

**The Bill Blackwood
Law Enforcement Management Institute of Texas**

School District Policing

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ABSTRACT

School safety has been a major concern for society. Parents send their children to school and expect their child to be safe. School officials work and strive to create a safe environment. Police officers continuously monitor the streets and enforce the laws, and government officials pass laws in an attempt to deter lawbreakers. In the past couple of decades, more and more police officers have been assigned to schools to ensure children, parents, and school officials are safe and feel safe while they attend school.

Some school officials are highly educated and very knowledgeable in the educational system. Most school administrators have a minimum education of a masters degree, and some have a doctoral degree. For school officials educating young adults, safety is one of their main goals. However, some police officers assigned to a campus may only have a high school degree. Some of these police officers work for the school district as school district police officers, and others are municipal or county deputies who are assigned to the schools as school resource officers. These officers are highly trained, certified peace officers that continuously retrain in new laws and techniques in law enforcement. Most of these officers have attended SRO specialized training and are virtual experts in juvenile laws. Their main goal is to maintain order and safety.

Conflict arises when the goals of the school officials and the goals of the law enforcement officer collide and they do not agree on the actions to be taken. School officials want to ensure the child gets an education, and they do not want the student to be arrested. The school officer also wants to educate the student by filing charges and

teaching the student consequences to their actions (Hegemeyer, 2003). As a result of these two different goals, conflicts between school administrators and law enforcement officers seem to be escalating. To resolve the problem, school district officers and school resource officers assigned at schools have started attending training to better understand the school officials; yet, the problem continues. Based on the research, it is the opinion of the author that it is now the school official's turn to obtain some training in criminal and civil laws in order for them to understand the duties and obligations of a law enforcement officer. This is relevant to contemporary law enforcement because if law enforcement officers and school officials work together, they together can help safeguard children and reduce the increasing safety concerns parents have.

The type of information used to support the researcher's position are a review of articles, internet sites, periodicals, journals, and interviews. It should be noted that the law enforcement professionals who spoke with the author are still employed in an educational school system, and they requested their names and educational system not be named. The conclusion drawn from this position paper is that school officials who are in charge of discipline and oversee school district police and school resource officers assigned at their school should obtain annual criminal and civil law training as part of their continuing education process.

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INTRODUCTION

Every day, millions of children across the United States go to school for an education. These children's parents expect the school officials to provide the very best education possible in a safe and comfortable environment conducive for learning. While at school, teachers and school officials act as loco-parents to children ranging from the age of five to 20 years of age, meaning that the teachers and school officials act as parents while the kids are at school. Assisting in the safety of the children are school district police officers and/or school resource officers (SRO) who are regularly certified police officers that specialize in school related and juvenile related offenses and laws. These officers are highly trained. They have attended a police academy, and many have more than 600 to 1000 hours of training. These officers also receive annual continuation education training in the areas of juvenile law, use of force, and the penal code as well as code of criminal procedure updates.

When assigned to a school, these officers work with school officials as a team to ensure the safety of all of the children who attend the school as well as the safety of other employees. But like many other teams, misunderstanding, confusion, and competition occurs, feelings get hurt, and frustration starts. Once frustration and hostility begins, this leads to hostile working environments between the two former allies. When the two allies start feuding and competing against each other, much is lost, especially the safety of the children. An example of this hostility between school officials and police can be found in the New York City public schools, when the principal of a Manhattan High School was arrested for interfering with the duties of a police officer. The incident occurred when the principal tried to stop a police officer from arresting a student

(Winston, 2007, para 3). It appears the Memorandum of Understanding (MU) had expired, and no one knew who was in charge, yet everyone felt they were in charge. As a result, both sides lost trust, and everyone lost.

In the author's experience, many school officials use what law enforcement calls selective law enforcement. This consists of enforcing some laws on some students and not enforcing the laws on others. Selective law enforcement is an unacceptable practice that many officers consider bias and unethical. Bias behavior can and will lead to costly lawsuits on the school district and the law enforcement officer. Police officers feel that one way to avoid any type of bias accusation is to treat everybody the same way. Blakelock (2000) stated that "Police generally arrest violators of the law objectively without consideration for other factors" (p. 15). However, according to the Children and Youth Coordinating Council (2006), school officials must be allowed to use discretion when making disciplinary decisions.

Parents who send their children to school expect the school officials to be fair and act within the law without bias and with the child's best interest in mind. In Minnesota, a principal was fired and three assistant principals were suspended after they tried to hide or cover up a sexual assault of a 16-year-old special needs student by a group of boys from the high school (McCluskey, 2005). This situation prompted concern for whose best interests were being looked out for: the school's or the boys'. There was also concern for who was looking out for the best interest of the 16-year-old victim.

