards for which District employees will follow to behave ethically and professionally and exercise good judgment when interacting with students and the school community.

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IV. Goals, Objectives and Measures:

Pursuant to the District's core beliefs under Board Policy 0100, the District believes "that all people are inspired by HIGH STANDARDS and CHALLENGING GOALS." As such, the goal is for the District to establish sound policy for all employees that enhances the integrity of the District, advances the goals of the District's educational programs, and contributes to a positive school climate and specifically, provide guidelines regarding inappropriate conduct and reporting misconduct.

V. Major Initiatives:

This professional standards policy is critical for employees to maintain the highest ethical standards and behave professionally to contribute to the learning and achievement of District students.

VI. Results:

Adopt Board Policy 4119.21. Ensure compliance with Education Code.

VII. Lessons Learned/Next Steps:

Adoption Board Policy 4119.21 concerning professional standards. Information and correspondences concerning this matter have previously been shared with the District. Further updates will be provided as necessary.

Sacramento City USD

Board Policy

[Code Of Ethics](#)

[Professional Standards](#)

BP 4119.21 4219.21,4319.21

Personnel

The Governing Board expects district employees to maintain the highest ethical standards, ~~to behave professionally~~, follow district policies and regulations, ~~and to~~ abide by state and ~~national~~ federal laws. ~~Employee~~, and exercise good judgment when interacting with students and other members of the school community. Employees shall engage in conduct ~~should~~ ~~enhance~~ that enhances the integrity of the district ~~and~~, advances the goals of the district's educational ~~program~~ programs, and contributes to a positive school climate.

[\(cf. 0200 - Goals for the School District\)](#)

[\(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights\)](#)

[\(cf. 5131 - Conduct\)](#)

[\(cf. 5137 - Positive School Climate\)](#)

The Board encourages district employees to accept as guiding principles the professional standards and codes of ethics ~~published~~ adopted by educational or professional associations to which they may belong.

[\(cf. 2111 - Superintendent Governance Standards\)](#)

[\(cf. 9005 - Governance Standards\)](#)

Each employee is expected to acquire the knowledge and skills necessary to fulfill his/her responsibilities and to contribute to the learning and achievement of district students.

[\(cf. 4112.2 - Certification\)](#)

[\(cf. 4131 - Staff Development\)](#)

[\(cf. 4231 - Staff Development\)](#)

[\(cf. 4331 - Staff Development\)](#)

Inappropriate Conduct

Inappropriate employee conduct includes, but is not limited to:

1. Engaging in any conduct that endangers students, staff, or others, including, but not limited to, physical violence, threats of violence, or possession of a firearm or other weapon

[\(cf. 0450 - Comprehensive Safety Plan\)](#)

[\(cf. 3515.7 - Firearms on School Grounds\)](#)

(cf. 4158/4258/4358 - Employee Security)

2. Engaging in harassing or discriminatory behavior towards students, parents/guardians, staff, or community members, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

(cf. 5131.2 - Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

3. Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child

4. Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student

5. Possessing or viewing any pornography on school grounds, or possessing or viewing child pornography or other imagery portraying children in a sexualized manner at any time

6. Using profane, obscene, or abusive language against students, parents/guardians, staff, or community members

7. Willfully disrupting district or school operations by loud or unreasonable noise or other action

(cf. 3515.2 - Disruptions)

8. Using tobacco, alcohol, or an illegal or unauthorized substance, or possessing or distributing any controlled substance, while in the workplace, on district property, or at a school-sponsored activity

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 3513.4 - Drug and Alcohol Free Schools)

(cf. 4020 - Drug and Alcohol-Free Workplace)

(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)

(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)

9. Being dishonest with students, parents/guardians, staff, or members of the public, including, but not limited to, falsifying information in employment records or other school records

10. Divulging confidential information about students, district employees, or district operations to persons or entities not authorized to receive the information

(cf. 3580 - District Records)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

11. Using district equipment or other district resources for the employee's own commercial purposes or for political activities

(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

12. Using district equipment or communications devices for personal purposes while on duty, except in an emergency, during scheduled work breaks, or for personal necessity

Employees shall be notified that computer files and all electronic communications, including, but not limited to, email and voice mail, are not private. To ensure proper use, the Superintendent or designee may monitor employee usage of district technological resources at any time without the employee's consent.

(cf. 4040 - Employee Use of Technology)

13. Causing damage to or engaging in theft of property belonging to students, staff, or the district

14. Wearing inappropriate attire

(cf. 4119.22/4219.22/4319.22 - Dress and Grooming)

Reports of Misconduct

An employee who observes or has evidence of another employee's inappropriate conduct shall immediately report such conduct to the principal or Superintendent or designee. An employee who has knowledge of or suspects child abuse or neglect shall file a report pursuant to the district's child abuse reporting procedures as detailed in AR 5141.4 - Child Abuse Prevention and Reporting.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Any reports of employee misconduct shall be promptly investigated. Any employee who is found to have engaged in inappropriate conduct in violation of law or Board policy shall be subject to disciplinary action and, in the case of a certificated employee, may be subject to a report to the Commission on Teacher Credentialing. The Superintendent or designee shall notify local law enforcement as appropriate.

(cf. 4117.7/4317.7 - Employment Status Reports)

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

An employee who has knowledge of but fails to report inappropriate employee conduct may also be subject to discipline.

The district prohibits retaliation against anyone who files a complaint against an employee or reports an employee's inappropriate conduct. Any employee who retaliates against any such complainant, reporter, or other participant in the district's complaint process shall be subject to discipline.

Notifications

The section(s) of the district's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or district web sites. (Education Code 44050)

(cf. 1113 - District and School Web Sites)
(cf. 5145.6 - Parental Notifications)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

44050 Employee code of conduct; interaction with students

44242.5 Reports and review of alleged misconduct

48980 Parental notifications

PENAL CODE

11164-11174.4 Child Abuse and Neglect Reporting Act

CODE OF REGULATIONS, TITLE 5

80303 Reports of dismissal, resignation and other terminations for alleged misconduct

80331-80338 Rules of ~~Conduct~~conduct for professional educators

Management Resources:

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

California Professional ~~Educators~~Standards for Educational Leaders, February 2014

Policy ~~SACRAMENTO CITY UNIFIED~~California Standards for the Teaching Profession, 2009

COUNCIL OF CHIEF STATE ~~SCHOOL DISTRICT~~OFFICERS PUBLICATIONS

adopted: May 6, 2002 — ~~Sacramento,~~Professional Standards for Educational Leaders, 2015

NATIONAL EDUCATION ASSOCIATION PUBLICATIONS

Code of Ethics of the Education Profession, 1975

WESTED PUBLICATIONS

Moving Leadership Standards into Everyday Work: Descriptions of Practice, 2003

WEB SITES

CSBA: <http://www.csba.org>

Association of California School Administrators: <http://www.acsa.org>

California Department of Education: <http://www.cde.ca.gov>

California Federation of Teachers: <http://www.cft.org>

California School Employees Association: <http://www.csea.com>

California Teachers Association: <http://www.cta.org>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

Council of Chief State School Officers: <http://www.ccsso.org>

WestEd: <http://www.wested.org>

Policy SACRAMENTO CITY UNIFIED SCHOOL DISTRICT

adopted: May 6, 2002 Sacramento, California

revised: