

The State Board for Educator Certification (SBEC) adopts an amendment to 19 Texas Administrative Code (TAC) §247.2, concerning the code of ethics and standard practices for Texas educators. The amendment to §247.2 is adopted with changes to the proposed text as published in the March 13, 2026 issue of the *Texas Register* (51 TexReg 1547) and will be republished. The adopted amendment implements Senate Bill (SB) 571 and SB 12, 89th Texas Legislature, Regular Session, 2025.

REASONED JUSTIFICATION: The 89th Texas Legislature, Regular Session, 2025, passed SB 571 and SB 12, which significantly impacted the SBEC's rules related to educator misconduct. SB 571 amended multiple statutory provisions related to educator misconduct, including mandatory reporting and the creation of temporary suspension authority. SB 12 created new requirements for public school employees and prohibitions related to instruction, diversity, equity, and inclusion duties as well as social transitioning. The SBEC rules in 19 TAC Chapter 247 establish the Educator's Code of Ethics, which required updates due to the changes in SB 571 and SB 12.

At the September and December 2025 meetings, the SBEC had preliminary discussions on potential amendments to Chapter 247. The recommendations discussed were informed by legislative changes as well as stakeholder feedback. Texas Education Agency (TEA) staff presented these potential changes to the Educator Preparation Stakeholder Group on January 9, 2026, and held a stakeholder engagement meeting with the public on December 17, 2025.

The following adopted amendment to §247.2 incorporates both SBEC and stakeholder input. This adoption also includes technical edits to update statutory citations and conform to Texas Register style requirements.

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

Adopted new §247.2(1)(N) aligns the Educators' Code of Ethics to TEC, §11.005, and incorporates the prohibitions on diversity, equity, and inclusion duties.

Adopted new §247.2(1)(O) aligns the Educators' Code of Ethics to TEC, §11.401, and incorporates the prohibitions on assistance with social transitioning.

Adopted new §247.2(1)(P) aligns the Educators' Code of Ethics to TEC, §28.0043, and incorporates the restrictions on instruction regarding sexual orientation and gender identity.

Adopted new §247.2(1)(Q) aligns the Educators' Code of Ethics to the requirement that an educator provide full information to a parent concerning a student in TEC, §26.008.

Adopted new §247.2(1)(R) adds a new prohibition to the Educators' Code of Ethics that prohibits an educator from promoting, advocating, or encouraging illegal conduct as described in TEC, §22A.201(a), or that is directly related to student behavior or school property, and done so in a manner that is accessible or visible to students.

The adopted amendment to §247.2(3)(H) updates the definition of appropriate educator student boundaries to include physical proximity or physical contact with a student beyond the professional role, contacting or meeting the student beyond the professional role or efforts to gain access alone with the student with no discernible purpose, transporting the student with permission or in violation of school board policy unless in the event of an emergency, taking or possessing a photo or video of the student beyond the professional role or in violation of school board policy, or showing favoritism or isolation through gifts, rewards, or privileges. At adoption, a technical edit was made to correct a typographical error in paragraph (3)(H)(ii).

The adopted amendment to §247.2(3)(I) updates the definition of inappropriate communication to include whether the communication could be reasonably interpreted as threatening the welfare and/or safety of the student.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began March 13, 2026, and ended April 13, 2026. The SBEC also provided an opportunity for registered oral and written comments on the proposal at the April 24, 2026 meeting's public comment period in accordance with the SBEC board operating policies and procedures. The following public comments were received on the proposal.

Comment: The Texas Classroom Teachers Association (TCTA) opposed the addition of proposed new §247.2(1)(N)-(Q), Standards 1.14-1.17, stating that existing standards already require compliance with state and federal law and that the proposed additions are redundant.

Response: The SBEC disagrees. While current ethics standards require general compliance with the law, the Texas Legislature directed the SBEC to adopt rules implementing specific statutory changes. The proposal provides clarity and transparency regarding conduct that may result in disciplinary action.

Comment: Texas American Federation of Teachers (Texas AFT) requested additional modifications to proposed new §247.2(1)(R), Standard 1.18, including removing "advocate or encourage" regarding actions by an educator, removing "or visible," and modifying the language of "directly related to student behavior or school property." Texas AFT stated that these changes are recommended on the basis that they are essentially the same and may result in "hairsplitting" by the SBEC and TEA staff.

Response: The SBEC disagrees. Each term under Standard 1.18 serves a distinct purpose and, even if overlapping, the conduct would still constitute a single violation. "Reasonably accessible" does not replace "visible," and removing "visible" creates a loophole allowing misconduct to be excused despite student exposure. Finally, limiting the language to actions "by students" would imply educators may permissibly encourage non-students to engage in illegal conduct, including as it relates to school property.

Comment: TCTA expressed concerns that ethics standards in proposed new §247.2(1)(R) related to the promotion of illegal conduct may be overly broad and could implicate educators' First Amendment rights. TCTA recommended narrowing the language and reducing redundancy.

Response: The SBEC disagrees. The proposed language reflects revisions from earlier drafts to provide greater specificity and address stakeholder feedback regarding scope and clarity. The proposed language appropriately balances educator rights with the responsibility to protect students. Antithetically, this would seem to imply that promoting, advocating, or encouraging illegal conduct is permissible as long as it does not cause a significant disruption to the learning environment.

Comment: Texas AFT raised concerns that the proposed language in §247.2(3)(H)(v), Standard 3.8, identifying favoritism through gifts, rewards, or privileges, could unintentionally apply to appropriate classroom incentives and management practices.

Response: The SBEC disagrees. The proposed language identifies factors that may indicate boundary concerns when evaluated in context and does not prohibit the appropriate use of instructional incentives. Determinations regarding educator conduct are made based on the totality of the circumstances.

The State Board of Education (SBOE) took no action on the review of the amendment to §247.2 at the June 26, 2026 SBOE meeting.

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §21.031(a), which charges the SBEC with regulating and overseeing all aspects of the certification, continuing education, and standards of conduct for public school educators; TEC, §21.035, which states that Texas Education Agency (TEA) staff provides administrative functions and services for SBEC and gives SBEC the authority to delegate to either the commissioner of education or to TEA staff the authority to settle or otherwise informally dispose of contested cases involving educator certification; TEC, §21.041, as amended by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025, which authorizes the SBEC to adopt rules as necessary for its own procedures and to regulate educators, specify the requirements for issuance or renewal of an educator certificate, administer statutory requirements, and provide for educator disciplinary proceedings and for enforcement of the educator's code of ethics; TEC, §21.044(a), which authorizes the SBEC to adopt rules establishing training requirements and academic qualifications required for a person to obtain an educator certificate; TEC, §21.0581, which authorizes the SBEC to suspend, revoke, or impose other sanctions against an individual if the individual assists another person in obtaining employment at a school and the person knew that the other person has previously engaged in sexual misconduct with a minor or student in violation of the law; TEC, §21.060, which sets out crimes that relate to the education profession and authorizes the SBEC to sanction or refuse to issue a certificate to any person who has been convicted

of one of these offenses; TEC, §21.065, which sets requirements for the notice SBEC must send when it suspends an educator's certificate; TEC, §21.105(a), which allows the SBEC to impose sanctions against an educator who abandons a probationary contract; TEC, §21.105(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which provides that the SBEC may impose sanctions against a teacher employed under a probationary contract who resigns, fails without good cause to comply with subsection (a) or (b), and fails to perform the contract; TEC, §21.105(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.105(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.160(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which allows the SBEC to impose sanctions against an educator who abandons a continuing contract; TEC, §21.160(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.160(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.160(g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which provides that the SBEC may not impose a sanction against a teacher who relinquishes a position under a continuing contract and the leaves employment after the 45th day before instruction of the upcoming school year and without consent, if the teacher's failure to comply was due to the good cause factors listed in paragraphs (1)-(4); TEC, §21.210(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which allows the SBEC to impose sanctions against an educator who abandons a term contract; TEC, §21.210(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.210(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.210(g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establishes the requirements for good cause when a contract is abandoned; TEC, §22.082, which requires the SBEC to subscribe to the criminal history clearinghouse and allows the SBEC to obtain any criminal history from any closed case file; TEC, §22.0831, which requires the SBEC to review the criminal history of certified educators and applicants for certification; TEC, §22.087, which requires superintendents and directors of school districts, charter schools, private schools, regional education service centers, and shared services arrangement to notify the SBEC if an applicant for a certification has criminal history that is not in the criminal history clearinghouse; TEC, §22A.001, as added, redesignated, and amended by Senate Bill (SB) 571, 89th Texas Legislature, Regular Session, 2025, which provides definitions for TEC, Chapter 22A; TEC, §22A.051(a), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires that the superintendent or director of an educational entity notify the SBEC if an educator employed by or seeking employment has a criminal record and the entity obtained information about the criminal record by a means other than the criminal history clearinghouse, if an educator's employment was terminated or the educator resigned and there is evidence that the educator engaged in specific conduct, or if the superintendent or director becomes aware that the educator engaged in specific conduct; TEC, §22A.051(c), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires a principal of a school district, district of innovation, or charter school to notify the superintendent within 48 hours after the principal becomes aware of misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC, §22A.051(d), as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires that the superintendent or director notify the SBEC by filing a report with the SBEC not later than 48 hours after the superintendent or director receives notice from a principal or becomes aware of evidence of misconduct under TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC, §§22A.051(h) and (i), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which give the SBEC authority to impose administrative penalties on principals and superintendents who fail to fulfill their reporting obligations to the SBEC under TEC, §21.006, and give the SBEC rulemaking authority to implement TEC, §22A.051; TEC, §22A.052, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires superintendents or directors of educational entities to notify the commissioner of education if an employee or service provider resigned or was terminated and there is evidence that the person engaged in misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D), or the superintendent or director becomes aware of evidence that the person engaged in misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC, §22A.054, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which gives the SBEC authority to place a notice that an educator is under investigation for alleged misconduct on the educator's public certification records, requires the SBEC give the educator notice and an opportunity to show cause, requires that the SBEC limit the amount of time

the notice can appear on the educator's certification, and gives the SBEC rulemaking authority as necessary to implement the provision. TEC, §22A.054, also provides that the SBEC shall notify the agency for purposes of placing an educator on the registry; TEC, §22A.055(f), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which states that the SBEC may revoke the certificate of an administrator if the SBEC determines it is reasonable to believe that the administrator employed a person or accepted services from a service provider despite being aware that the person knowingly failed to disclose information required to be disclosed under this section; TEC, §22A.151, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires educational entities to discharge or refuse to hire or terminate or refuse to accept services from any person listed on the registry of persons not eligible for employment in Texas public schools; and provides that an educational entity may not allow a person who is listed on the registry to act as a service provider for an educational entity; TEC, §22A.157, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires school districts, charter schools, and shared services arrangements to conduct fingerprint criminal background checks on employees and refuse to hire those that have certain criminal history; and provides that the SBEC may impose a sanction on an educator who does not discharge an employee or refuse to hire an applicant if the educator knows or should have known that the employee or applicant has certain criminal history; TEC, §22A.201, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to revoke the certification of an educator convicted or placed on deferred adjudication community supervision for certain offenses; TEC, §22A.202, as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to temporarily suspend an educator's certification or permit if the SBEC finds that the educator's continued certification or permit issuance constitutes a continuing and imminent threat to the public welfare and provides that the SBEC shall propose rules to implement this section; TEC, §22A.203, as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to temporarily suspend an educator's certification or permit if the educator is arrested for specific offenses and provides that the SBEC shall propose rules to implement this section; and TEC, §22A.301, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the chief administrative officer of a private school to notify the SBEC no later than 48 hours after the chief administrative officer becomes aware of evidence of an alleged incident of misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D) and provides that the SBEC shall propose rules to implement this section; Texas Government Code (TGC), §411.090, which allows the SBEC to get from the Texas Department of Public Safety all criminal history record information about any applicant for licensure as an educator; TGC, §2001.054(c), which requires the SBEC to give notice by personal service or by registered or certified mail to the license holder of the factors or conduct alleged to warrant suspension, revocation, annulment, or withdrawal of an educator's certificate and to give the certified educator an opportunity to show that the educator is in compliance with the relevant statutes and rules; TGC, §2001.058(e), which sets out the requirements for when the SBEC can make changes to a proposal for decision from an administrative law judge; and TGC, §2001.142(a), which requires all Texas state licensing agencies to notify parties to contested cases of orders or decisions of the agency by personal service, electronic means if the parties have agreed to it, first class, certified or registered mail, or by any method required under the agency's rules for a party to serve copies of pleadings in a contested case; Texas Family Code, §261.308(d) and (e), which require the Texas Department of Family and Protective Services to release information regarding a person alleged to have committed abuse or neglect to the SBEC; and Texas Family Code, §261.406(a) and (b), as amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which require the Texas Department of Family and Protective Services to send a copy of a completed investigation report involving allegations of abuse or neglect of a child in a public or private school to the TEA; Texas Occupations Code (TOC), §53.021(a), which allows the SBEC to suspend or revoke an educator's certificate, or refuse to issue a certificate, if a person is convicted of certain offenses; TOC, §53.022, which sets out factors for the SBEC to determine whether a particular criminal offense relates to the occupation of education; TOC, §53.023, which sets out additional factors for the SBEC to consider when deciding whether to allow a person convicted of a crime to serve as an educator; TOC, §53.0231, which sets out information the SBEC must give an applicant when it denies a license and requires that the SBEC allow 30 days for the applicant to submit any relevant information to the SBEC; TOC, §53.024, which states that proceedings to deny or sanction an educator's certification are covered by the Texas Administrative Procedure Act, TGC, Chapter 2001; TOC, §53.025, which gives the SBEC rulemaking authority to issue guidelines to define which crimes relate to the profession of education; TOC, §53.051, which requires that the SBEC notify a license holder or applicant after denying, suspending, or revoking the certification; TOC, §53.052, which allows a person who has been denied an educator certification or had their educator certification revoked or suspended to file a petition for review in state district court after exhausting all administrative remedies; and TOC, §56.003, which prohibits state agencies from taking disciplinary action against licensees for student loan non-payment or default; and Every Student Succeeds