Why children turn to violence and how unlawful criminal behavior can be stopped in schools is still unknown, and there are a variety of possible but complex answers. If a

school official and a law enforcement officer are asked to answer these questions, they could give two opposite answers. But, in order to reduce the unlawful criminal behavior and increase safety in American schools, new ideas must be learned and incorporated into everyday educational systems. School officials and law enforcement officers must work together and find common ground to safeguard the safety of the children while they attend school. Egos, pride, and superiority complexes need to be placed aside and replaced with team building and like-minded agendas.

In the law enforcement community, when a problem arises, police administrators develop training protocols and send police officers to the new training. An example of this new training is when officers started using force on mental patients. Law enforcement, in general, did not have the training to deal with victims of bi-polar, schizophrenia, or other mental diseases. To solve and correct the situation, police administrators and the Texas Commission on Law Enforcement Officers Standards and Education (TCLOSE) mandated all law enforcement officers attend a 16-hour crisis intervention class. This course taught law enforcement officers how to identify and resolve problems when dealing with this type of situation.

During the research of this paper, it was discovered that school officials have no training or education when it comes to criminal or civil procedure. For this reason, it is believed that school officials who are in charge of school discipline and who oversee school district officers as well as school resource officers should be mandated to take some type of annual training in criminal and civil procedure. The research will also show that law enforcement officers and school officials often do not have the same ideas for correcting criminal behavior; therefore, conflicts can arise, which then leads to distrust

between the two. The research paper will also look at the causes of this conflict and possible solutions to this growing and rarely talked about problem. The research in this paper was compiled from information found in magazines, newspaper articles, and personal interviews.

POSITION

In order to be a school official or administrator, also known as principals and assistant principals, these officials must be licensed as educators. The license is issued by the State Board for Educators Certification after a person meets the minimum requirements and passes a test. But, in order to maintain and keep the license, school officials must follow some basic rules. Under the Code of Ethics and Standard Practices for Texas Educators, Rule 247.2, educators should act in accordance with standard practice and ethical conduct towards every member of the community. The educator should be held to a high standard for the dignity of the profession. The educator should respect and obey the law, and they should exhibit personal integrity and epitomize honesty. Based on this code of ethics, school administrators should be fair and consistently treat every student the same way without the threat of bias and unjust punishment (For a complete list of all of the standards in Rule 247.2, please see Appendix-A).

The author, while researching this paper, spoke with an officer who used to work for a school district in the central area of Texas. He advised of an unethical incident that had occurred at a local high school. According to the officer, while speaking with an assistant principal, the assistant principal opened the top drawer of his desk. When the officer looked down, the assistant principal had a large baggie of marijuana. The officer,

seeing and recognizing the contents of the baggie as marijuana, immediately took possession of the illegal substance. The assistant principal advised the officer that he had taken the baggie from a student and would not identify the student. When the officer threatened the assistant principal with charges, it was discovered that the student who had been in possession of the marijuana was a star football player. When the officer contacted the district attorney's office and informed them of the incident, they refused to accept charges on the student but were willing to accept charges on the assistant principal if the officer chose to file charges. The officer admitted he was young and feared for his employment, so he decided not to file charges against the assistant principal (Anonymous, personal communication, June 29, 2009).

The author also spoke with an officer who worked for a municipality but was assigned to a school as a school resource officer. The officer related an incident that occurred in 2008. According to the officer, he received a call from a parent who wanted to know why charges had not been filed for an assault on his child. The officer did not know anything about an assault and asked an assistant principal about the incident. The assistant principal informed the officer not to get involved in the incident and that the incident had been taken care of by the school administration. A couple of days later, the officer received a call from a lawyer representing the victim of the assault. The lawyer requested information about the status of the case. The officer informed the lawyer that school officials had handled the matter and that he had not been involved in the case. The lawyer then informed the officer that his client had sustained a broken jaw as a result of the assault, and several surgeries would be needed to repair the broken jaw. When the officer looked into the matter, he discovered that the suspect was related to a

school board member. The officer then conducted an investigation without the aid of the school officials, and the suspect was subsequently arrested. As a result of the arrest, the officer's contract with the school district was terminated (Anonymous, personal communication, (Aug 30, 2009).

