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Updated educators' ethics code addresses social media

AUSTIN -Teachers must refrain from inappropriately communicating with students through the use of social media under the requirements of an updated Educators' Code of Ethics endorsed by the State Board of Education today.

The Code of Ethics was updated by the State Board for Educator Certification (SBEC), which oversees educator certification issues. Rules proposed by SBEC must come to the State Board of Education for review before they become effective.

Texas Education Agency staff requested the change to the ethics code because they said they are receiving disciplinary case referrals in which teachers were found to have sent students thousands of text messages. Sometimes the content of the messages was not inappropriate on their face but the volume of messages and time of day the messages were sent indicated that the educator was "grooming" the student for a future sexual relationship.

A school district employee commits a second-degree felony under Penal Code Section 21.12 if the employee engages in sexual contact with a student who is not their spouse.

The new provision in the Code of Ethics says:

(I) Standard 3.9. The educator shall refrain from inappropriate communication with a student or minor, including, but not limited to, electronic communication such as cell phone, text messaging, email, instant messaging, blogging, or other social network communication. Factors that may be considered in assessing whether the communication is inappropriate include, but are not limited to:

- (i) the nature, purpose, timing, and amount of the communication;
- (ii) the subject matter of the communication;
- (iii) whether the communication was made openly or the educator attempted to conceal the communication;
- (iv) whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;
- (v) whether the communication was sexually explicit; and
- (vi) whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the educator or the student.