Act (ESSA), 20 USC, §7926, which requires state educational agencies to make rules forbidding educators from aiding other school employees, contractors, or agents in getting jobs when the educator knows the jobseeker has committed sexual misconduct with a student or minor in violation of the law.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code (TEC), §§21.031(a); 21.035; 21.041, as amended by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044(a); 21.0581; 21.060; 21.065; 21.105(a); (c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e), and (f); 21.160(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e); (f); and (g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.210(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e); (f); and (g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 22.082; 22.0831; 22.087; and 22A.001; 22A.051(a), (c), (h), and (i); 22A.052; 22A.054; 22A.055(f); 22A.151; 22A.157; 22A.201; and 22A.301, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025; and 22A.051(d), 22A.202; and 22A.203, as added by SB 571, 89th Texas Legislature, Regular Session 2025; Texas Government Code (TGC), §§411.090, 2001.054(c), 2001.058(e), and 2001.142(a); Texas Family Code, §261.308(d) and (e); §261.406(a) and (b), as amended by SB 571, 89th Texas Legislature, Regular Session, 2025; Texas Occupations Code (TOC), §§53.021(a); 53.022-53.025; 53.051; 53.052; and 56.003; and the Every Student Succeeds Act (ESSA), 20 USC, §7926.

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

Enforceable Standards.

- (1) Professional Ethical Conduct, Practices and Performance.
 - (A) Standard 1.1. The educator shall not intentionally, knowingly, or recklessly engage in deceptive practices regarding official policies of the school district, educational institution, educator preparation program, the Texas Education Agency, or the State Board for Educator Certification (SBEC) and its certification process.
 - (B) Standard 1.2. The educator shall not intentionally, knowingly, or recklessly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.
 - (C) Standard 1.3. The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.
 - (D) Standard 1.4. The educator shall not use institutional or professional privileges for personal or partisan advantage.
 - (E) Standard 1.5. The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or that are used to obtain special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents of students, or other persons or organizations in recognition or appreciation of service.
 - (F) Standard 1.6. The educator shall not falsify records or direct or coerce others to do so.
 - (G) Standard 1.7. The educator shall comply with state regulations, written local school board policies, and other state and federal laws.
 - (H) Standard 1.8. The educator shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications.
 - (I) Standard 1.9. The educator shall not make threats of violence against school district employees, school board members, students, or parents of students.
 - (J) Standard 1.10. The educator shall be of good moral character and be worthy to instruct or supervise the youth of this state.

