

Item 6:
Adoption of Review of 19 TAC Chapter 247, Educators' Code of Ethics

DISCUSSION AND ACTION

SUMMARY: Texas Government Code, §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board for Educator Certification (SBEC) rules. This item presents for SBEC approval the adoption of the review of 19 TAC Chapter 247, Educators' Code of Ethics. The rules being reviewed provide for an educators' code of ethics that sets ethical standards for educators in Texas, which may be enforced by the SBEC in educator certification disciplinary proceedings.

STATUTORY AUTHORITY: Statutory authority for the rule review is Texas Government Code, §2001.039. The statutory authority for 19 TAC Chapter 247 is the Texas Education Code (TEC), §21.041(b)(8).

PREVIOUS BOARD ACTION: The SBEC adopted the review of 19 TAC Chapter 247 in January 2001, finding that the reasons for initially adopting the rules continue to exist. Chapter 247 was adopted to be effective March 1, 1998. Section §247.2 was amended to be effective August 22, 2002. The review of 19 TAC Chapter 247, Educators' Code of Ethics, was presented to the SBEC for discussion in February 2010.

BACKGROUND INFORMATION AND SIGNIFICANT ISSUES: The SBEC rules in 19 TAC Chapter 247 establish the educators' code of ethics that sets specific ethical standards for educators. The educators' code of ethics provides that Texas educators 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. Those standards may be enforced by the SBEC in educator certification disciplinary proceedings under 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases.

Revisions are anticipated to the SBEC rules in 19 TAC Chapter 247 to clarify and make more specific the standards in the Educators' Code of Ethics. Texas Education Agency (TEA) staff anticipates presenting proposed revisions at the June 2010 SBEC meeting following a stakeholder meeting.

The rules currently in effect in 19 TAC Chapter 247 are shown in Attachment II.

RULE REVIEW: The SBEC filed the notice of proposed review of 19 TAC Chapter 247, Educators' Code of Ethics, with the *Texas Register* following the February 2010 SBEC meeting. If authorized by the SBEC, the TEA will file the notice of adopted review with the *Texas Register* following the April 2010 SBEC meeting. The notice of adopted review will state that the SBEC finds the reasons for adopting 19 TAC Chapter 247 continue to exist. Any public comments received during the review of 19 TAC Chapter 247 will also be filed.

The filing of the notice of adopted review stating that the reasons for adoption continue to exist would not preclude any amendments that may be proposed at different dates through a separate rulemaking process.

FISCAL IMPACT: None.

PUBLIC AND STUDENT BENEFIT: The review of 19 TAC Chapter 247 will result in the adoption of rules to make the educators' code of ethics more specific and enforceable.

PROCEDURAL AND REPORTING IMPLICATIONS: None.

LOCALLY MAINTAINED PAPERWORK REQUIREMENTS: None.

PUBLIC COMMENTS: Following the February 2010 SBEC meeting, notice of the proposed review of 19 TAC Chapter 247 was filed with the *Texas Register* initiating the official public comment period for the review. At the time this item was prepared, no comments had been received regarding this review. Any public comments received will be provided to the SBEC during the April 2010 meeting.

ALTERNATIVES: None.

OTHER COMMENTS AND RELATED ISSUES: None.

ASSOCIATE COMMISSIONER'S RECOMMENDATION: I recommend that the State Board for Educator Certification:

Adopt the review of 19 TAC Chapter 247, Educators' Code of Ethics.

Respectfully submitted,

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Associate Commissioner
Educator and Student Policy Initiatives

Staff Members Responsible: Karen Loonam, Ed.D., Deputy Associate Commissioner
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Attachments: I. Statutory Citations
II. Text of 19 TAC Chapter 247, Educators' Code of Ethics

ATTACHMENT I

Statutory Citations Relating to Review of 19 TAC Chapter 247, Educators' Code of Ethics**Rule Review****Texas Government Code, §2001.039, Agency Review of Existing Rules:**

- (a) A state agency shall review and consider for readoption each of its rules in accordance with this section.
- (b) A state agency shall review a rule not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date. The adoption of an amendment to an existing rule does not affect the dates on which the rule must be reviewed except that the effective date of an amendment is considered to be the effective date of the rule if the agency formally conducts a review of the rule in accordance with this section as part of the process of adopting the amendment.
- (c) The state agency shall readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section.
- (d) The procedures of this subchapter relating to the original adoption of a rule apply to the review of a rule and to the resulting repeal, readoption, or readoption with amendments of the rule, except as provided by this subsection. Publishing the Texas Administrative Code citation to a rule under review satisfies the requirements of this subchapter relating to publishing the text of the rule unless the agency readopts the rule with amendments as a result of the review.
- (e) A state agency's review of a rule must include an assessment of whether the reasons for initially adopting the rule continue to exist.

19 TAC Chapter 247, Educators' Code of Ethics**Texas Education Code, §21.041, Rules; Fees (excerpt):**

- (b) The board shall propose rules that:
 - (8) provide for the adoption, amendment, and enforcement of an educator's code of ethics;

ATTACHMENT II
Text of 19 TAC**Chapter 247. Educators' Code of Ethics****§247.1. Purpose and Scope.**

In compliance with the Texas Education Code, §21.041(b)(8), the State Board for Educator Certification (the board) adopts an educators' code of ethics as set forth in §247.2 of this title (relating to Code of Ethics and Standard Practices for Texas Educators). The board may amend the ethics code in the same manner as any other formal rule. The board is solely responsible for enforcing the ethics code for purposes related to certification disciplinary proceedings.

Source: The provisions of this §247.1 adopted to be effective March 1, 1998, 23 TexReg 1022.

§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.

Source: The provisions of this §247.2 adopted to be effective March 1, 1998, 23 TexReg 1022; amended to be effective August 22, 2002, 27 TexReg 7530.