



# Educator Ethics and the Law

## Competency

The educator applies an understanding of laws and policies to guide daily decisions, exemplify ethical behavior, and foster a culture of integrity within the educational community.

## Key Method

The educator examines foundational laws and ethical principles impacting educational practice, including the Family Educational Rights and Privacy Act (FERPA), the Health Insurance Portability and Accountability Act (HIPAA), the Freedom of Information Act (FOIA), and the First Amendment of the United States Constitution. Using the Model Code of Ethics for Educators (MCEE) as a framework, the educator analyzes these policies to understand their relevance to professional responsibilities and decision-making within their current district role. This analysis emphasizes real-world applications, highlighting how these laws and principles guide interactions with students, parents, colleagues, and the broader community.

## Method Components

### Professional Codes of Ethics

There are ongoing efforts within the greater PK–12 and educator preparation educational communities to ensure educators and prospective educators understand how professional decision-making can impact the safety and well-being of children, as well as the culture and mission of the school. Most professions have a strong set of principles to guide decision-making around these principles; in fact, all other professions have clear guidelines for professional ethics. The education profession, however, has not adopted a model code of conduct to assist educators with making ethical decisions and to assist educator preparation program providers

(EPPs) in preparing their candidates to make ethical decisions. In the absence of a commonly accepted set of ethical standards, the education profession has often defaulted to judicial decisions and legislative action to govern the conduct of its members.

### Code of Ethics vs. Code of Conduct

A professional code of ethics sets a higher threshold than regulatory codes of conduct. A code of conduct provides absolutes for employment, licensure, and/or criminal sanctions. The Model Code of Ethics for Educators (MCEE), however, helps mitigate the risks inherent within the profession and is designed as a guide for current and future educators to construct the best course of action when faced with ethical dilemmas, providing a basis for educator learning, self-reflection, and self-accountability.

### The Model Code of Ethics for Educators (MCEE)

The Model Code of Ethics for Educators (MCEE) serves as a guide for future and current educators facing the complexities of PK-12 education. Establishing this professional code of ethics by educators for educators honors the public's trust and upholds the dignity of the profession.

#### The MCEE:

- Connects the aspirations of professional ethics with the day-to-day realities of the practicing educator;
- Facilitates a broad understanding of what constitutes the best ethical practice;
- Helps ensure that educators are equipped with a framework for ethical decision-making;
- Provides a basis for conversations across the profession about the importance of having a common language rooted in professional ethics.

The Model Code of Ethics for Educators consists of five major principles that broadly define critical dimensions of ethical practice expected of the professional educator.

1. Responsibility to the Profession
2. Responsibility for Professional Competence
3. Responsibility to Students
4. Responsibility to the School Community
5. Responsible and Ethical Use of Technology

For additional information about the Model Code of Ethics for Educators, the principles, and performance indicators, please visit [www.nasdtec.net](http://www.nasdtec.net).

### Family Educational and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act of 1974 is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

### Health Insurance Portability and Accountability Act of 1996 (HIPAA)

The Health Insurance Portability and Accountability Act of 1996 is U.S. legislation that provides data privacy and security provisions for safeguarding medical information.

### Freedom of Information Act (FOIA)

The Freedom of Information Act is a federal law that grants public access to information possessed by government agencies. Upon written request, U.S. government agencies are required to release information unless it falls under one of nine exemptions listed in the Act.

Educators should also be aware that AI-powered tools—such as learning platforms or analytics dashboards—may store, generate, or analyze student data in ways that intersect with FERPA and FOIA. Ethical use includes understanding what information is collected, who has access, and how to protect student privacy.

### First Amendment of the United States Constitution

The First Amendment protects freedom of religion, speech, and the press, as well as the right of the people to assemble peaceably and to petition the government for a redress of grievances.

- **Spanierman vs Hughes, 2008:** U.S. District Court Connecticut teacher Jeffrey Spanierman was fired because of two online conversations with students on his MySpace page. In one posting, he teased a student about his girlfriend and the student responded, “don’t be jealous cause you can’t get any lol:)” Spanierman replied, “What makes you think I want any? I’m not jealous. I just like to have fun and goof on you guys. If you don’t like it, kiss my brass!

LMAO.” He also jokingly threatened another student with lifelong detention for calling him “sir.”

