
Note: The State Board for Educator Certification (SBEC) rules require the executive director to report to SBEC when there is reasonable evidence that an employee who holds a certificate issued by SBEC has engaged in certain misconduct. [See DC]

Educator Ethics

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.

SBEC shall provide for the adoption, amendment, and enforcement of an educator's code of ethics [see DH(EXHIBIT)]. SBEC is solely responsible for enforcing the ethics code for purposes related to certification disciplinary proceedings.

Education Code 21.041(b)(8); 19 TAC 247.1(b), (c)

Public Servants

All ESC employees are public servants and therefore subject to Title VIII of the Penal Code regarding offenses against public administration, including restrictions on the acceptance of illegal gifts, honoraria and expenses, and abuse of office. *Penal Code 1.07(41), Title VIII*

Political Advertising

No officer or employee of the ESC may knowingly use or authorize the use of an internal mail system for the distribution of political advertising unless the political advertising is delivered by the United States Postal Service. *Election Code 255.0031*

"Political advertising" means a communication supporting or opposing a candidate for nomination or election to a public office or office of a political party, a political party, a public officer, or a measure that:

1. In return for consideration, is published in a newspaper, magazine, or other periodical or is broadcast by radio or television;
2. Appears in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication; or
3. Appears on an internet website.

Election Code 251.001(16); 1 TAC 20.1(13)(A)

"Political advertising" does not include a communication made by email. *1 TAC 20.1(13)(B)*

Public Information on Private Device

A current or former board member or employee of an ESC who maintains public information on a privately-owned device shall:

1. Forward or transfer the public information to the ESC or an ESC server to be preserved as provided by Government Code 552.004(a); or
2. Preserve the public information in its original form in a backup or archive and on the privately-owned device for the time described under 552.004(a).

Gov't Code 552.004(b) [See EA]

Loss of Retirement Annuity for Conviction of Certain Felonies

A person who is a member or an annuitant of the retirement system and is or was an employee of the public school system is not eligible to receive a service retirement annuity from the Teacher Retirement System (TRS) if the person is convicted of a qualifying felony and the victim is a student.

"Qualifying felony" means an offense that is punishable as a felony under the following sections of the Penal Code:

1. Section 21.02 (continuous sexual abuse of young child or children);
2. Section 21.12 (improper relationship between educator and student); or
3. Section 22.011 (sexual assault) or Section 22.021 (aggravated sexual assault).

The term includes any federal offense that contains elements that are substantially similar to the elements of a felony offense described above.

Not later than the 30th day after the date of a person's conviction for a qualifying felony, the ESC at which the person was employed shall provide written notice of the conviction to TRS. The notice must comply with rules adopted by TRS.

Gov't Code 824.009

Federal Drug-Free Workplace Act

An ESC that receives a direct federal grant must agree to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the ESC's workplace and specifying the actions that will be taken against employees for violations of the prohibition;
2. Establishing a drug-free awareness program to inform employees:
 - a. The dangers of drug abuse in the workplace;

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- b. The ESC's policy of maintaining a drug-free workplace;
 - c. Available drug counseling, rehabilitation, and employee assistance programs; and
 - d. The penalties that may be imposed on employees for drug abuse violations;
 3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the required statement;
 4. Notifying the employee in the required statement that as a condition of employment in the grant the employee will:
 - a. Abide by the terms of the statement; and
 - b. Notify the ESC of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after the conviction;
 5. Notifying the granting agency within ten days after receiving notice from an employee or otherwise receiving actual notice of a conviction;
 6. Imposing a sanction on or requiring the employee's satisfactory participation in a drug abuse or rehabilitation program as required by 41 U.S.C. section 8104; and
 7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of the above requirements.

41 U.S.C. 8103(a)(1)

Smoking in Buildings

The ESC shall not permit smoking within any indoor facility used for provision of routine or regular kindergarten, elementary, or secondary education or library services to children; or regular or routine health-care or day care or early childhood development (Head Start) services to children or for the use of employees who provide such services. *20 U.S.C. 6083*

Low-THC Cannabis

An ESC may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the possession of low-THC cannabis, as authorized by Health and Safety Code Chapter 487. *Health and Safety Code 487.201*

Dextromethorphan (Certain Cold Medication)

An ESC may not adopt or enforce an ordinance, order, rule, regulation, or policy that governs the sale, distribution, or possession of Dextromethorphan. *Health and Safety Code 488.005*