

Item 16:**Proposed Revisions to 19 TAC Chapter 247, Educators' Code of Ethics, and 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases****DISCUSSION AND ACTION:**

SUMMARY: This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss and propose revisions to 19 Texas Administrative Code (TAC) Chapter 247, Educators' Code of Ethics, and Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases. The proposed revisions would implement Senate Bill (SB) 571, 89th Texas Legislature, Regular Session, 2025, and SB 12, 89th Texas Legislature, Regular Session, 2025.

STATUTORY AUTHORITY: The statutory authority for 19 TAC Chapter 247 and Chapter 249, is Texas Education Code (TEC), §§21.031(a); 21.035; 21.041, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.044(a); 21.0581; 21.060; 21.065; 21.105(a), (c), (e), and (f); 21.160(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e), (f), and (g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.210(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e); (f); and (g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 22.082; 22.0831; 22.087; and 22A.001; 22A.051(a), (c), (d), (h), and (i); 22A.052; 22A.054; 22A.055(f); 22A.151; 22A.157; 22A.201; 22A.202; 22A.203; and 22A.301, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025; Texas Government Code (TGC), §§411.090, 2001.054(c), 2001.058(e), and 2001.142(a); Texas Family Code, §§261.308(d) and (e); §261.406(a) and (b), as amended by SB 571, 89th Texas Legislature, Regular Session, 2025; Texas Occupations Code (TOC), §§53.021(a); 53.022–53.025; 53.051; 53.052; and 56.003; and the Every Student Succeeds Act (ESSA), 20 USC, §7926.

TEC, §21.031(a), charges the SBEC with regulating and overseeing all aspects of the certification, continuing education, and standards of conduct for public school educators.

TEC, §21.035, states that Texas Education Agency (TEA) staff provides administrative functions and services for SBEC and gives SBEC the authority to delegate to either the commissioner of education or to TEA staff the authority to settle or otherwise informally dispose of contested cases involving educator certification.

TEC, §21.041, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, authorizes the SBEC to adopt rules as necessary for its own procedures and to regulate educators, specify the requirements for issuance or renewal of an educator certificate, administer statutory requirements, and provide for educator disciplinary proceedings and for enforcement of the educator's code of ethics.

TEC, §21.044(a), authorizes the SBEC to adopt rules establishing training requirements and academic qualifications required for a person to obtain an educator certificate.

TEC, §21.0581, authorizes the SBEC to suspend, revoke, or impose other sanctions against an individual if the individual assists another person in obtaining employment at a school and the person knew that the other person has previously engaged in sexual misconduct with a minor or student in violation of the law.

TEC, §21.060, sets out crimes that relate to the education profession and authorizes the SBEC to sanction or refuse to issue a certificate to any person who has been convicted of one of these offenses.

TEC, §21.065, sets requirements for the notice SBEC must send when it suspends an educator's certificate.

TEC, §21.105(a), allows the SBEC to impose sanctions against an educator who abandons a probationary contract.

TEC, §21.105(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025,

TEC, §21.105(e), requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training.

TEC, §21.105(f), forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year.

TEC, §21.160(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, allows the SBEC to impose sanctions against an educator who abandons a continuing contract.

TEC, §21.160(e), requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training.

TEC, §21.160(f), forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year.

TEC, §21.160(g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025,

TEC, §21.210(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, allows the SBEC to impose sanctions against an educator who abandons a term contract.

TEC, §21.210(e), requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training.

TEC, §21.210(f), forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year.

TEC, §21.210(g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, establishes the requirements for good cause when a contract is abandoned.

TEC, §22.082, requires the SBEC to subscribe to the criminal history clearinghouse and allows the SBEC to obtain any criminal history from any closed case file.

TEC, §22.0831, requires the SBEC to review the criminal history of certified educators and applicants for certification.

TEC, §22.087, requires superintendents and directors of school districts, charter schools, private schools, regional education service centers, and shared services arrangement to notify the SBEC if an applicant for a certification has criminal history that is not in the criminal history clearinghouse.

TEC, §22A.001, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, provides definitions for TEC, Chapter 22A.

TEC, §22A.051(a), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, requires that the superintendent or director of an educational entity notify the SBEC if an educator employed by or seeking employment has a criminal record and the entity obtained information about the criminal record by a means other than the criminal history clearinghouse, if an educator's employment was terminated or the educator resigned and there is evidence that the educator engaged in specific conduct, or if the superintendent or director becomes aware that the educator engaged in specific conduct.

TEC, §22A.051(c), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, requires a principal of a school district, district of innovation, or charter school to notify the superintendent within 48 hours after the principal becomes aware of misconduct described by TEC, §22A.051(a)(2)(A), (B), (C) or (D).

TEC, §22A.051(d), as added by SB 571, 89th Texas Legislature, Regular Session, 2025, requires that the superintendent or director notify the SBEC by filing a report with the SBEC not later than 48 hours after the superintendent or director receives notice from a principal or becomes aware of evidence of misconduct under TEC, §22A.051(a)(2)(A), (B), (C) or (D).

TEC, §§22A.051(h) and (i), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, give the SBEC authority to impose administrative penalties on principals and superintendents who fail to fulfill their reporting obligations to the SBEC under Texas Education Code, §21.006, and give the SBEC rulemaking authority to implement TEC, §22A.051.