- Spanierman was fired and lost his case.
  - A federal court ruled that Spanierman’s termination didn’t violate the First Amendment because his speech “was likely to disrupt school activities.”
  - The court further faulted the teacher for failing “to maintain a professional, respectful association with students” and for communicating with students “as if he were their peer, not their teacher.”
- **Richardson vs Central Kitsap School District:** Tara Richardson was a mentor for beginning teachers who sued the Central Kitsap (Washington) School District, claiming that she was demoted because of comments she posted on a personal blog. She described one administrator as “a smug know-it-all creep” who has “a reputation of crapping on secretaries....”
    - A federal appeals court rejected her First Amendment argument, finding that her hostile personal comments interfered with her job because they “fatally undermined her ability to enter into confidential and trusting mentor relationships” with beginning teachers.
- **Snyder vs Millersville University:** A Pennsylvania college senior, Stacey Snyder, was dismissed from her student teaching position because of “unprofessional” postings on her MySpace site, which she urged her students to visit. Her site included comments criticizing her supervisor and a photograph of her wearing a pirate hat and drinking from a plastic cup with the caption “Drunken pirate.”
    - Because she did not complete her student-teaching practicum, Snyder was forced to graduate with a degree in English instead of Education. The lack of student-teaching experience also prevented her from applying for a Pennsylvania teaching certificate.
    - A federal court found no First Amendment violation.
    - The lesson from the Snyder case is this: Unprofessional and inappropriate Internet postings by college students can be used to prevent them from entering the teaching profession.

## Supporting Rationale and Research

Ashraf, H., Hosseinnia, M., & Domsy, J. G. H. (2017). EFL teachers' commitment to professional ethics and their emotional intelligence: A relationship study. *Cogent Education*, 4(1).

<http://dx.doi.org/10.1080/2331186X.2017.1298188>

Selin Akgun, and Christine Greenhow. "Artificial Intelligence in Education: Addressing Ethical Challenges in K-12 Settings." *AI and Ethics*, vol. 2, no. 3, 22 Sept. 2021, pp. 431–440, Retrieved from

[pmc.ncbi.nlm.nih.gov/articles/PMC8455229/](http://pmc.ncbi.nlm.nih.gov/articles/PMC8455229/)

Nguyen, Andy, et al. "Ethical Principles for Artificial Intelligence in Education." *Education and Information Technologies*, vol. 28, no. 4, 13 Oct. 2022, pp. 4221–4241, Retrieved from

<https://pmc.ncbi.nlm.nih.gov/articles/PMC9558020/>

Marlatt, R., & Korang, T. (2020). Prioritizing ethics: Interdisciplinary implementations of principle-based ethics in secondary teacher education. *International Journal of Teaching and Learning in Higher Education*, 32(3), 499–518. Retrieved from

<https://eric.ed.gov/?q=ethics+in+education&id=EJ1299973>

Harrison, L. K. (2019). *Educator misconduct in Idaho: A quantitative analysis* (Order No. 13426867). Available from ProQuest Central; ProQuest Dissertations & Theses Global. (2175705732). Retrieved from

<https://www.proquest.com/openview/c1bee69a25f9d5a904182583c3f54f74/1?pq-origsite=gscholar&cbl=18750&diss=y>

Kemman, H. R. (2019). *Ethical school leadership: The conceptions and practices secondary principals use to maintain ethical context and relationships in their schools* (Order No. 13810380). Available from ProQuest Central; ProQuest Dissertations & Theses Global. (2201789195). Retrieved from

<https://drive.google.com/file/d/1QL-LSKxS3NjDhQpWUWa8Ps3NrFw8miK-/view?usp=sharing>

NASDTEC. (2017). *Rationale for the Model Code of Ethics for Educators*. Washington, DC: NASDTEC. Retrieved from

[https://www.nasdtec.net/page/MCEE\\_Rationale](https://www.nasdtec.net/page/MCEE_Rationale)

Maxwell, B. (2017). Codes of professional conduct and ethics education for future teachers. *Philosophical Inquiry in Education*, 24(4), 323–347. Retrieved from <https://files.eric.ed.gov/fulltext/EJ1162787.pdf>

Güney, Z. (2019). Professional ethics in performance and educational technology. *Educational Policy Analysis and Strategic Research*, 14(4), 190–200.  
[https://drive.google.com/file/d/1NB33UGvMtjaxywqaUUGOnuZauTh7PUsw/view?usp=drive\\_link](https://drive.google.com/file/d/1NB33UGvMtjaxywqaUUGOnuZauTh7PUsw/view?usp=drive_link)