The author of this paper had a similar experience while working for a school district in the Houston area. While working a high school soccer game, players of the losing team became frustrated when the opposing team scored the fourth and winning goal of the game. Three players of the losing team ran from the sidelines and started punching and kicking five of the players from the winning team. The victims did not have an opportunity to protect themselves or fight back. All five players sustained bodily injuries, and two required hospitalization. During the investigation, police officers working at the school were refused access to the game video or the suspected players. The principal of the high school questioned one of the officers as to why they were trying to ruin the players' and the principal's reputations. While an officer was present, the principal called in all of his assistant principals and directed them not to cooperate in the investigation. The principal for the opposing team was very cooperative and immediately provided officials with the game video and a list of the players on the soccer team. To get the game video and the players' list from the suspected high school principal, officials had to obtain a grand jury subpoena. A second grand jury subpoena was also obtained for the suspected player's information. After completing the investigation, warrants were authorized for arrests and directives to apprehend suspected players. Even after the principal was presented with legal documents, he continued to defend the players' actions and would not call the suspects to the office or

allow the students to be arrested in the school. The suspected players were later arrested at their residences.

While the previous incidents may be rare and not the norm, many school officials consider law enforcement officers to be “crude, unsophisticated, and uneducated” (Tully, 1998, para.14). But, the fact is that most law enforcement officers who are assigned to schools or who work for the school district are educated, trained, and experienced in law enforcement procedures. According to the Bureau of Labor Statistics (2008), “Many entry-level applicants for police jobs have completed some formal postsecondary education, and a significant number are college graduates” (para. 22). On top of this knowledge and experience, law enforcement officers are required by the Texas Commission on Law Enforcement Officers Standards and Education to attend annual training and continuing education. Some officers even continue their college education and hold a bachelors or masters degree.

School district officers or SRO's are assigned to schools to keep a safe and orderly environment. According to Tully (1998), children have the tendency to test the water and see how far they can push until they get a response. When children are not held accountable, they can bring the same attitude to school. If they meet with “no resistance” in schools, their behavior may continue. Therefore, if a law is broken, “the officer has the duty to act whether it be to write a citation or make an arrest. This action lets the student know that there are clear expectations for behavior and if violated they will be dealt with” (Hegemeyer, 2003, p. 5).

Five major universities in the Southern region of the United States were contacted for information about the amount of education students received while

enrolled in an educational teachers program. All five universities are known for having an outstanding educational program. When these universities were asked about the hours of education given to a student-teacher in the areas of criminal law or criminal procedure while enrolled in their bachelors or masters degree programs, all of the universities responded that none of the programs had any type of course work in that field. In fact, one of the university's deans stated that teachers did not need to learn about criminal laws or criminal procedures because the university teaches students how to be teachers, not police officers.

In most schools, school district officers and SRO's report to a school official, normally an assistant principal, who, without any type of training or knowledge of criminal laws, feels they are more qualified than law enforcement officers to make law enforcement decisions. When law enforcement officers attempt to correct the legal knowledge of the school administrator, this "commonly makes administrators feel that their authority and decision making powers are usurped or limited on campuses that are their ultimate responsibility. Sometimes tense relationships lead to terminations of contracts or service when law enforcement and school officials disagree" (Blakelock, 2000, p. 15).

Most law enforcement officers assigned to work at a school love their job. They enjoy talking to students about problems, and they enjoy listening to students who need someone to listen to them. Working with students can provide officers with the feeling and satisfaction that they have positively influenced a student's life. It is sometimes necessary for an officer to arrest a student they have made a connection with. Regardless of the connection with the student, officers perform their job in an unbiased

and lawfull attempt to correct the deleinquent behavior. There is no greater satisfaction when the same student returns and apologizes for his or her behavior and promises never to do the “mistake” again. The officer’s actions corrected a deleinquent behavior, and because of the officer’s actions, the child will change his or her behavior and hopefully become a productive part of society.

COUNTER POSITION

Years ago, parents and schools worked together in an effort to educate children as a team. If a student misbehaved in school, they would be disciplined by school officials, and the parents would be notified of the misbehavior. When the student went home, he or she would be punished by the parents as well (Tully, 1998). Parents would not question the school official’s integrity regarding the misbehavior of the student. According to Tully (1998), parents now, with the aid of attorneys, defend the conduct of their child and blame everyone else except the child. Parents refuse to take responsibility for their child’s behavior and blame the school, school administration, and teachers of civil rights violations, refusing to acknowledge their child’s behavior. As a result of the legal threats, school administration and school boards “cower” to possible lawsuits. The outcome is that the school administrations do not punish the child, and the child leaves thinking the rules do not apply to him or her. Bowen (n.d.) stated that “Because of the raised awareness of the civil rights of children, the law requires adults to go through expensive, time-consuming and confusing procedures in regards to school discipline, and makes it very difficult to stop school discipline problems” (para. 5).

