

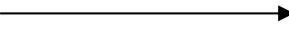
## Teacher Legal Snags

We all read the newspapers and hear the latest teacher scandals in public schools. Many scandalous experiences are just having the wrong people in the wrong profession. However, there are several areas to address so that new teachers can avoid snags.

Using back copies of the Texas Education News, in groups of 3-4, read about real situations that demand Commissioner and/SBEC Board Sanctions (most are on the back pages of the 4-page publication). Teachers, principals, and even superintendents can lose their ability to teach in Texas and spend money on legal fees, losing their jobs and future earning ability.

Determine the classifications that most sanctions cover.

SEX:

- Touching a child inappropriately  pregnancy

DRUGS:

- DWI
- Possession of controlled substances

Contract issues:

- Not following the rules
- Not meeting deadlines
- Abandoning their jobs
- Excessive absences
- Dereliction of duty
- Workman's comp
- Defamation of character
- Changing grades; assistance on state tests
- Retaliation

School Property/Procedures:

- Borrowing or stealing school property
- Computer downloads from the internet or inappropriate comments about students, administration, etc.
- Improper documentation/implementation of special education rules

Legal misconduct:

- Mail fraud
- Arson
- forgery
- 2<sup>nd</sup> degree murder
- Physical abuse of students
- Domestic violence
- Not sharing legal incidents with HR
- Road rage!
- Insanity!

How to avoid the Snags...

- Don't have sex or think about it!
- What you do outside of school and school property matters!
- Would you want your children to have this person as a teacher?

## **Texas Education Code, Chapter 247. Educators' Code of Ethics**

Statutory Authority: The provisions of this Chapter 247 are authorized under Texas Education Code, §21.041(b)(8), which requires the State Board for Educator Certification (SBEC) to propose rules providing for the adoption, enforcement, and amendment of an educators' code of ethics, and Section 63(i) of the conforming amendments to Senate Bill 1 (74th Legislature, 1995), which provides for a code of ethics proposed by the SBEC and adopted by the State Board of Education.

### **§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 Standards 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.

### **§247.2. Code of Ethics and Standard Practices for Texas Educators.**

(a) Professional responsibility. The Texas educator should strive to create an atmosphere that will nurture to fulfillment the potential of each student. The educator shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community. In conscientiously conducting his or her affairs, the educator shall exemplify the highest standards of professional commitment.

(b) Principle I: Professional ethical conduct. The Texas educator shall maintain the dignity of the profession by respecting and obeying the law, demonstrating personal integrity, and exemplifying honesty.

(1) Standard 1. The educator shall not intentionally misrepresent official policies of the school district or educational institution and shall clearly distinguish those views from personal attitudes and opinions.

(2) Standard 2. The educator shall honestly account for all funds committed to his or her charge and shall conduct financial business with integrity.

(3) Standard 3. The educator shall not use institutional or professional privileges for personal or partisan advantage.

(4) Standard 4. The educator shall accept no gratuities, gifts, or favors that impair professional judgment.

(5) Standard 5. The educator shall not offer any favor, service, or thing of value to obtain special advantage.

(6) Standard 6. The educator shall not falsify records, or direct or coerce others to do so.

(c) Principle II: Professional practices and performance. The Texas educator, after qualifying in a manner established by law or regulation, shall assume responsibilities for professional administrative or teaching practices and professional performance and shall demonstrate competence.

(1) Standard 1. The educator shall apply for, accept, offer, or be assigned a position or a responsibility on the basis of professional qualifications and shall adhere to the terms of a contract or appointment.

(2) Standard 2. The educator shall not deliberately or recklessly impair his or her mental or physical health or ignore social prudence, thereby affecting his or her ability to perform the duties of his or her professional assignment.

(3) Standard 3. The educator shall organize instruction that seeks to accomplish objectives related to learning.

(4) Standard 4. The educator shall continue professional growth.

(5) Standard 5. The educator shall comply with written local school board policies, state

regulations, and other applicable state and federal laws.

(d) Principle III: Ethical conduct toward professional colleagues. The Texas educator, in exemplifying ethical relations with colleagues, shall accord just and equitable treatment to all members of the profession.

- (1) Standard 1. The educator shall not reveal confidential information concerning colleagues unless disclosure serves lawful professional purposes or is required by law.
- (2) Standard 2. The educator shall not willfully make false statements about a colleague or the school system.
- (3) Standard 3. The educator shall adhere to written local school board policies and state and federal laws regarding dismissal, evaluation, and employment processes.
- (4) Standard 4. The educator shall not interfere with a colleague's exercise of political and citizenship rights and responsibilities.
- (5) Standard 5. The educator shall not discriminate against, coerce, or harass a colleague on the basis of race, color, religion, national origin, age, sex, disability, or family status.
- (6) Standard 6. The educator shall not intentionally deny or impede a colleague in the exercise or enjoyment of any professional right or privilege.
- (7) Standard 7. The educator shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.
- (8) Standard 8. The educator shall have the academic freedom to teach as a professional privilege, and no educator shall interfere with such privilege except as required by state and/or federal laws.

(e) Principle IV: Ethical conduct toward students. The Texas educator, in accepting a position of public trust, should measure success by progress of each student toward realization of his or her potential as an effective citizen.

- (1) Standard 1. The educator shall deal considerately and justly with each student and shall seek to resolve problems including discipline according to law and school board policy.
- (2) Standard 2. The educator shall not intentionally expose the student to disparagement.
- (3) Standard 3. The educator shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.
- (4) Standard 4. The educator shall make reasonable effort to protect the student from conditions detrimental to learning, physical health, mental health, or safety.
- (5) Standard 5. The educator shall not deliberately distort facts.
- (6) Standard 6. The educator shall not unfairly 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.
- (7) Standard 7. The educator shall not unreasonably restrain the student from independent action in the pursuit of learning or deny the student access to varying points of view.

(f) Principle V: Ethical conduct toward parents and community. The Texas educator, in fulfilling citizenship responsibilities in the community, should cooperate with parents and others to improve the public schools of the community.

- (1) Standard 1. The educator shall make reasonable effort to communicate to parents information that lawfully should be revealed in the interest of the student.
- (2) Standard 2. The educator shall endeavor to understand community cultures and relate the home environment of students to the school.
- (3) Standard 3. The educator shall manifest a positive role in school-public relations.

Source: The provisions of this Chapter adopted to be effective March 1, 1998, 23 Tex Reg 1023.