

Teacher Student Contact on Social Media

During the 2018 to 2019 fiscal year, the Texas Education Agency (“TEA”), investigated 442 inappropriate relationships between educators and students. The increase in reports of inappropriate relationships with students in the past 10 years seems to be correlated with the increased popularity of email, text messaging, and social media

Source: Iracheta, Michell, Texas Educators Accused of Inappropriate Relationships with Minors, Houston Chronicle, <https://www.chron.com/news/houston-texas/houston/article/Bad-Teacher-Texas-school-officials-who-ve-been-14867357.php> (last visited June 25, 2020). Picture: <https://www.newyorker.com/magazine/2020/12/14/a-teacher-a-series-best-saved-for-fourth-period-health-class>



How Does a Teacher Know If/When it's Okay to Talk to a Student on Social Media?

Texas Educators Code of Ethics

Texas Administrative Code

District Guidelines

Texas Penal Code

Texas Penal Code §33.021

Defines online solicitation of a minor as intentionally contacting an a minor “over the internet, by electronic mail or text message or other electronic message service or system, or through a commercial online service” and “communicating in a sexually explicit manner or distributing sexually explicit material to a minor” or by “knowingly soliciting a minor to meet another person, including the actor, with the intent that the minor will engage in sexual contact, sexual intercourse or deviate sexual intercourse with the actor or another person.”

TEXAS EDUCATORS CODE OF ETHICS

SECTION 3.9 (19 TAC 247.2(3)(I))

“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

(i) the nature, purpose, timing, and amount of the communication

Relevant factors:

Night v. Day

Frequency of Contact

What App is being used to communicate on: Best – school sanctioned; worst- dating

Be wary of sending multiple messages at once with no response from student

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