Chapter 249. Disciplinary Proceedings, Sanctions, and Contested Cases

Subchapter B. Enforcement Actions and Guidelines

§249.15. Disciplinary Action by State Board for Educator Certification.

(a) Pursuant to this chapter, the State Board for Educator Certification (SBEC) may take any of the following actions:

1. place restrictions on the issuance, renewal, or holding of a certificate, either indefinitely or for a set term;
2. issue an inscribed or non-inscribed reprimand;
3. suspend a certificate for a set term or issue a probated suspension for a set term;
4. revoke or cancel, which includes accepting the surrender of, a certificate without opportunity for reapplication for a set term or permanently; or
5. impose any additional conditions or restrictions upon a certificate that the SBEC deems necessary to facilitate the rehabilitation and professional development of the educator or to protect students, parents of students, school personnel, or school officials.

(b) The SBEC may take any of the actions listed in subsection (a) of this section based on satisfactory evidence that:

1. the person has conducted school or education activities in violation of law;
2. the person is unworthy to instruct or to supervise the youth of this state;
3. the person has violated a provision of the Educators' Code of Ethics;
4. the person has failed to report or has hindered the reporting of child abuse pursuant to the Texas Family Code, §261.001, or has failed to notify the SBEC under the circumstances and in the manner required by the Texas Education Code (TEC), §21.006, and §249.14(d) and (e) of this title (relating to Complaint, Required Reporting, and Investigation; Investigative Notice; Filing of Petition);
5. the person has abandoned a contract in violation of the TEC, §§21.105(c), 21.160(c), or 21.210(c);
6. the person has failed to cooperate with the Texas Education Agency (TEA) in an investigation;
7. the person has [willfully or recklessly] failed to provide information required to be provided by [SBEC rules, including, but not limited to,] §229.3 of this title (relating to Required Submissions of Information, Surveys, and Other Data);
8. the person has violated the security or integrity of any assessment required by the TEC, Chapter 39, Subchapter B, as described in subsection (g) of this section or has committed an act that is a departure from the test administration procedures established by the commissioner of education in Chapter 101 of this title (relating to Assessment);
9. the person has committed an act described in §249.14(h)(1) of this title, which constitutes sanctionable Priority 1 conduct, as follows:
   A. any conduct constituting a felony criminal offense;
   B. indecent exposure;
   C. public lewdness;
   D. child abuse and/or neglect;
(E) possession of a weapon on school property;
(F) drug offenses occurring on school property;
(G) sale to or making alcohol or other drugs available to a student or minor;
(H) sale, distribution, or display of harmful material to a student or minor;
(I) certificate fraud;
(J) state assessment testing violations;
(K) deadly conduct; or
(L) conduct that involves soliciting or engaging in sexual conduct or a romantic relationship
with a student or minor;

(10) the person has committed an act that would constitute an offense (without regard to
whether there has been a criminal conviction) that is considered to relate directly to the duties and
responsibilities of the education profession, as described in §249.16(c) of this title
(relating to Eligibility of Persons with Criminal History for a Certificate under Texas Occupations Code, Chapter 53, and Texas Education Code, Chapter 21). Such offenses indicate a threat to the health, safety, or welfare of a student or minor, parent of a student, fellow employee, or professional colleague; interfere with the orderly, efficient, or safe operation of a school district, campus, or activity; or indicate impaired ability or misrepresentation of qualifications to perform the functions of an educator and include, but are not limited to:

(A) offenses involving moral turpitude;
(B) offenses involving any form of sexual or physical abuse or neglect of a student or minor or other illegal conduct with a student or minor;
(C) offenses 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;
(D) offenses involving school property or funds;
(E) offenses 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;
(F) offenses occurring wholly or in part on school property or at a school-sponsored activity; or

(11) the person has intentionally failed to comply with the reporting, notification, and confidentiality requirements specified in the Texas Code of Criminal Procedure, §15.27(a), relating to student arrests, detentions, and juvenile referrals for certain offenses.

(c)-(g) (No change.)


(a) Pursuant to the Texas Occupations Code (TOC), Chapter 53, and the Texas Education Code (TEC), Chapter 21, Subchapter B, the State Board for Educator Certification (SBEC) may suspend or revoke an existing valid certificate, deny an applicant a certificate, bar a person from being assessed or examined for a certificate, or take other disciplinary action because of a person's conviction of a felony or misdemeanor or certain other criminal history if the crime directly relates to the duties and responsibilities of the education profession.
Disciplinary action under the TOC, §53.021, [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 offense [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].

When statute or SBEC rule codified in the Texas Administrative Code, Title 19, Part 7, requires an offense to directly relate to the duties and responsibilities of the education profession, an offense is considered to directly relate if the offense [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. Offenses [Crimes] considered to relate directly to the duties and responsibilities of the education profession include, but are not limited to:

1. offenses [crimes] involving moral turpitude;
2. offenses [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. offenses [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. offenses [crimes] involving school property or funds;
5. offenses [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. offenses [crimes] occurring wholly or in part on school property or at a school-sponsored activity; or
7. felony offenses [felonies] involving driving while intoxicated (DWI).

Except as provided in subsection (f) of this section, the Texas Education Agency (TEA) staff, pursuant [Pursuant] to the TOC [Texas Occupations Code], Chapter 53, and the requirements of this chapter, [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.

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

The TEC, §21.058, shall control actions pursued under that section.