

Text of Proposed Amendment to 19 TAC

Chapter 247. Educators' Code of Ethics

§247.1. Purpose and Scope; Definitions.

- (a) In compliance with the Texas Education Code, §21.041(b)(8), the State Board for Educator Certification (SBEC) 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 SBEC may amend the ethics code in the same manner as any other formal rule.
- (b) 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 and good moral character. 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. This chapter shall apply to educators and candidates for certification.
- (c) The SBEC is solely responsible for enforcing the Educators' Code of Ethics for purposes related to certification disciplinary proceedings. The Educators' Code of Ethics is enforced through the disciplinary procedure set forth in Chapter 249 of this title (relating to Disciplinary Proceedings, Sanctions, and Contested Cases) pursuant to the purposes stated therein.
- (d) As provided in §249.5 of this title (relating to Purpose), the primary goals the SBEC seeks to achieve in educator disciplinary matters are:
 - (1) to protect the safety and welfare of Texas schoolchildren and school personnel;
 - (2) to ensure educators and applicants are morally fit and worthy to instruct or to supervise the youth of the state; and
 - (3) to fairly and efficiently resolve educator disciplinary proceedings at the least expense possible to the parties and the state.
- (e) The following words, terms, and phrases, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.
 - (1) Abuse--Includes the following acts or omissions:
 - (A) mental or emotional injury to a student or minor that results in an observable and material impairment in the student's or minor's development, learning, or psychological functioning;
 - (B) causing or permitting a student or minor to be in a situation in which the student or minor sustains a mental or emotional injury that results in an observable and material impairment in the student's or minor's development, learning, or psychological functioning;
 - (C) physical injury that results in substantial harm to a student or minor, or the genuine threat of substantial harm from physical injury to the student or minor, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline; or
 - (D) sexual conduct harmful to a student's or minor's mental, emotional, or physical welfare.
 - (2) Applicant--A party seeking issuance, renewal, or reinstatement of a certificate from [any of the following from] the Texas Education Agency staff or the State Board for Educator Certification, [; issuance of a certificate (including issuance of a new certificate following revocation,

~~cancellation, or surrender of a previously issued certificate); renewal of a certificate; or reinstatement of a suspended certificate.]~~