Recently, many states in the United States, including the federal government with the No Child Left Behind Act, have started an annual crime statistics reporting system.

Basically, school districts are required to send in the total number of violent crimes that occur on their campuses. Yet, some districts underreport violent crimes. According to Nair (2003), “The Roanoke school system failed to fully report incidents of crime that occurred on school property for at least two years in a row” (para. 1). A spokesman from the school district reported that the underreporting had been a “mistake.” According to the report, the problem was the definition used within the school system because one school defined a fight in one way and another school defined a fight in a different way. The spokesman stated they would be meeting with the Department of Education in an attempt on getting “some real clear definitions, some real clear guidance” (as cited in Nair, 2003, para. 16).

Another reason school administrators do not report crime is that “officials are reluctant to release information on their own because of the stigmas that can be attached to institutions with frequent occurrences of crime” (Gramlick, 2007, para. 3). This is a common belief among schools across the nation. No one wants to attend a school where violence or crime is rampant, and parents do not want send their children to a place where they will be victimized. However, if a school district decides to take a hard stand on delinquent behavior, they may alienate the student they are trying to help. According to a report from the Children and Youth Coordinating Council (2006), “National research has also clearly demonstrated that zero tolerance has lead to a dramatic increase in long term suspensions/expulsions, a phenomenon which likely contributes greatly to school dropout rates” (para. 4). In short, school districts get money from the state by the number of students who attend school. If a school district adopts a zero tolerance policy and students start to dropout, they face the reality that the state

will not provide enough money for the school districts to meet their budget. Knowing this fact, school districts have to walk a thin line between enforcing the rules and laws and making sure students do not dropout. When making a decision whether to punish a student or not, school officials, according to the Children and Youth Coordinating Council (2006) should consider all of the circumstances and use discretion regarding the incident before making a disciplinary decision.

Finally, Tully (1998) wrote two reasons why school officials resist law enforcement presence in schools. The first reason is that school officials have traditionally considered schools as sanctuaries from the outside world. The school officials have controlled and maintained law and order within the school without any outside help, including that of law enforcement officers. The second reason why school officials resist law enforcement in schools is that they believe law enforcement officers are “crude, unsophisticated, and uneducated” (Tully, 1998, para. 14).

CONCLUSION

The conclusion drawn from this position paper is that school officials who have school district police or school resource officers assigned at their schools should obtain annual criminal law and ethics training as part of their continuing education process. According to Tully (1998), law enforcement and regional training facilities need to offer courses in “criminal law, psychological profiling, criminal behavior, hostage negotiation, police procedures and defensive tactics” to school officials (para. 24). By having informed and educated school officials, they will be in a better position to make the best decision regarding the safety of children. If school officials were to follow these suggestions, the training could start immediately. Most police departments already have

a community oriented police academy or COPs program. With minor modifications to the program, school officials could immediately begin training.

However, it is likely that school officials will oppose training, so officials should remember that the father of American public school education once wrote “Society improves as a result of an educated public” (Mann, 1848, para. 13). By taking this statement and applying it to this topic, the opponents of this paper are refusing to “improve” themselves. Sir Francis Bacon is credited for the quote “Knowledge is Power.” School officials lack the knowledge of criminal law and criminal procedures; therefore, they can lack the power that knowledge can bring. However, the power of knowledge is within their reach; all they need to do is attend training in criminal law and procedures and obtain the knowledge. With this knowledge, school officials will be better prepared and educated when making disciplinary decisions.

In the counter position of this paper, Tully (1998) mentioned that school officials “cower” in the face of lawsuits. By receiving criminal law and procedures training, school officials will have the knowledge to make informed decisions and follow the law without violating anyone’s civil rights. With this training, school officials will learn the proper definitions for incidents. For example, when a student hits another student and there is no physical response, the proper definition would be “assault.” However, if there is a physical response and both students engage in a mutually aggressive physical confrontation, then the proper definition would be “disorderly conduct-fighting.” With the training, the problem of definitions used in the school system would be solved.

