

VLACS adopts the code of conduct for New Hampshire educators as adopted by the Department of Education in administrative rules Ed 510.01 to 5:10.05, as outlined below. Should the Department of Education modify its administrative rules resulting in the below principles and procedures differing from those required by the administrative rules, the administrative rules shall control instead.

Ed 510.01 Principle 1 - Responsibility to the Education Profession and Educational Professionals.

(a) In fulfilling responsibilities to the education profession and educational professionals, a credential holder shall exemplify honesty and integrity in the course of professional practice.

(b) Unprofessional conduct shall include, but not be limited to:

- (1) Discrimination against a fellow professional as specified in RSA 354-A:1;
- (2) Failure to self-report within 5 business days if he or she has been arrested for any violation of offenses enumerated in RSA 189:13-a, V;
- (3) Falsifying, fraudulently altering, or deliberately misrepresenting professional qualifications, including, but not limited to, degrees, academic awards, and related employment history when applying for a credential;
- (4) Unlawful possession of a drug;
- (5) Possessing, using, or being under the influence of alcohol or drugs not prescribed for the use of the credential holder when on school premises or at a school sponsored activity where students are present or may reasonably be expected to be present;
- (6) Failure to notify the state at the time of application for credential of past criminal convictions, or of revocations or suspensions of a credential or license by New Hampshire or any other jurisdiction; and
- (7) Falsifying or deliberately misrepresenting information submitted to the department in the course of an official inquiry, investigation, or both.

Ed 510.02 Principle 2 - Responsibility to Students.

(a) In fulfilling responsibilities to students a credential holder shall maintain a professional relationship with all students, both inside and outside the educational setting, and make reasonable efforts to protect students from conditions which are harmful to their health and safety.

(b) Unprofessional conduct shall include, but not be limited to:

- (1) Discrimination against a student as specified in RSA 354-A:1;
- (2) Failure to provide appropriate supervision of students, pursuant to local school district policy adopted as specified in Ed 306.04, at school or school-sponsored activities or the failure to ensure the safety and well-being of students;
- (3) Furnishing alcohol or illegal or unauthorized drugs to any student, or allowing or encouraging a student to consume alcohol or illegal or unauthorized drugs;
- (4) Committing any of the following acts to any minor, or any student or prior student up to 10 months after the student's graduation, departure, or departure in cases as specified in Ed 1102.01(f)(1), including, but not limited to:
  - a. Abuse, including, but not limited to physical and emotional abuse;
  - b. Cruelty or any act of endangerment;
  - c. Any sexual act with or from any student; and
  - d. Harassment as defined by state or federal law or regulations;
- (5) Soliciting or encouraging participation in a romantic or sexual relationship, whether written, verbal, or physical, with a student the credential holder knows or should know is a student or prior student up to 10 months after the student's graduation, departure, or departure in cases as specified in Ed 1102.01(f)(1); and.
- (6) Soliciting a student, or a former student up to 10 months after the student's graduation, departure, or departure in cases as specified in Ed 1102.01(f)(1), to engage in any illegal activity.

Ed 510.03 Principle 3-Responsibility to the School Community.

(a) In fulfilling the responsibilities to the school community a credential holder shall communicate responsibly among members of the school community, while maintaining appropriate professional boundaries.

(b) Unprofessional conduct shall include, but not be limited to:

- (1) Discrimination against a parent or guardian of a student or other member of the community who is on the school property as specified in RSA 354-A:1;

- (2) Accepting or soliciting gratuities, gifts, or favors for personal use or gain where there might be an actual or appearance of a conflict of interest. Gifts of a small amount shall not be deemed a conflict of interest;
- (3) Misuse of funds intended for use by the school, to include funds which are collected from parents and students; and
- (4) Intentionally altering or misrepresenting student assessments, assessment results, or official school records.

Ed 510.04 Principle 4-Responsible and Ethical Use of Technology.

(a) In fulfilling the responsibilities and ethical use of technology a credential holder shall consider the impact of consuming, creating, distributing, and communicating information through the use of any and all types of technology.

- (b) Unprofessional conduct shall include, but not be limited to:
- (1) Engaging in any activities as specified in Ed 510.02(b)(4)-(7) via electronic media with a student or former student up to 10 months after the student's graduation, departure, or departure as specified in Ed 1102.01(f)(1); and
  - (2) Engaging in inappropriate communication with a student or former student up to 10 months after the student's graduation, departure, or departure as specified in Ed 1102.01(f)(1) via electronic media.

(c) For the purposes of this section, inappropriate communication shall be determined by considering:

- (1) The intent, timing, subject matter, and amount of communication; and
- (2) Whether:
  - a. The communication made was covert in nature;
  - b. The communication could reasonably be interpreted as solicitous, sexually explicit, or romantic in nature; and
  - c. The communication involved discussion(s) of the physical or sexual attractiveness or the sexual activities or fantasies of either the credential holder or the student.

Ed 510.05 Duty to Report.

(a) Any credential holder shall report any suspected violation of the code of conduct following VLACS reporting procedures

(b) Each of the Director of Instruction, Director Full Time Programs, Director of Student & Instructor Support, Director of Partnerships, Director of Technology, Chief Financial Officer, and the Chief Operating Officer shall report to the chief executive officer (CEO), if they have been notified of, or are personally aware that a credential holder has violated any of the rules of professional conduct as enumerated in Ed 510, which occurred on or off duty.

(c) The CEO shall report any of the following to the office of credentialing;

- (1) When the CEO has knowledge that a credential holder, as defined in Ed 501.02(h), has been arrested and charged with an offense enumerated in RSA 189:13-a, V; and
- (2) When the CEO has knowledge that a credential holder has violated the code of conduct as specified in Ed 510.01 through Ed 510.04.

(d) If a credential holder suspects that the CEO has violated the code of conduct, as specified in Ed 510.01 through Ed 510.04, or if a credential holder has made a report and believes the local reporting procedures have not been followed, the reporting credential holder shall notify the department directly.

(e) Credential holders who have reason to suspect that a student has been, or is being, abused or neglected, shall report the same to:

- (1) His or her immediate supervisor, the CEO, or both; and
- (2) The department of health and human services, pursuant to RSA 169-C:29.

(f) If the department has reason to suspect that any violation of the code of conduct enumerated in Ed 510.01 through Ed 510.04 was known by a credential holder and not reported, the department shall undertake an investigation, as enumerated in Ed 511.01, against that credential holder as required by Ed 510.05(a), (b), or (c).

(g) The office of credentialing shall open a case, as enumerated in Ed 511.01, in response to a report made pursuant to Ed 510.05(a), (b), (c), or (d) above.

Legal References:

Ed 510.01-5:10.05  
RSA 194-B:3, II(ee)

Date Adopted: September 16, 2021

Revision Dates: