

The Educators' Code of Ethics

As SBEC prepares to amend this “living document,” ATPE takes a look at the code’s history and stature by Kate Johanns

You have probably received one of those e-mail forwards listing the “Rules for Teachers—1915” or “School Rules—1872.” These lists of dubious authenticity include such edicts as “You must wear at least two petticoats.” Thus the layperson, upon hearing of the Texas Educators’ Code of Ethics, might be tempted to dismiss the idea of an ethics code for educators as an antique. Texas educators should know that would be a mistake.

“The Code of Ethics is a living document that is enforced with vigor at the state level,” says Jay Brim, a partner in the law firm Brim, Arnett, Robinett, Conners & McCormick P.C. (Brim’s firm is one of the private-practice firms that represents ATPE members through the Educators Professional Liability Insurance Policy. Brim has represented ATPE members since 1980.) “One of the most disastrous things that can happen to a teacher is to be reported to the Texas Education Agency as being in violation of the Code of Ethics. Just being reported means that a flag will be placed on that person’s virtual certificate.”

Brim served on the State Board for Educator Certification (SBEC)-organized committee that prepared amendments for the code’s most recent revision in 2001. First adopted in April 1971, the code also underwent a major revision in 1988, and SBEC will vote on the next round of amendments this fall.

The code currently in use is found in Chapter 247 of the Texas Administrative Code. Rule §274.2—the Code of Ethics and Standard Practices for Texas Educators—begins with a statement of purpose and then outlines three groups of “enforceable standards”:

- **Professional ethical conduct, practices and performance:** In general, this group of standards covers an educator’s behavior as an employee of the school district (e.g., “The educator shall comply with state regulations, written local school board policies, and other applicable state and federal laws”).
- **Ethical conduct toward professional colleagues:** This group of standards governs relationships among educators and prohibits such behaviors as knowingly making false statements about a colleague or interfering with a colleague’s exercise of political and personal rights and responsibilities.
- **Ethical conduct toward students:** These standards cover an educator’s responsibility to protect student confidentiality as well as prohibit such behaviors as engaging in romantic relationships with students and furnishing alcohol or drugs to them.

Anyone may access the current code through a link available at www.sos.state.tx.us/tac/. Click through to the Texas Administrative Code, Title 19, Section 7, Chapter 247, Rule §274.2.

Origins of the code

As with many legislative initiatives, the Code of Ethics began with a series of fits and starts. The question “How did it begin?” is a “simple question with a complicated answer,” according to L. DeWitt Hale, the state representative who sponsored House Bill (HB) 32, the Teachers’ Professional Practices Act, during the 61st legislative session in 1969. After his election to the Legislature in 1953, Hale began working closely

with Sen. A.M. Aikin Jr. on education issues. Aikin was one of the namesakes of the Gilmer-Aikin Laws, the landmark education reforms of 1949, which included the establishment of the Texas Education Agency (TEA) and much of the framework for modern Texas public schools.

In the early 1960s, Hale and Aikin started their efforts to consolidate all of Texas’ education statutes into one education code. They worked closely with Sen. Oscar Mauzy as well as Texas State Teachers Association (TSTA) lobbyist L.P. Sturgeon. Prior to TSTA’s unification with the National Education Association in the mid-1970s (the impetus for the formation of ATPE), TSTA dominated Texas education policy. Sturgeon’s detailed analyses of school issues were highly respected by lawmakers.

“L.P. Sturgeon could just walk at will through the House and Senate,” recalls Brim, who was a clerk for Mauzy and the Senate Education Committee during law school in the early 1970s.

HB 32 established the Teachers’ Professional Practices Commission (PPC), a precursor to today’s SBEC. The PPC consisted of 15 educators.

“There was a lot of agitation for some sort of forum for teachers to complain [about ethical matters],” Hale says. “The commission was a means of giving teachers an outlet if they felt wronged and education agencies an avenue for promoting a code of ethics in the teaching profession. At that time there was no standard for teachers to know what was ethical and what was not.”

HB 32 charged the PPC with developing and adopting a Code of Ethics to regulate and govern the

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Responsibilities of the Teaching Profession.

Teaching is hereby declared to be and is recognized as a profession. The members of such profession shall accept responsibilities in development and promotion of high standards of ethics, conduct, and professional performance and practices of persons engaged in the practice of such profession in this state.

—From House Bill 32, the Teachers’ Professional Practices Act, passed in 1969 by the 61st Legislature

teaching profession. The bill required the commission to hold public hearings on the code so associations and individuals could provide input. Once the code was adopted, the PPC would be authorized to receive written complaints of alleged violations from any certified teacher, and the commission had the power to revoke teaching certificates if it determined an educator had engaged in “unprofessional practice.”

The Legislature also decreed that prior to the code’s adoption, the PPC was required to submit the proposed code to all active certified personnel in a referendum and to consider the referendum’s results before the code’s final adoption. Educators were also given the opportunity to vote in a referendum when the code was amended in 1988 and 2001.

The Code of Ethics outlasted the PPC, which the 73rd Legislature abolished in 1993. SBEC, created by the Legislature in 1995, now administers the code.

Most of the amendments under consideration by SBEC in 2010 are to the third group of standards (ethical conduct toward students). They cover technological issues that simply didn’t exist the last time the code was amended—text messaging, social media (i.e., Facebook and Twitter) and blogs.

With these amendments, SBEC is trying to prevent inappropriate relationships between educators and students, Brim says, but care must be taken in the language used to do so. “It could collide with attempts by younger professionals to communicate with students in ways that the students gravitate toward and appreciate,” he says.

At press time, SBEC was slated to consider the Code of Ethics amendments at its August and October meetings. ATPE will report on the amendments in future issues of *Essentials* and *ATPE News*.

A steward of the profession

ATPE Executive Director Doug Rogers received his first teaching certificate in 1972, not long after the first version of the Code of Ethics was adopted. The code was printed on the back of his certificate, which he says gave the code a certain stature. Although Rogers’ school district did not ask him to take an oath promising to uphold the code, he remembers peers being asked to do so. Rogers would like to see school districts return to giving the code this level of importance.

“It’s like sharing expectations for students on the first day of school,” Rogers says. “Today there is a lack of commitment to a code or behavioral standard. Such ceremony would bring the code forward.”

Rogers notes that although some of the code is common sense, much of it is subject to interpretation. Where’s the line between discussing students as professionals and gossiping about them? When does a gift of appreciation become payola? It is ATPE’s duty, Rogers says, to keep reminding Texas educators of their responsibilities under the code.

“Our obligation is to continue to provide professional development on the code and keep articulating the code,” Rogers says. “Professionals have to think ethically.” ☪

A TEA brochure distributed after the 1988 code revisions

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