ATTACHMENT I


Texas Education Code, §21.031, Purpose (excerpt):
(a) The State Board for Educator Certification is established to recognize public school educators as professionals and to grant educators the authority to govern the standards of their profession. The board shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators.

Texas Education Code, §21.041, Rules; Fees (excerpt):
(b) The board shall propose rules that:
(4) specify the requirements for the issuance and renewal of an educator certificate;
(7) provide for disciplinary proceedings, including the suspension or revocation of an educator certificate, as provided by Chapter 2001, Government Code;

Texas Education Code, §21.058, Revocation of Certificate and Termination of Employment Based on Conviction of Certain Offenses (excerpts):
(a) The procedures described by Subsections (b) and (c) apply only:
(1) to conviction of a felony offense under Title 5, Penal Code, or an offense on conviction of which a defendant is required to register as a sex offender under Chapter 62, Code of Criminal Procedure; and
(2) if the victim of the offense is under 18 years of age.
(b) Notwithstanding Section 21.041(b)(7), not later than the fifth day after the date the board receives notice under Article 42.018, Code of Criminal Procedure, of the conviction of a person who holds a certificate under this subchapter, the board shall:
(1) revoke the certificate held by the person; and
(2) provide to the person and to any school district or open-enrollment charter school employing the person at the time of revocation written notice of:
(A) the revocation; and
(B) the basis for the revocation.
(d) A person whose certificate is revoked under Subsection (b) may reapply for a certificate in accordance with board rules.

Texas Education Code, §21.060, Eligibility of Persons Convicted of Certain Offenses:
The board may suspend or revoke the certificate or permit held by a person under this subchapter, impose other sanctions against the person, or refuse to issue a certificate or permit to a person under this subchapter if the person has been convicted of a felony or misdemeanor offense relating to the duties and responsibilities of the education profession, including:
(1) an offense involving moral turpitude;
(2) an offense involving a form of sexual or physical abuse of a minor or student or other illegal conduct in which the victim is a minor or student;

(3) a felony offense involving the possession, transfer, sale, or distribution of or conspiracy to possess, transfer, sell, or distribute a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;

(4) an offense involving the illegal transfer, appropriation, or use of school district funds or other district property; or

(5) an offense involving an attempt by fraudulent or unauthorized means to obtain or alter a professional certificate or license issued under this subchapter.

Texas Education Code, §22.0831, National Criminal History Record Information Review of Certified Educators:

(a) In this section, "board" means the State Board for Educator Certification.

(b) This section applies to a person who is an applicant for or holder of a certificate under Subchapter B, Chapter 21, and who is employed by or is an applicant for employment by a school district, open-enrollment charter school, or shared services arrangement.

(c) The board shall review the national criminal history record information of a person who has not previously submitted fingerprints to the department or been subject to a national criminal history record information review.

(d) The board shall place an educator's certificate on inactive status for failure to comply with a deadline for submitting information required under this section.

(e) The board may allow a person who is applying for a certificate under Subchapter B, Chapter 21, and who currently resides in another state to submit the person's fingerprints and other required information in a manner that does not impose an undue hardship on the person.

(f) The board may propose rules to implement this section, including rules establishing:

1. deadlines for a person to submit fingerprints and photographs in compliance with this section; and

2. sanctions for a person's failure to comply with the requirements of this section, including suspension or revocation of a certificate or refusal to issue a certificate.

(g) Expired.

Texas Education Code, §22.087, Notification to State Board for Educator Certification:

The superintendent of a school district or the director of an open-enrollment charter school, private school, regional education service center, or shared services arrangement shall promptly notify the State Board for Educator Certification in writing if the person obtains or has knowledge of information showing that an applicant for or holder of a certificate issued under Subchapter B, Chapter 21, has a reported criminal history.

Texas Occupations Code, §53.021, Authority to Revoke, Suspend, or Deny License (excerpt):

(a) A licensing authority may suspend or revoke a license, disqualify a person from receiving a license, or deny to a person the opportunity to take a licensing examination on the grounds that the person has been convicted of:

1. an offense that directly relates to the duties and responsibilities of the licensed occupation;
Texas Occupations Code, §53.022, Factors in Determining Whether Conviction Relates to Occupation:

In determining whether a criminal conviction directly relates to an occupation, the licensing authority shall consider:

(1) the nature and seriousness of the crime;
(2) the relationship of the crime to the purposes for requiring a license to engage in the occupation;
(3) the extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved; and
(4) the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of the licensed occupation.

Texas Occupations Code, §53.023, Additional Factors for Licensing Authority to Consider:

(a) In determining the fitness to perform the duties and discharge the responsibilities of the licensed occupation of a person who has been convicted of a crime, the licensing authority shall consider, in addition to the factors listed in Section 53.022:

(1) the extent and nature of the person's past criminal activity;
(2) the age of the person when the crime was committed;
(3) the amount of time that has elapsed since the person's last criminal activity;
(4) the conduct and work activity of the person before and after the criminal activity;
(5) evidence of the person's rehabilitation or rehabilitative effort while incarcerated or after release; and
(6) other evidence of the person's fitness, including letters of recommendation from:

(A) prosecutors and law enforcement and correctional officers who prosecuted, arrested, or had custodial responsibility for the person;
(B) the sheriff or chief of police in the community where the person resides; and
(C) any other person in contact with the convicted person.

(b) The applicant has the responsibility, to the extent possible, to obtain and provide to the licensing authority the recommendations of the prosecution, law enforcement, and correctional authorities as required by Subsection (a)(6).

(c) In addition to fulfilling the requirements of Subsection (b), the applicant shall furnish proof in the form required by the licensing authority that the applicant has:

(1) maintained a record of steady employment;
(2) supported the applicant's dependents;
(3) maintained a record of good conduct; and
(4) paid all outstanding court costs, supervision fees, fines, and restitution ordered in any
criminal case in which the applicant has been convicted.

Texas Occupations Code, §53.024, Proceedings Governed by Administrative Procedure Act:
A proceeding before a licensing authority to establish factors required to be considered under this
subchapter is governed by Chapter 2001, Government Code.

Texas Occupations Code, §53.025, Guidelines:
(a) Each licensing authority shall issue guidelines relating to the practice of the licensing authority
under this chapter. The guidelines must state the reasons a particular crime is considered to relate
to a particular license and any other criterion that affects the decisions of the licensing authority.
(b) A state licensing authority that issues guidelines under this section shall file the guidelines with
the secretary of state for publication in the Texas Register.
(c) A local or county licensing authority that issues guidelines under this section shall post the
guidelines at the courthouse for the county in which the licensing authority is located or publish
the guidelines in a newspaper having countywide circulation in that county.
(d) Amendments to the guidelines, if any, shall be issued annually.

Texas Occupations Code, §53.051, Notice:
A licensing authority that suspends or revokes a license or denies a person a license or the
opportunity to be examined for a license because of the person's prior conviction of a crime and
the relationship of the crime to the license shall notify the person in writing of:
(1) the reason for the suspension, revocation, denial, or disqualification;
(2) the review procedure provided by Section 53.052; and
(3) the earliest date the person may appeal the action of the licensing authority.