

**24:08:01:01. Meaning of terms.** Terms used in this article mean:

(1) "Code of professional ethics," the code of professional ethics set forth in chapter 24:08:03;

(2) "Commission," the South Dakota Professional Teachers Practices and Standards Commission;

(3) "Complainant," a person, group of persons, organization, or association who files a complaint with the commission;

(4) "Complaint," an alleged violation of the code of professional ethics;

(5) ~~"Teacher," a person charged with responsibility in the field of education and certified by the secretary of the Department of Education as a teacher or other specialist employed or contracted to provide services in an educational setting~~ "Education specialist," a person with specialized training or licensure, not serving as a classroom teacher, but employed or contracted to provide services in an educational setting;

(6) "Educator," a person with a teaching certificate, administrator certificate, or education specialist certificate;

(7) "NASDTEC clearinghouse," a database maintained by the National Association of State Directors of Teacher Education and Certification that contains information concerning actions on certificates, licenses, or other credentials as provided by SDCL 13-42-1, 13-42-28, and 13-42-29, which authorize persons to provide services in the field of education.

(8) "Respondent," a person against whom a complaint is filed;

~~(6) "Respondent," a person against whom a complaint is filed;~~

~~—— (7) "Education specialist," a person with specialized training or licensure, not serving as a classroom teacher, but employed or contracted to provide services in an educational setting;~~

~~—— (8) "Noncertified educator," a person charged with responsibility in the field of education who is not certified by the secretary of the Department of Education as a teacher, administrator, or other education specialist, but who is employed or contracted to provide services in an educational setting;~~  
~~and~~

~~(9) "NASDTEC clearinghouse," a database maintained by the National Association of State Directors of Teacher Education and Certification that contains information concerning actions on certificates, licenses, or other credentials as provided by SDCL 13-42-1, 13-42-28, and 13-42-29, which authorize persons to provide services in the field of education.~~

**Source:** 2 SDR 40, effective December 9, 1975; 3 SDR 90, effective June 30, 1977; 8 SDR 35, effective October 7, 1981; 11 SDR 96, 11 SDR 112, effective July 1, 1985; 15 SDR 193, effective April 27, 1989; 20 SDR 92, effective December 21, 1993; SL 1995, ch 86, § 4A, effective July 1, 1995; 27 SDR 141, effective July 3, 2001; 31 SDR 89, effective December 29, 2004; 40 SDR 102, effective December 4, 2013.

**General Authority:** SDCL ~~13-3-69(7), 13-42-3, 13-42-33~~, 13-43-25.

**Law Implemented:** SDCL 13-43-25, 13-43-28, 13-43-28.1.

**24:08:03:03. Obligations to the profession.** In fulfilling their obligations to the profession,

educators ~~shall act as follows~~:

(1) ~~Accord~~ Shall accord just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities;

(2) ~~Maintain~~ Shall maintain the confidentiality of professional information acquired about colleagues in the course of employment, unless disclosure serves professional purposes;

(3) ~~Discuss~~ Shall discuss professional matters concerning colleagues in a professional manner;

(4) ~~Accept~~ May accept a position or responsibility only on the basis of professional preparation and legal qualifications;

(5) ~~Adhere~~ Shall adhere to the terms of a contract or appointment unless the contract has been altered without the consent of the affected parties, except as provided by law, legally terminated, or legally voided;

(6) ~~Use~~ Shall use sound professional judgment in delegating professional responsibilities to others;

(7) ~~Not~~ May not interfere with the free participation of colleagues in the affairs of their associations;

(8) ~~Not~~ May not use coercive or threatening means in order to influence professional decisions of colleagues;

(9) ~~Not~~ May not knowingly misrepresent their professional qualifications;

(10) ~~Not~~ May not knowingly distort evaluation of colleagues;

(11) ~~Not~~ May not criticize a colleague before students, except as unavoidably related to an administrative or judicial proceeding;

(12) Shall report to the Department of Education if they have knowledge, which is not privileged, that another educator has violated the code of ethics;

(~~12~~13) ~~Coöperate~~ Shall cooperate with authorities and the commissions regarding violations of the codes of ethics of the South Dakota Professional Teachers Practices and Standards Commission and the Professional Administrators Practices and Standards Commission;

(~~13~~14) ~~Perform~~ Shall perform their duties in accordance with local, state, and federal rules and laws.

**Source:** 2 SDR 40, effective December 9, 1975; 11 SDR 96, 11 SDR 112, effective July 1, 1985; subdivisions (9) and (10) transferred from § 24:08:03:04, 13 SDR 3, effective July 22, 1986; subdivisions (4) and (5) transferred from § 24:08:03:04, 13 SDR 11, effective August 11, 1986; 27 SDR 141, effective July 3, 2001.

**General Authority:** SDCL 13-43-25.

**Law Implemented:** SDCL 13-43-25.