- (3) Code of Ethics--The Educators' Code of Ethics codified in ~~[and Standards of Practices for Texas Educators, pursuant to]~~ this chapter.
- (4) Complaint--A written statement [~~containing the complainant's verifiable contact information, including full name, complete address, and phone number,~~] submitted to the Texas Education Agency staff that contains essential facts alleging improper conduct by an educator, applicant, or examinee, ~~the complainant's verifiable contact information, including full name, complete address, and phone number, which [and]~~ provides grounds for sanctions.
- (5) Contested case--A proceeding under [~~Chapter 249 of]~~ this chapter [~~title (relating to Disciplinary Proceedings, Sanctions, and Contested Cases)]~~ in which the legal rights, duties, and privileges related to ~~[of]~~ a party's educator certificate [~~party]~~ are to be determined by the State Board for Educator Certification and/or the State Office of Administrative Hearings commencing when a petition is properly served under this chapter [~~after an opportunity for an adjudicative hearing]~~ .
- (6) Disciplinary proceedings-- ~~Any matter arising under this chapter or Chapter 249 of this title (relating to Disciplinary Proceedings, Sanctions, and Contested Cases) that results in a final order or finding issued by [Contested case proceedings before] the Texas Education Agency staff, the State Office of Administrative Hearings, or [and] the State Board for Educator Certification relating to the legal rights, duties, privileges, and status of a party's educator certificate [that commence when a request for hearing is timely filed under Chapter 249 of this title (relating to Disciplinary Proceedings, Sanctions, and Contested Cases)] .~~
- (7) Educator--A person who is required to hold a certificate issued under the Texas Education Code, Chapter 21, Subchapter B.
- (8) Endanger--Exposure of a student or minor to unjustified risk of injury or to injury that jeopardizes the physical health or safety of the student or minor without regard to whether there has been an actual injury to the student or minor.
- (9) Good moral character--The virtues of a person as evidenced ~~by patterns of personal, academic, and occupational behaviors that, in the judgment of the State Board for Educator Certification, indicate honesty, accountability, trustworthiness, reliability, and integrity. Lack of good moral character may be evidenced by the commission of [, at a minimum, by his or her not having committed]~~ crimes relating directly to the duties and responsibilities of the education profession as described in §249.16(b) of this title (relating to Eligibility of Persons with Criminal Convictions for a Certificate under Texas Occupations Code, Chapter 53) , ~~or by the commission of acts involving moral turpitude , but conduct that evidences a lack of good moral character is not necessarily limited to such crimes or acts .~~
- (10) Intentionally--An educator acts intentionally, or with intent, with respect to the nature of his or her conduct or to a result of his or her conduct when it is his or her conscious objective or desire to engage in the conduct or cause the result.
- (11) Knowingly--An educator acts knowingly, or with knowledge, with respect to the nature of his or her conduct or to circumstances surrounding his or her conduct when he or she is aware of the nature of the conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of his or her conduct when he or she is aware that the conduct is reasonably certain to cause the result.
- (12) Minor--A person under 18 years of age.
- (13) Moral turpitude--Improper conduct , including, but not limited to, the following: dishonesty; fraud; deceit; theft; misrepresentation; deliberate violence; base, vile, or depraved acts that are intended to arouse or to gratify the sexual desire of the actor; drug or alcohol related offenses as described in §249.16(b) of this title (relating to Eligibility of Persons with Criminal Convictions for a Certificate under Texas Occupations Code, Chapter 53); or acts constituting abuse or neglect under the Texas Family Code, §261.001.

- (14) Neglect--The placing or leaving of a student or minor in a situation where the student or minor would be exposed to a substantial risk of physical or mental harm.
- (15) Recklessly--An educator acts recklessly, or is reckless, with respect to circumstances surrounding his or her conduct or the results of his or her conduct when he or she is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur.
- (16) Sanction--A disciplinary action by the State Board for Educator Certification, including a restriction, reprimand, suspension, revocation of a certificate, or a surrender in lieu of disciplinary action.

~~[(16) —Sanction—]~~

~~[(A) — a disciplinary action by the State Board for Educator Certification, including a restriction, reprimand, suspension, surrender, or revocation of a certificate; or]~~

~~[(B) — a reasonable and lawful punitive measure imposed by the administrative law judge or presiding officer against a party, representative, or other participant involved in a disciplinary proceeding, hearing, or other matter under Chapter 249 of this title (relating to Disciplinary Proceedings, Sanctions, and Contested Cases).]~~

- (17) State Board for Educator Certification--The State Board for Educator Certification acting through its voting members in a decision-making capacity.
- (18) State Board for Educator Certification member(s)--One or more of the members of the State Board for Educator Certification, appointed and qualified under the Texas Education Code, §21.033.
- (19) Student--A person enrolled in a primary or secondary school, whether public, private, or charter, regardless of the person's age, or a person 18 years of age or younger who is eligible to be enrolled in a primary or secondary school, whether public, private, or charter.
- (20) Texas Education Agency staff--Staff of the Texas Education Agency assigned by the commissioner of education to perform the State Board for Educator Certification's administrative functions and services.
- (21) Worthy to instruct or to supervise the youth of this state--Presence of those moral, mental, and psychological qualities that are required to enable an educator to render the service essential to the accomplishment of the goals and mission of the State Board for Educator Certification policy and this chapter. ["Unworthy to instruct" serves as a basis for sanctions under §249.15(b)(2) of this title (relating to Disciplinary Action by State Board for Educator Certification) and is not limited to specific criminal convictions.]