## Resources

Ethics

### **Videos**

[Code of Ethics with Troy Hutchings and Phil Rogers \(Part 1 of 2\)](#)

[Code of Ethics with Phil Rogers and Troy Hutchings \(Part 2 of 2\)](#)

[Overview of the Model Code of Ethics for Educators \(MCEE\)](#)

[Exploring Professional Ethics](#)

### **Articles**

[Artificial Intelligence and the Future of Teaching and Learning](#)

[Human-Centered AI Guidance for K-12 Public Schools](#)

[\[NEA\] Code of Ethics for Educators](#)

[A Critical Evaluation of Educational Ethics](#)

[Professional Ethics in the Classroom](#)

[The Model Code of Ethics for Educators](#)

[Rationale for the MCEE](#)

[National Council for the Advancement of Educator Ethics \(NCAEE\)](#)

[\[NEA\] ESP Professional Growth Continuum](#)

## **Podcasts**

[Focusing on Ethics: Smartphones in the Classroom](#)

[Educator Ethics in the Classroom](#)- Episode 25

[National Education Association Code of Ethics.](#)

FERPA

[FERPA](#)

[Privacy](#)

[Privately Owned Electronic Devices](#)

[Student Privacy, Technology, and the FERPA Framework](#)

[The Problems with FERPA](#)

HIPAA

[HIPAA](#)

The Freedom of Information Act

[The Freedom of Information Act](#)

[What is FOIA?](#)

First Amendment Rights for Educators

[First Amendment Rights for Educators](#)

[Rights of Teachers](#)

[Public School Teacher's First Amendment Rights](#)

[Blurred Lines: Protecting educators from social media mishaps](#)

Mandated Reporting

[Mandatory Reporters of Child Abuse and Neglect](#)

[Child Welfare Information Gateway](#)

---

## Submission Guidelines & Evaluation Criteria

*To earn the micro-credential, you must receive a passing score in Parts 1 and 3 and be proficient for all components in Part 2.*

### Part 1. Overview Questions (Provides Context)

#### **300-500 words**

*Please use the suggested word count as a guide to answer the following contextual questions. This will help our assessors understand your current context for working on this micro-credential.*

***Please do not include any information that will make you identifiable to your reviewers.***

1. List your career/NEA membership category, specific position and title, number of years working in education, and a basic description of your worksite (grades, student population, and demographics), community information (urban/rural/suburban), and other relevant contextual information.
2. Describe your current knowledge of ethics in education. Have you had any training in educational ethics? **How do you know if something is ethical?** Be sure to fully explain your response with examples and details.

**Passing:** Responses completely answer each question and include specific examples that clearly illustrate understanding. Writing is organized and easy to understand.

## Part 2. Work Examples/Artifacts/Evidence

To earn this micro-credential, please submit the following **artifacts** as evidence of your learning. *Please do not include any information that will make you or your students identifiable to your reviewers.*

**NOTE:** *It is highly recommended that you evaluate your artifacts against the rubrics provided before submitting.*

**Artifact 1: Choose ONE of the following options below:**

### **Option 1: One-Pagers**

Create a series of one-pagers for each of the topics below that can be shared with colleagues. Each one-pager needs to summarize the policy and include information on how it relates to three to five distinct responsibilities in your workplace.

Topics to Cover:

- FERPA
- HIPAA
- FOIA
- Mandated Reporting
- The First Amendment

### **What's a One-Pager?**

A one-pager is a single-page document that clearly and concisely summarizes key information. It should be easy to scan and digest, like an executive summary. In this context, each one-pager will explain the policy and connect it to three to five specific responsibilities relevant to your role or setting. These are designed to be practical, shareable resources for your colleagues.

You'll be asked to create one-pagers in multiple micro-credentials throughout this stack, should you choose to complete them all. Think of each one as a building block—together, they can form the foundation of a personalized Educator Ethics Handbook.

For submission purposes, please combine all five one-pagers into a single document.

**-OR-**

**Option 2: Presentation**

1. Create a presentation that includes facilitation notes that explains:

- FERPA
- HIPAA
- FOIA
- mandated reporting and
- the First Amendment

in terms of their role within your professional and personal life.

