Chapter 249. Disciplinary Proceedings, Sanctions, and Contested Cases

Subchapter B. Enforcement Actions and Guidelines


(a) Purpose. The purpose of these guidelines is to achieve the following objectives:

1. to provide a framework of analysis for the Texas Education Agency (TEA) staff, the presiding administrative law judge (ALJ), and the State Board for Educator Certification (SBEC) in considering matters under this chapter;
2. to promote consistency in the exercise of sound discretion by the TEA staff, the presiding ALJ, and the SBEC in seeking, proposing, and making decisions under this chapter; and
3. to provide guidance for the informal resolution of potentially contested matters.

(b) Construction and application. This section shall be construed and applied so as to preserve SBEC members' discretion in making final decisions under this chapter. This section shall be further construed and applied so as to be consistent with §249.5(b) of this title (relating to Purpose; Policy Governing Disciplinary Proceedings) and this chapter, the Texas Education Code (TEC), and other applicable law, including SBEC decisions and orders.

(c) Consideration. The following factors may be considered in seeking, proposing, or making a decision under this chapter:

1. the seriousness of the violation;
2. whether the misconduct was premeditated or intentional;
3. attempted concealment of misconduct;
4. prior misconduct;
5. whether the sanction will deter future violations; and
6. any other relevant circumstances or facts.

(d) Permanent revocation or denial. Notwithstanding subsection (c) of this section, the SBEC shall permanently revoke the teaching certificate of any educator or permanently deny the application of any applicant if, after a contested case hearing, it is determined that the educator or applicant:

1. engaged in [or solicited] any sexual contact or romantic relationship with a student or minor [as defined in §249.3 of this title (relating to Definitions)];
2. solicited any sexual contact or romantic relationship with a student or minor;
3. possessed or distributed child pornography;
4. was registered as a sex offender;
5. committed criminal homicide;
6. transferred, sold, distributed, or conspired to possess, transfer, sell, or distribute any controlled substance, the possession of which would be at least a Class A misdemeanor under the Texas Health and Safety Code, Chapter 481, on school property; or
7. committed any offense described in the TEC, §21.058.

(e) Sanctioned misconduct in another state. The findings of fact [SBEC shall give full faith and credit to the fact findings] contained in final orders from any [of all] other state jurisdiction may provide the factual basis for SBEC disciplinary action [jurisdictions]. If the underlying conduct for the administrative sanction
of an educator's certificate or license issued in another state is a violation of SBEC rules, the SBEC **may**
initiate a disciplinary action regarding [shall sanction] the educator's Texas educator certificate and impose
a sanction as provided under this chapter [SBEC rules].