Also, with training, school officials will learn that law enforcement officers are not the “crude, unsophisticated and uneducated” professionals that school officials believe

them to be (Tully, 1998, para. 14). The training will demonstrate that law enforcement officers are well educated and knowledgeable professional who sometimes have to and need to make arrests as required by law. It will also help school officials better understand the laws and the procedures that officers must follow. Nevertheless, the training will not solve all of the issues or situations that may arise in a school setting, but it will provide a foundation for the solutions of juvenile delinquency.

In Texas, the Texas Commission on Law Enforcement Officers Standards and Education mandates officers to attend cultural diversity, special investigative topics, critical incident training (CIT), and 40 hours of law enforcement training once every two years. School law enforcement officers and school resource officers also attend annual training. One such training is conducted by the Texas School District Police Chiefs Association, which has an annual conference and discusses numerous topics affecting the school district law enforcement community. If a school law enforcement officer or school resource officer is unable to attend the conference, many local police academies schedule 40 hours of school resource officer training.

Even though school district officers and school resource officers have acknowledged that continuous training or re-training is a must when problems arise, the conflicts between officers and school officials still persists. The solution to the problem now rests on the willingness of the school officials to acknowledge the problem and be willing to solve the problem. The problem is very simple: school officials need training, and school officials need to educate themselves in criminal laws as part of their continued education program.

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APPENDIX

Texas Administrative Code

TITLE 19	EDUCATION
PART 7	STATE BOARD FOR EDUCATOR CERTIFICATION
CHAPTER 247	EDUCATORS' CODE OF ETHICS
RULE §247.2	Code of Ethics and Standard Practices for Texas Educators

(a) Statement of Purpose. The Texas educator shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall safeguard academic freedom. The Texas educator, in maintaining the dignity of the profession, shall respect and obey the law, demonstrate personal integrity, and exemplify honesty. The Texas educator, in exemplifying ethical relations with colleagues, shall extend just and equitable treatment to all members of the profession. The Texas educator, in accepting a position of public trust, shall measure success by the progress of each student toward realization of his or her potential as an effective citizen. The Texas educator, in fulfilling responsibilities in the community, shall cooperate with parents and others to improve the public schools of the community.

(b) Enforceable Standards.

(1) Professional Ethical Conduct, Practices and Performance.

(A) Standard 1.1. The educator shall not knowingly engage in deceptive practices regarding official policies of the school district or educational institution.

(B) Standard 1.2. The educator shall not knowingly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.

(C) Standard 1.3. The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.

(D) Standard 1.4. The educator shall not use institutional or professional privileges for personal or partisan advantage.

(E) Standard 1.5. The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or to obtain special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents, or other persons or organizations in recognition or appreciation of service.

(F) Standard 1.6. The educator shall not falsify records, or direct or coerce others to do so.

(G) Standard 1.7. The educator shall comply with state regulations, written local school board policies, and other applicable state and federal laws.

(H) Standard 1.8. The educator shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications.

(2) Ethical Conduct Toward Professional Colleagues.

(A) Standard 2.1. The educator shall not reveal confidential health or personnel information concerning colleagues unless disclosure serves lawful professional

purposes or is required by law.

(B) Standard 2.2. The educator shall not harm others by knowingly making false statements about a colleague or the school system.

(C) Standard 2.3. The educator shall adhere to written local school board policies and state and federal laws regarding the hiring, evaluation, and dismissal of personnel.

(D) Standard 2.4. The educator shall not interfere with a colleague's exercise of political, professional, or citizenship rights and responsibilities.

(E) Standard 2.5. The educator shall not discriminate against or coerce a colleague on the basis of race, color, religion, national origin, age, sex, disability, or family status.

(F) Standard 2.6. The educator shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.

(G) Standard 2.7. The educator shall not retaliate against any individual who has filed a complaint with the SBEC under this chapter.

(3) Ethical Conduct Toward Students.

(A) Standard 3.1. The educator shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.

(B) Standard 3.2. The educator shall not knowingly treat a student in a manner that adversely affects the student's learning, physical health, mental health, or safety.

(C) Standard 3.3. The educator shall not deliberately or knowingly misrepresent facts regarding a student.

(D) Standard 3.4. The educator shall not exclude a student from participation in a program, deny benefits to a student, or grant an advantage to a student on the basis of race, color, sex, disability, national origin, religion, or family status.

(E) Standard 3.5. The educator shall not engage in physical mistreatment of a student.

(F) Standard 3.6. The educator shall not solicit or engage in sexual conduct or a romantic relationship with a student.

(G) Standard 3.7. The educator shall not furnish alcohol or illegal/unauthorized drugs to any student or knowingly allow any student to consume alcohol or illegal/unauthorized drugs in the presence of the educator.