2. Share the presentation with educators in your building or at an association meeting.

**Artifact 2: Real-World Examples and Analysis**

(500-800 words)

Find and analyze **two current, real-world situations** that deal with an ethical decision or dilemma. The situations should be from within the past five years and must involve at least one of the following: FERPA, HIPAA, FOIA, mandated reporting, or the First Amendment. You may select any dilemma that involves one or more of the listed policies. If relevant to your role, you might also choose a situation involving AI tools—for example, how student data generated by AI systems intersects with FERPA, or how a school's use of AI-driven surveillance might raise FOIA concerns.

Your analysis of each situation should include:

- Context
  - Description of the decision or dilemma
  - Reasons for choosing this decision or dilemma for analysis
- What violations occurred
- What could have been done differently to minimize the risk to the educator
- A source list and/or links to the situation

Part 2. Rubric

	<b>Proficient</b>	<b>Basic</b>	<b>Developing</b>
<b>Artifact 1, Option 1: One-Pagers</b>	<p>One-pager for each of the five topics listed</p> <p><b>All one-pagers</b> -accurately summarize the policy being discussed -provide information on how the policies relate to three to five roles in your workplace.</p>	<p>One-pager for only three to four of the five topics listed</p> <p><b>And/or the one-pagers</b> -may include some inaccuracies -might be missing some key points in the summary of the policies -may be missing information on how the policies relate to three-five roles in your workplace.</p>	<p>One-pager for only one to two of the five topics listed</p> <p><b>And/or the one-pagers</b> -include many inaccuracies -are missing most of the key points in the summary of the policies -are missing any information on how the policies relate to three to five roles in your workplace.</p>
<b>Artifact 1, Option 2: Presentation</b>	<p>Presentation accurately explains each of the five topics, includes how these policies apply to real situations within professional and personal life, and includes clearly marked facilitation notes.</p>	<p>Presentation accurately explains three to four of the five topics but is missing how these policies apply to real world situations within professional or personal life, or the facilitation notes are unclear or missing.</p>	<p>Presentation provides inaccurate or incomplete information of the topics and/or does not include how these policies apply to real world situations within professional or personal life.</p>
<b>Artifact 2: Real-World Examples and Analysis</b>	<p>Two situations are researched and summarized</p> <p><b>And</b></p>	<p>Only one situation is researched and summarized</p> <p><b>And/or</b></p>	<p>Only one situation is researched and summarized</p> <p><b>And/or</b></p>

	<p>For both examples, an analysis is provided that includes:</p> <ul style="list-style-type: none"><li>-a thorough list of violations for each situation</li><li>-an explanation of how educators can minimize the risk for each situation</li><li>-sources and/or links.</li></ul>	<p>Analysis may be missing some of the following:</p> <ul style="list-style-type: none"><li>-a thorough list of violations for each situation</li><li>-an explanation of how educators can minimize the risk for each situation</li><li>-sources and/or links.</li></ul>	<p>Analysis is missing most of the following:</p> <ul style="list-style-type: none"><li>-a thorough list of violations for each situation</li><li>-an explanation of how educators can minimize the risk for each situation</li><li>-sources and/or links.</li></ul>
--	---	--	--

### Part 3. Reflection

300-500 words

Use the word count as a guide to write a personal reflection about your work on this micro-credential.

*Please do not include any information that will make you identifiable to your reviewers.*

Reflect on how your engagement with this micro-credential has reshaped your understanding of ethical decision-making and your role in fostering a safe, respectful, and professional educational environment. Based on your new understanding of ethical risks and responsibilities, **describe how you plan to respond to challenging situations involving students, parents, community members, and/or colleagues.**

Your response should:

- **Identify Key Takeaways:** Highlight the specific ethical principles, legal frameworks, or case studies that influenced your thinking.
- **Outline Future Actions:** Share actionable steps you will take to apply your learning in real-world scenarios. For instance, how will you use the Model Code of Ethics for Educators as a decision-making guide, balance privacy laws with transparency, or navigate professional boundaries in digital spaces?
- **Demonstrate Impact:** Explain how your evolving understanding of professional ethics will enhance your practice and contribute to the success and well-being of your students.

**Passing:** The reflection clearly demonstrates that this activity has positively influenced both the educator's professional practice and student success. The reflection includes detailed and actionable steps outlining how newly acquired knowledge and skills will be applied to future practices, showcasing a clear plan for integration and ongoing improvement.