Chapter 249. Disciplinary Proceedings, Sanctions, and Contested Cases

Subchapter B. Enforcement Actions and Guidelines


(a) Pursuant to the Texas Occupations Code, Chapter 53, and the Texas Education Code (TEC), Chapter 22, Subchapter C, the State Board for Educator Certification may suspend or revoke an existing valid certificate, deny an applicant a certificate, or bar a person from being assessed or examined for a certificate because of a person's conviction of a felony or misdemeanor if the crime directly relates to the duties and responsibilities of the education profession.

(b) Subsection (a) of this section does not apply to a person convicted only of an offense punishable as a Class C misdemeanor unless the person is an applicant for or the holder of a license that authorizes the person to possess a firearm and the person was convicted of the misdemeanor crime of domestic violence as defined by 18 United States Code, §921, when the enforcement action is pursued under the authority granted through the Texas Occupations Code, Chapter 53.

(c) Subsection (a) of this section applies to a crime that indicates a threat to the health, safety, or welfare of a student or minor, parent of a student, fellow employee, or professional colleague; interferes with the orderly, efficient, or safe operation of a school district, campus, or activity; or indicates impaired ability or misrepresentation of qualifications to perform the functions of an educator. Crimes considered to relate directly to the duties and responsibilities of the education profession include, but are not limited to:

1. crimes involving moral turpitude;
2. crimes involving any form of sexual or physical abuse or neglect of a student or minor or other illegal conduct with a student or minor;
3. crimes involving any felony possession or conspiracy to possess, or any misdemeanor or felony transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance defined in the Texas Health and Safety Code, Chapter 481;
4. crimes involving school property or funds;
5. crimes involving any attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;
6. crimes occurring wholly or in part on school property or at a school-sponsored activity; or
7. felonies involving driving while intoxicated (DUI).

(d) Pursuant to the Texas Occupations Code, Chapter 53, the Texas Education Agency (TEA) staff shall notify the applicant or certificate holder in writing of the TEA staff's intent to seek disciplinary action, including denial or revocation, and the reasons for the proposed action. The applicant or certificate holder shall have the opportunity to be heard according to the procedures set forth in this chapter.

(e) The grounds for revoking or suspending a certificate provided by this section and the Texas Occupations Code, Chapter 53, are cumulative of the other grounds and remedies provided by the TEC, §21.060, and this chapter.