- (K) Standard 1.11. The educator shall not intentionally, knowingly, or recklessly misrepresent his or her employment history, criminal history, and/or disciplinary record when applying for subsequent employment.
 - (L) Standard 1.12. The educator shall refrain from the illegal use, abuse, or distribution of controlled substances, prescription drugs, and toxic inhalants.
 - (M) Standard 1.13. The educator shall not be under the influence of alcohol or consume alcoholic beverages on school property or during school activities when students are present.
 - (N) Standard 1.14. The educator shall comply with the prohibitions on diversity, equity, and inclusion duties in Texas Education Code (TEC), §11.005.
 - (O) Standard 1.15. The educator shall comply with the prohibitions on assistance with social transitioning in TEC, §11.401.
 - (P) Standard 1.16. The educator shall comply with the restrictions on instruction regarding sexual orientation and gender identity in TEC, §28.0043.
 - (Q) Standard 1.17. The educator shall comply with the requirements to provide full information to a parent concerning a student in TEC, §26.008.
 - (R) Standard 1.18. The educator shall not promote, advocate, or encourage, in a manner that is reasonably accessible or visible to students, illegal conduct:
 - (i) described by TEC, §22A.201(a); or
 - (ii) directly related to student behavior or school property.
- (2) Ethical Conduct Toward Professional Colleagues.
- (A) Standard 2.1. The educator shall not reveal confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law.
 - (B) Standard 2.2. The educator shall not harm others by knowingly making false statements about a colleague or the school system.
 - (C) Standard 2.3. The educator shall adhere to written local school board policies and state and federal laws regarding the hiring, evaluation, and dismissal of personnel.
 - (D) Standard 2.4. The educator shall not interfere with a colleague's exercise of political, professional, or citizenship rights and responsibilities.
 - (E) Standard 2.5. The educator shall not discriminate against or coerce a colleague on the basis of race, color, religion, national origin, age, gender, disability, family status, or sexual orientation.
 - (F) Standard 2.6. The educator shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.
 - (G) Standard 2.7. The educator shall not retaliate against any individual who has filed a complaint with the SBEC or who provides information for a disciplinary investigation or proceeding under this chapter.
 - (H) Standard 2.8. The educator shall not intentionally or knowingly subject a colleague to sexual harassment.
- (3) Ethical Conduct Toward Students.
- (A) Standard 3.1. The educator shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.

- (B) Standard 3.2. The educator shall not intentionally, knowingly, or recklessly treat a student or minor in a manner that adversely affects or endangers the learning, physical health, mental health, or safety of the student or minor.
- (C) Standard 3.3. The educator shall not intentionally, knowingly, or recklessly misrepresent facts regarding a student.
- (D) Standard 3.4. The educator shall not 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, gender, disability, national origin, religion, family status, or sexual orientation.
- (E) Standard 3.5. The educator shall not intentionally, knowingly, or recklessly engage in physical mistreatment, neglect, or abuse of a student or minor.
- (F) Standard 3.6. The educator shall not solicit or engage in sexual conduct or a romantic relationship with a student or minor.
- (G) Standard 3.7. The educator shall not furnish alcohol or illegal/unauthorized drugs to any person under 21 years of age unless the educator is a parent or guardian of that child or knowingly allow any person under 21 years of age unless the educator is a parent or guardian of that child to consume alcohol or illegal/unauthorized drugs in the presence of the educator.
- (H) Standard 3.8. The educator shall maintain appropriate professional educator-student relationships and boundaries based on a reasonably prudent educator standard. Factors that may be considered in context and on the totality of the circumstances in assessing whether appropriate boundaries were maintained include, but are not limited to:
 - (i) physical proximity or physical contact beyond the professional role or that the student has indicated is unwelcome, unless such contact is professionally required;
 - (ii) contacting or meeting the student beyond the professional role or making efforts to gain access to or time alone with a student with no discernible professional purpose;
 - (iii) transporting the student without permission from the student's legal guardian or in violation of school board policy, unless for an emergency;
 - (iv) taking or possessing a photo or video of the student beyond the professional role or in violation of school board policy; and
 - (v) showing favoritism or isolation through gifts, rewards, or privileges.
- (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 context and on the totality of the circumstances 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;

- (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; and
- (vii) whether the communication could be reasonably interpreted as threatening the welfare and/or safety of the student.