TEC, §22A.052, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, requires superintendents or directors of educational entities to notify the commissioner of education if an employee or service provider resigned or was terminated and there is evidence that the person engaged in misconduct described by TEC, §22A.051(a)(2)(A), (B), (C) or (D), or the superintendent or director becomes aware of evidence that the person engaged in misconduct described by TEC, §22A.051(a)(2)(A), (B), (C) or (D).

TEC, §22A.054, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, gives the SBEC authority to place a notice that an educator is under investigation for alleged misconduct on the educator's public certification records, requires the SBEC give the educator notice and an opportunity to show cause, requires that the SBEC limit the amount of time the notice can appear on the educator's certification, and gives the SBEC rulemaking authority as necessary to implement the provision. TEC, §22A.054, also provides that the SBEC shall notify the agency for purposes of placing an educator on the registry.

TEC, §22A.055(f), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, states that the SBEC may revoke the certificate of an administrator if the SBEC determines it is reasonable to believe that the administrator employed a person or accepted services from a service provider despite being aware that the person knowingly failed to disclose information required to be disclosed under this section.

TEC, §22A.151, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, requires educational entities to discharge or refuse to hire or terminate or refuse to accept services from any person listed on the registry of persons not eligible for employment in Texas public schools; and provides that an educational entity may not allow a person who is listed on the registry to act as a service provider for an educational entity.

TEC, §22A.157, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, requires school districts, charter schools, and shared services arrangements to conduct fingerprint criminal background checks on employees and refuse to hire those that have certain criminal history; and provides that the SBEC may impose a sanction on an educator who does not discharge an employee or refuse to hire an applicant if the educator knows or should have known that the employee or applicant has certain criminal history.

TEC, §22A.201, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, requires the SBEC to revoke the certification of an educator convicted or placed on deferred adjudication community supervision for certain offenses.

TEC, §22A.202, as added by SB 571, 89th Texas Legislature, Regular Session, 2025, requires the SBEC to temporarily suspend an educator's certification or permit if the SBEC finds that the educator's continued certification or permit issuance constitutes a continuing and imminent threat to the public welfare and provides that the SBEC shall propose rules to implement this section.

TEC, §22A.203, as added by SB 571, 89th Texas Legislature, Regular Session, 2025, requires the SBEC to temporarily suspend an educator's certification or permit if the educator is arrested for specific offenses and provides that the SBEC shall propose rules to implement this section.

TEC, §22A.301, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, requires the chief administrative officer of a private school to notify the SBEC no later than 48 hours after the chief administrative officer becomes aware of evidence of an alleged incident of misconduct described by TEC, §22A.051(a)(2)(A), (B), (C) or (D). Provides that the SBEC shall propose rules to implement this section.

TGC, §411.090, allows the SBEC to get from the Texas Department of Public Safety all criminal history record information about any applicant for licensure as an educator.

TGC, §2001.054(c), requires the SBEC to give notice by personal service or by registered or certified mail to the license holder of the factors or conduct alleged to warrant suspension, revocation, annulment, or withdrawal of an educator's certificate and to give the certified educator an opportunity to show that the educator is in compliance with the relevant statutes and rules.

TGC, §2001.058(e), sets out the requirements for when the SBEC can make changes to a proposal for decision from an administrative law judge.

TGC, §2001.142(a), requires all Texas state licensing agencies to notify parties to contested cases of orders or decisions of the agency by personal service, electronic means if the parties have agreed to it, first class, certified or registered mail, or by any method required under the agency's rules for a party to serve copies of pleadings in a contested case.

Texas Family Code, §261.308(d) and (e), requires the Texas Department of Family and Protective Services to release information regarding a person alleged to have committed abuse or neglect to the SBEC.

Texas Family Code, §261.406(a) and (b), as amended by SB 571, 89th Texas Legislature, Regular Session, 2025, requires the Texas Department of Family and Protective Services to send a copy of a completed investigation report involving allegations of abuse or neglect of a child in a public or private school to the TEA.

TOC, §53.021(a), allows the SBEC to suspend or revoke an educator's certificate, or refuse to issue a certificate, if a person is convicted of certain offenses.

TOC, §53.022, sets out factors for the SBEC to determine whether a particular criminal offense relates to the occupation of education.

TOC, §53.023, sets out additional factors for the SBEC to consider when deciding whether to allow a person convicted of a crime to serve as an educator.

TOC, §53.0231, sets out information the SBEC must give an applicant when it denies a license and requires that the SBEC allow 30 days for the applicant to submit any relevant information to the SBEC.

TOC, §53.024, states that proceedings to deny or sanction an educator's certification are covered by the Texas Administrative Procedure Act, TGC, Chapter 2001.

TOC, §53.025, gives the SBEC rulemaking authority to issue guidelines to define which crimes relate to the profession of education.

TOC, §53.051, requires that the SBEC notify a license holder or applicant after denying, suspending, or revoking the certification.

TOC, §53.052, allows a person who has been denied an educator certification or had their educator certification revoked or suspended to file a petition for review in state district court after exhausting all administrative remedies.

TOC, §56.003, prohibits state agencies from taking disciplinary action against licensees for student loan non-payment or default.

ESSA, 20 USC, §7926, requires state educational agencies to make rules forbidding educators from aiding other school employees, contractors, or agents in getting jobs when the educator knows the jobseeker has committed sexual misconduct with a student or minor in violation of the law.

EFFECTIVE DATE: If approved for filing as proposed, and if adopted, subject to State Board of Education (SBOE) review, the proposed effective date of the proposal would be August 2, 2026 (20 days after filing as adopted with the *Texas Register*). The proposed effective date is based on the SBEC and SBOE meeting schedules.

BACKGROUND INFORMATION AND JUSTIFICATION: The 89th Texas Legislature, Regular Session, passed SB 571 and SB 12, which significantly impacted the SBEC's educator misconduct work. SB 571 amended multiple statutory provisions related to educator misconduct, including mandatory reporting and the creation of temporary suspension authority. SB 12 created new requirements for public school employees and prohibitions related to instruction, diversity, equity, and inclusion duties, as well as social transitioning. Chapter 247 and Chapter 249 establish the Educators' Code of Ethics, the minimum sanctions for violations of SBEC rules, and the practice procedures for SBEC contested case proceedings. Both Chapter 247 and Chapter 249 will need to be updated based on the changes in SB 571 and SB 12.

Chapter 247, Educators' Code of Ethics

The SBEC rules in 19 TAC Chapter 247 establish the Educator's Code of Ethics. At the September and December 2025 meetings, the SBEC had preliminary discussions on potential amendments to Chapter 247. The recommendations discussed were informed by legislative changes and stakeholder feedback. TEA staff brought these potential changes to the Educator Preparation Stakeholder Group on January 9, 2026, and held a stakeholder engagement meeting with the public on December 17, 2025. The following proposed amendments incorporate both SBEC and stakeholder input. This proposal also includes technical edits to conform to Texas Register style requirements.

§247.2. Code of Ethics and Standard Practices for Texas Educators

Proposed new §247.2(1)(N) would align the Educators' Code of Ethics to TEC, §11.005, and incorporate the prohibitions on diversity, equity, and inclusion duties.

Proposed new §247.2(1)(O) would align the Educators' Code of Ethics to TEC, §11.401, and incorporate the prohibitions on assistance with social transitioning.

Proposed new §247.2(1)(P) would align the Educators' Code of Ethics to TEC, §28.0043, and incorporate the restrictions on instruction regarding sexual orientation and gender identity.

Proposed new §247.2(1)(Q) would align the Educators' Code of Ethics to the requirement that an educator provide full information to a parent concerning a student in TEC, §26.008.

Proposed new §247.2(1)(R) would add a new prohibition to the Educators' Code of Ethics that prohibits an educator from promoting, advocating, or encouraging illegal conduct as described in TEC, §22A.201(a), or that is directly related to student behavior or school property, and done so in a manner that is accessible or visible to students.

The proposed amendment to §247.2(3)(H) would update the definition of appropriate educator student boundaries to include physical proximity or physical contact with a student beyond the professional role, contacting or meeting the student beyond the professional role or efforts to gain access alone with the student with no discernable purpose, transporting the student with permission or in violation of school board policy unless in the event of an emergency, taking or possessing a photo or video of the student beyond the professional role or in violation of school board policy, or showing favoritism or isolation through gifts, rewards, or privileges.

The proposed amendment to §247.2(3)(I) would update the definition of inappropriate communication to include whether the communication could be reasonably interpreted as threatening the welfare and/or safety of the student.

Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases

The SBEC rules in 19 TAC Chapter 249 establish the disciplinary proceedings, sanctions, and contested case rules for the SBEC. At the September and December 2025 meetings, the SBEC had preliminary discussions on potential amendments to Chapter 249. The recommendations discussed were informed by legislative changes as well as stakeholder feedback. TEA staff brought these potential changes to the Educator Preparation Stakeholder Group on January 9, 2026, and held a stakeholder engagement meeting with the public on December 17, 2025. The following proposed amendments incorporate both SBEC and stakeholder input. This proposal also includes technical edits to update statutory citations and conform to Texas Register style requirements.

Subchapter B, Enforcement Actions and Guidelines

§249.14. Complaint, Required Reporting, and Investigation; Investigative Notice; Filing of Petition.

The proposed amendment to §249.14(d) would update the reporting requirements for superintendents and directors to reflect the statutory changes in SB 571, 89th Texas Legislature, Regular Session, 2025. This includes the requirement to report within 48 hours, physical mistreatment of a student regardless of bodily injury, the requirement to report inappropriate communications, failure to maintain appropriate boundaries, and the requirement to report when the superintendent or director becomes aware of evidence that misconduct occurred.

The proposed amendment to §249.14(e) would update the reporting requirement for a principal to notify a superintendent or director to no later than 48 hours to reflect the statutory changes in SB 571, 89th Texas Legislature, Regular Session, 2025.

§249.17. Decision Making Guidelines.

The proposed amendment to §249.17(d)(1) would update the good cause factors for contract abandonment to include minor language changes required by HB 2, 89th Texas Legislature, Regular Session, 2025.

The proposed amendment to §249.17(l) would add a minimum sanction for a violation of TEC, §22A.055(f), of not less than a one-year suspension of the administrator's certificate.

Additional technical edits were made to (g), (j), and (i) to update statutory citations to reflect legislative changes made by SB 571, 89th Texas Legislature, Regular Session, 2025.

Subchapter F, Temporary Suspensions

Proposed new Subchapter F would provide rules related to temporary suspensions, as required by SB 571, 89th Texas Legislature, Regular Session, 2025.

§249.51. Temporary Suspension Based on Continuing and Imminent Threat.

Proposed new §249.51 would add a definition for continuing and imminent threat to the public welfare for purposes of temporary suspensions to reflect legislative changes made by SB 571, 89th Texas Legislature, Regular Session, 2025.

Proposed new §249.51(a) would provide that if the SBEC or a committee designated by the SBEC has reason to believe that an educator is a continuing and imminent threat to the public welfare, a disciplinary proceeding will be held as soon as possible in accordance with TEC, §22A.202.

Proposed new §249.51(b) would define continuing and imminent threat to the public welfare as a real danger to students or the public from acts or omissions of the educator, which includes solicitation, engagement of a romantic relationship, abuse, neglect, consideration of whether the harm alleged is more than abstract, hypothetical or remote, may include both actions and inactions of the educator, consideration of whether the conduct occurred on or off a school campus and whether there have been prior complaints, investigations, or discipline of the same or similar nature against the educator.

§249.52. Process for Temporary Suspension of a License or Permit.

Proposed new §249.52 would create the process for temporary suspensions under TEC, §22A.202 and §22A.203, to reflect legislative changes in SB 571, 89th Texas Legislature, Regular Session, 2025.

Proposed new §249.52(a) would provide that the SBEC shall appoint a five-member temporary suspension committee. It would also provide that in the event of the recusal of a member of the committee or the inability of a committee member to attend a temporary suspension proceeding, the SBEC chair may appoint an alternate member.

Proposed new §249.52(b) would provide that a with-notice hearing may include the presentation of evidence, deliberations, and an announcement of the committee's decision. It would also provide that notice for a with-notice hearing must be sent to the respondent no less than 10 days before the hearing via electronic mail, but if the electronic mail is returned as undeliverable, the notice will be sent via certified mail.

Proposed new §249.52(c) would provide that evidence at a temporary suspension proceeding be under the relaxed standard in TGC, §2001.081.

Proposed new §249.52(d) would provide that if a majority of the committee votes to temporarily suspend a license or a permit, the suspension shall have an immediate effect and that the committee chair will sign an order that will be sent to the respondent via electronic mail or first-class mail.

Proposed new §249.52(e) would provide that a certificate or permit may be suspended without notice to the respondent under TEC, §22A.202(c), if at the time of the suspension, agency staff initiates proceedings at State Office of Administrative Hearings (SOAH) simultaneously with the temporary suspension, and a hearing is held as soon as practicable under TEC, Chapter 22A, and TGC, Chapter 2001.

Proposed new §249.52(f) would provide that agency staff shall serve notice of a probable cause on a respondent in accordance with SOAH's rules. This amendment would also provide that a respondent may request a continuance of or waive a probable cause hearing and if the Administrative Law Judge (ALJ) grants the continuance or respondent waives the hearing, the suspension remains in effect.

Proposed new §249.52(g) would provide that at a probable cause hearing an ALJ shall determine whether there is probable cause to continue the temporary suspension of the license or permit and issue an order on that determination.

Proposed new §249.52(h) would provide that SOAH shall hold a hearing no later than 61 days from the date of the temporary suspension date or the date of the final disposition as required by TEC, §22A.202 and §22A.203. This amendment would also provide that at this hearing, staff may present evidence of any additional violations related to the respondent.

Proposed new §249.52(i) would provide that staff would send notice of the final hearing in accordance with SOAH's rules and that the respondent may request a continuance or waive the final hearing.

Proposed new §249.52(j) would provide that after the final hearing, the ALJ shall issue a proposal for decision on the suspension and the proposal for decision may address any additional violations.

Proposed new §249.52(k) would provide that for purposes of a suspension under TEC, §22A.203, a final disposition of a criminal case includes evidence of a final, non-appealable conviction; an acceptance and entry of a plea agreement; a dismissal; an acquittal; or a successful completion of deferred adjudication.

Proposed new §249.52(l) would provide that a temporary suspension takes effect immediately and remains in effect until a final or superseding order of the committee or SBEC is entered; the arrest is dismissed, the prosecuting authority rejects the prosecution, or charges are dismissed for a temporary suspension under TEC, §22A.203; or the ALJ issued an order determining that there is no probable cause to continue the temporary suspension under TEC, §22A.202.

FISCAL IMPACT: Jessica McLoughlin, associate commissioner for educator preparation, certification, and enforcement, has determined that for the first five years enforcing or administering the rules does not have foreseeable implications relating to cost or revenues of the state or local governments. There are no additional costs to entities required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under TGC, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in TGC, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to TGC, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under TGC, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand, limit, or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Jessica McLoughlin, associate commissioner for educator preparation, certification, and enforcement, has determined that for the first five years the proposal is in effect, the public benefit anticipated would be aligning the rules with statute and reflecting current procedures. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no new data and reporting impact.

ENVIRONMENTAL IMPACT: The proposal does not require an environmental impact analysis because the proposal does not include major environmental rules under TGC, §2001.0225.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: The TEA staff has determined the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The public comment period on the proposal begins March 13, 2026, and ends April 13, 2026. The SBEC will take registered oral and written comments on the proposal in accordance with the SBEC board operating policies and procedures.

MOTION TO BE CONSIDERED:

Approve the proposed revisions to 19 TAC Chapter 247, Educators' Code of Ethics, and 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, as presented, to be published in the *Texas Register*.

Staff Members Responsible:

Sarah Wolfe, Senior Director, EPCE Law & Policy

David Rodriguez, Executive Director, Educator Investigations

Attachments:

- I. Text of Proposed Amendments to 19 TAC Chapter 247, Educators' Code Ethics
- II. Text of Proposed Amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines, and Proposed New Subchapter F, Temporary Suspensions

ATTACHMENT I
Text of Proposed Amendments to 19 TAC

Chapter 247. Educators' Code of Ethics

§247.2. Code of Ethics and Standard Practices for Texas Educators.

Enforceable Standards.

- (1) Professional Ethical Conduct, Practices and Performance.
 - (A) Standard 1.1. The educator shall not intentionally, knowingly, or recklessly engage in deceptive practices regarding official policies of the school district, educational institution, educator preparation program, the Texas Education Agency, or the State Board for Educator Certification (SBEC) and its certification process.
 - (B) Standard 1.2. The educator shall not intentionally, knowingly, or recklessly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.
 - (C) Standard 1.3. The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.
 - (D) Standard 1.4. The educator shall not use institutional or professional privileges for personal or partisan advantage.
 - (E) Standard 1.5. The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or that are used to obtain special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents of students, or other persons or organizations in recognition or appreciation of service.
 - (F) Standard 1.6. The educator shall not falsify records [§] or direct or coerce others to do so.
 - (G) Standard 1.7. The educator shall comply with state regulations, written local school board policies, and other state and federal laws.
 - (H) Standard 1.8. The educator shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications.
 - (I) Standard 1.9. The educator shall not make threats of violence against school district employees, school board members, students, or parents of students.
 - (J) Standard 1.10. The educator shall be of good moral character and be worthy to instruct or supervise the youth of this state.
 - (K) Standard 1.11. The educator shall not intentionally, knowingly, or recklessly misrepresent his or her employment history, criminal history, and/or disciplinary record when applying for subsequent employment.
 - (L) Standard 1.12. The educator shall refrain from the illegal use, abuse, or distribution of controlled substances, prescription drugs, and toxic inhalants.
 - (M) Standard 1.13. The educator shall not be under the influence of alcohol or consume alcoholic beverages on school property or during school activities when students are present.
 - (N) Standard 1.14. The educator shall comply with the prohibitions on diversity, equity, and inclusion duties in Texas Education Code (TEC), §11.005.
 - (O) Standard 1.15. The educator shall comply with the prohibitions on assistance with social transitioning in TEC, §11.401.

- (P) Standard 1.16. The educator shall comply with the restrictions on instruction regarding sexual orientation and gender identity in TEC, §28.0043.
- (Q) Standard 1.17. The educator shall comply with the requirements to provide full information to a parent concerning a student in TEC, §26.008.
- (R) Standard 1.18. The educator shall not promote, advocate, or encourage, in a manner that is reasonably accessible or visible to students, illegal conduct:
- (i) described by TEC, §22A.201(a); or
 - (ii) directly related to student behavior or school property.
- (2) Ethical Conduct Toward Professional Colleagues.
- (A) Standard 2.1. The educator shall not reveal confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law.
 - (B) Standard 2.2. The educator shall not harm others by knowingly making false statements about a colleague or the school system.
 - (C) Standard 2.3. The educator shall adhere to written local school board policies and state and federal laws regarding the hiring, evaluation, and dismissal of personnel.
 - (D) Standard 2.4. The educator shall not interfere with a colleague's exercise of political, professional, or citizenship rights and responsibilities.
 - (E) Standard 2.5. The educator shall not discriminate against or coerce a colleague on the basis of race, color, religion, national origin, age, gender, disability, family status, or sexual orientation.
 - (F) Standard 2.6. The educator shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.
 - (G) Standard 2.7. The educator shall not retaliate against any individual who has filed a complaint with the SBEC or who provides information for a disciplinary investigation or proceeding under this chapter.
 - (H) Standard 2.8. The educator shall not intentionally or knowingly subject a colleague to sexual harassment.
- (3) Ethical Conduct Toward Students.
- (A) Standard 3.1. The educator shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.
 - (B) Standard 3.2. The educator shall not intentionally, knowingly, or recklessly treat a student or minor in a manner that adversely affects or endangers the learning, physical health, mental health, or safety of the student or minor.
 - (C) Standard 3.3. The educator shall not intentionally, knowingly, or recklessly misrepresent facts regarding a student.
 - (D) Standard 3.4. The educator shall not exclude a student from participation in a program, deny benefits to a student, or grant an advantage to a student on the basis of race, color, gender, disability, national origin, religion, family status, or sexual orientation.
 - (E) Standard 3.5. The educator shall not intentionally, knowingly, or recklessly engage in physical mistreatment, neglect, or abuse of a student or minor.
 - (F) Standard 3.6. The educator shall not solicit or engage in sexual conduct or a romantic relationship with a student or minor.

- (G) Standard 3.7. The educator shall not furnish alcohol or illegal/unauthorized drugs to any person under 21 years of age unless the educator is a parent or guardian of that child or knowingly allow any person under 21 years of age unless the educator is a parent or guardian of that child to consume alcohol or illegal/unauthorized drugs in the presence of the educator.
- (H) Standard 3.8. The educator shall maintain appropriate professional educator-student relationships and boundaries based on a reasonably prudent educator standard. Factors that may be considered in context and on the totality of the circumstances in assessing whether appropriate boundaries were maintained, include, but are not limited to:
- (i) physical proximity or physical contact beyond the professional role or that the student has indicated is unwelcome, unless such contact is professionally required;
 - (ii) contacting or meeting the student beyond the professional role or making efforts to gain access to or time alone with a student with no discernable professional purpose;
 - (iii) transporting the student without permission from the student's legal guardian or in violation of school board policy, unless for an emergency;
 - (iv) taking or possessing a photo or video of the student beyond the professional role or in violation of school board policy; and
 - (v) showing favoritism or isolation through gifts, rewards, or privileges.
- (I) Standard 3.9. 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 context and on the totality of the circumstances 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 ; and []
 - (vii) whether the communication could be reasonably interpreted as threatening the welfare and/or safety of the student.

ATTACHMENT II
Text of Proposed Amendments to and New 19 TAC

Chapter 249. Disciplinary Proceedings, Sanctions, and Contested Cases

Subchapter B. Enforcement Actions and Guidelines

§249.14. Complaint, Required Reporting, and Investigation; Investigative Notice; Filing of Petition.

- (a) The Texas Education Agency (TEA) staff may obtain and investigate information concerning alleged improper conduct by an educator, applicant, examinee, or other person subject to this chapter that would warrant the State Board for Educator Certification (SBEC) denying relief to or taking disciplinary action against the person or certificate.
- (b) Complaints against an educator, applicant, or examinee must be filed in writing.
- (c) The TEA staff may also obtain and act on other information providing grounds for investigation and possible action under this chapter.
- (d) A person who serves as the superintendent of a school district or district of innovation, the director of a charter school, regional education service center, or shared services arrangement, or the chief administrative officer of a private school may notify the SBEC of any educator misconduct that the person believes in good faith may be subject to sanctions under this chapter and/or Chapter 247 of this title (relating to Educators' Code of Ethics). However, under any of the following circumstances, a person who serves in such a position shall promptly notify the SBEC in writing by filing a report with the TEA staff within 48 hours ~~[seven business days]~~ of the date the person either receives a report from a principal under subsection (e) of this section or knew of any of the following circumstances ~~[except if the person is a superintendent or director of a public school and has completed an investigation in accordance with Texas Education Code (TEC), §21.006(c 2), resulting in a determination that the educator did not engage in misconduct]~~ :
- (1) that an applicant for or a holder of a certificate has a reported criminal history, which the superintendent or director obtained information by a means other than the criminal history clearinghouse established under Texas Government Code, §411.0845;
 - (2) that a certificate holder was terminated from employment and there is evidence that he or she committed any of the following acts:
 - (A) sexually or physically abused a student or minor or engaged in any other illegal conduct with a student or minor , including by engaging in conduct that involves physical mistreatment or constitutes a threat of violence to a student or minor and that is not justified under Texas Penal Code, Chapter 9, regardless of whether the conduct resulted in bodily injury ;
 - (B) possessed, transferred, sold, or distributed a controlled substance;
 - (C) illegally transferred, appropriated, or expended school property or funds;
 - (D) attempted by fraudulent or unauthorized means to obtain or to alter any certificate or permit that would entitle the individual to be employed in a position requiring such certificate or permit or to receive additional compensation associated with a position;
 - (E) engaged in inappropriate communications with a student or minor, as defined by SBEC rule;
 - (F) failed to maintain appropriate boundaries with a student or minor, as defined by SBEC rule;
 - (G) ~~(E)~~ committed a crime, any part of such crime having occurred on school property or at a school-sponsored event; or
 - (H) ~~(F)~~ solicited or engaged in sexual conduct or a romantic relationship with a student or minor;

- (3) that a certificate holder has submitted a notice of resignation and that there exists evidence that he or she committed one of the acts specified in paragraph (2) of this subsection.
- (A) Before accepting an employee's resignation that, under this paragraph, requires a person to notify the SBEC by filing a report with the TEA staff, the person shall inform the certificate holder in writing that such a report will be filed and that sanctions against his or her certificate may result as a consequence.
- (B) A person required to comply with this paragraph shall notify the governing body of the employing school district before filing the report with the TEA staff.
- (C) A superintendent or director of a school district shall complete an investigation of an educator if there is reasonable cause to believe the educator may have engaged in misconduct described in paragraph (2)(A) of this subsection despite the educator's resignation from district employment before completion of the investigation ~~;~~ ~~or~~
- ~~(4) the superintendent or director becomes aware of evidence that an educator employed by the entity engaged in misconduct described by paragraph (2) of this subsection; or~~
- ~~(5) [4] any other circumstances requiring a report under the Texas Education Code (TEC), §22A.051 [TEC, §21.006] .~~
- (e) A person who serves as a principal in a school district, a district of innovation, or a charter school must notify the superintendent or director of the school district, district of innovation, or charter school and may be subject to sanctions for failure to do so ~~, except as provided by paragraph (3) of this subsection ,~~ no later than ~~[seven business days after] :~~
- (1) ~~seven business days after~~ an educator's termination or resignation following an alleged incident of misconduct involving one of the acts described in subsection (d)(2) of this section; ~~or~~
- (2) ~~seven business days after~~ the principal knew about an educator's reported criminal history ~~;~~ ~~or~~ ~~;~~
- ~~(3) 48 hours after the principal becomes aware of evidence of misconduct described by subsection (d)(2) of this section.~~
- (f) Pursuant to the TEC, §22A.051 ~~[§21.006(b-2), (c), (h), and (i)]~~ , a report filed under subsections (d) and (e) of this section must include:
- (1) the name or names of any student or minor who is the victim of abuse or unlawful conduct by an educator; and
- (2) the factual circumstances requiring the report and the subject of the report by providing the following available information:
- (A) name and any aliases; certificate number, if any, or social security number;
- (B) last known mailing address and home and daytime phone numbers;
- (C) all available contact information for any alleged victim or victims;
- (D) name or names and any available contact information of any relevant witnesses to the circumstances requiring the report;
- (E) current employment status of the subject, including any information about proposed termination, notice of resignation, or pending employment actions; and
- (F) involvement by a law enforcement or other agency, including the name of the agency.
- (g) Pursuant to the Family Educational Rights and Privacy Act (FERPA), 20 United States Code, §1232g(a)(4), and the federal regulations interpreting it at 34 Code of Federal Regulations, §99.3, education records that are protected by FERPA must be records that are directly related to a student, and the term "education records" does not include records that relate to a school employee in his or her capacity as a school employee.

- (h) A person who is required to file a report under subsections (d) and (e) of this section but fails to do so timely is subject to sanctions under this chapter.
- (i) If a school district board of trustees learns of a failure by the superintendent of the district or a district principal to provide a notice required under the Texas Code of Criminal Procedure (TCCP), §15.27(a), (a-1), or (b), the board of trustees shall report the failure to the SBEC. If the governing body of a private primary or secondary school learns of a failure by the principal of the school to provide a notice required under the TCCP, §15.27(e), and the principal holds a certificate issued under the TEC, Chapter 21, Subchapter B, the governing body shall report the failure to the SBEC.
- (j) The TEA staff shall not pursue sanctions against an educator who is alleged to have abandoned his or her TEC, Chapter 21, contract in violation of the TEC, §§21.105(c), 21.160(c), or 21.210(c), subject to the limitations imposed by the TEC, §21.4021(g), unless the board of trustees of the employing school district:
- (1) submits a written complaint to the TEA staff within 30 calendar days after the effective date of the educator's separation from employment from the school district. For purposes of this section, unless the school district and the educator have a written agreement to the contrary, the effective date of separation from employment is the first day that, without district permission, the educator fails to appear for work under the contract;
 - (2) renders a finding that good cause did not exist under the TEC, §§21.105(c)(2), 21.160(c)(2), or 21.210(c)(2). This finding constitutes prima facie evidence of the educator's lack of good cause, but is not a conclusive determination; and
 - (3) submits the following required attachments to the written complaint:
 - (A) the educator's resignation letter, if any;
 - (B) the agreement with the educator regarding the effective date of separation from employment, if any;
 - (C) the educator's contract; and
 - (D) school board meeting minutes indicating a finding of "no good cause" (if the board does not meet within 30 calendar days of the educator's separation from employment, the minutes may be submitted within 10 calendar days after the next board meeting).
- (k) To efficiently administer and implement the SBEC's purpose under this chapter and the TEC, the TEA staff may set priorities for the investigation of complaints based on the severity and immediacy of the allegations and the likelihood of harm posed by the subject of the investigation. All cases accepted for investigation shall be assigned one of the following priorities.
- (1) Priority 1: conduct that may result in the placement of an investigative notice pursuant to the TEC, §21.007, and subsection (l) of this section because it presents a risk to the health, safety, or welfare of a student or minor, parent of a student, fellow employee, or professional colleague, including, but not limited to, the following:
 - (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; and
 - (L) conduct that involves inappropriate communication with a student as described in §247.2(3)(I) of this title (relating to Code of Ethics and Standard Practices for Texas Educators), inappropriate professional educator-student relationships and boundaries, or otherwise soliciting or engaging in sexual conduct or a romantic relationship with a student or minor.
- (2) Priority 2: any sanctionable conduct that is not Priority 1 conduct under paragraph (1) of this subsection. An investigative notice will not be placed on an educator's certification records on the basis of an allegation of Priority 2 conduct. The TEA staff may change a case's priority at any time based on information received. Priority 2 conduct includes, but is not limited to, the following:
- (A) any conduct constituting a misdemeanor criminal offense or testing violation that is not Priority 1 conduct;
 - (B) contract abandonment; and
 - (C) code of ethics violations that do not constitute Priority 1 conduct.
- (l) After accepting a case for investigation, if the alleged conduct indicates a risk to the health, safety, or welfare of a student or minor, as described in subsection (k)(1) of this section, the TEA staff shall immediately place an investigative notice on the certificate holder's certification records stating that the certificate holder is currently under investigation. The placement of such an investigative notice must follow the procedures set forth in subsection (m)(1) of this section. After accepting a case for investigation, if the alleged conduct indicates a risk to the health, safety, or welfare of a parent of a student, fellow employee, or professional colleague, as described in subsection (k)(1) of this section, the TEA staff may place an investigative notice on the certificate holder's certification records stating that the certificate holder is currently under investigation. The placement of an investigative notice must follow the procedures set forth in subsection (m)(2) of this section.
- (m) The following procedures must be followed for placing an investigative notice on the educator's certification records.
- (1) At the time of placing an investigative notice on an educator's certification records for alleged conduct that indicates a risk to the health, safety, or welfare of a student or minor, the TEA staff shall serve the certificate holder with a letter informing the educator of the investigation and the basis of the complaint.
- (A) Within 10 [~~ten~~] calendar days of placing an investigative notice on the educator's certification records, the letter notifying the certificate holder of the investigation shall be mailed to the address provided to the TEA staff pursuant to the requirements set forth in §230.91 of this title (relating to Procedures in General).
 - (B) The letter notifying the certificate holder of the investigation shall include a statement of the alleged conduct, which forms the basis for the investigative notice, and shall provide the certificate holder the opportunity to show cause within 10 [~~ten~~] calendar days why the notice should be removed from the educator's certification records.
- (2) Prior to placing an investigative notice on an educator's certification records for alleged conduct that indicates a risk to the health, safety, or welfare of a parent of a student, fellow employee, or professional colleague, as described in subsection (k)(1) of this section, the TEA staff shall serve the certificate holder with a letter informing the educator of the investigation and the basis of the complaint.
- (A) At least 10 [~~ten~~] calendar days before placing an investigative notice on the educator's certification records, the letter notifying the certificate holder of the investigation shall be mailed to the address provided to the TEA staff pursuant to the requirements set forth in §230.91 of this title.
 - (B) The letter notifying the certificate holder of the investigation shall include a statement of the alleged conduct, which forms the basis for the investigative notice, and shall provide

the certificate holder the opportunity to show cause within 10 ~~ten~~ calendar days why the notice should not be placed on the educator's certification records.

- (3) The TEA staff shall determine whether or not to remove or place an investigative notice on the educator's certification records, taking into account the educator's response, if any, to the letter notifying the certificate holder of the investigation.
- (n) An investigative notice is subject to the following time limits.
- (1) An investigative notice may remain on the certification records of a certificate holder for a period not to exceed 240 calendar days.
 - (2) The TEA staff may toll this time limit if information is received indicating that there is a pending criminal or administrative matter related to the alleged act of misconduct that gives rise to the investigative notice. For purposes of this subsection, a criminal or administrative matter includes an audit by a state or federal agency, an arrest, an investigation, related litigation or other enforcement action brought by a state or federal administrative agency, or a prosecution by a criminal law enforcement agency. Upon receiving notice that the criminal or administrative matter has been resolved the tolling period shall end. As part of its procedure, the TEA staff will attempt to make bimonthly (once every two months) contact with the agency where a related matter is pending to determine whether the related matter has been closed or otherwise resolved.
 - (3) The TEA staff may toll this time limit if the matter is referred for a contested case hearing, upon agreement of the parties, or while the matter is pending action by the SBEC on a proposed agreed order.
- (o) The TEA staff shall remove an investigative notice from an educator's certification records:
- (1) when a case's final disposition occurs within the time limits established in subsection (n) of this section; or
 - (2) when the time limits for an investigative notice have been exceeded, if:
 - (A) the certificate holder has made a written demand to the TEA staff that the investigative notice be removed because the time limits have been exceeded; and
 - (B) the TEA staff has failed to refer the matter to the State Office of Administrative Hearings for a contested case hearing within 30 calendar days from the date of receipt of the written demand to remove the investigative notice.
- (p) Before institution of agency proceedings, TEA staff shall send a letter via certified or registered mail to the certificate holder giving them notice of the facts or conduct alleged to warrant the intended action and an opportunity to show compliance with all requirements of law for the retention of the certificate.
- (q) Only the TEA staff may file a petition seeking sanctions under §249.15 of this title (relating to Disciplinary Action by State Board for Educator Certification). Prior to filing a petition, the TEA staff shall mail to the certificate holder affected by written notice of the facts or conduct alleged to warrant the intended action and shall provide the certificate holder an opportunity to show compliance with all requirements of law.

§249.17. Decision-Making 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 and SBEC sanctions;
 - (5) the potential danger the conduct poses to the health and welfare of students;
 - (6) the effect of the prior conduct upon any victims of the conduct;
 - (7) whether sufficient time has passed and sufficient evidence is presented to demonstrate that the educator or applicant has been rehabilitated from the prior conduct;
 - (8) the effect of the conduct upon the educator's good moral character and ability to be a proper role model for students;
 - (9) whether the sanction will deter future violations; and
 - (10) any other relevant circumstances or facts.
- (d) Contract abandonment.
- (1) Good cause. The following factors may be considered good cause when an educator is reported to have abandoned a contract in violation of the TEC, §§21.105(c), 21.160(c), or 21.210(c):
 - (A) serious illness or health condition of the educator or close family member of the educator, as evidenced by documentation from a licensed medical provider;
 - (B) relocation [~~to a new city as a result of change in employment of the educator's spouse or partner who resides with the educator~~] as supported by documentation;
 - (C) significant change in the educator's family needs that requires the educator to relocate or forgo employment during a period of required employment under the educator's contract [~~to devote more time than allowed by current employment~~]; or
 - (D) the educator's reasonable belief that the educator had written permission from the school district administration to resign.
 - (2) Mitigating factors. The following factors shall be considered in seeking, proposing, or making a decision under this chapter regarding an educator who has abandoned a contract in violation of the TEC, §§21.105(c), 21.160(c), or 21.210(c). A reduction of one month in suspension time will be given for each factor established, except for factors in subparagraphs (G)-(I) of this paragraph. The educator:
 - (A) gave written notice to the school district 30 days or more in advance of the first day of instruction for which the educator will not be present;
 - (B) assisted the school district in finding a replacement educator to fill the position;
 - (C) continued to work until the school district hired a replacement educator;
 - (D) assisted in training the replacement educator;
 - (E) showed good faith in communications and negotiations with the school district;
 - (F) provided lesson plans for classes following the educator's resignation;
 - (G) changed careers within the field of education;

- (i) to a position that required a different class of educator certification as defined in §230.33(b) of this title (relating to Classes of Certificates);
 - (ii) to a position with a higher level of authority within the principal class of certificate; or
 - (iii) to a position in an open-enrollment charter school or a district of innovation that is equivalent to the positions described in clauses (i) and (ii) of this subparagraph;
 - (H) had a reduction in base pay, excluding stipends, as compared to the educator's base pay for the prior year at the same school district;
 - (I) resigned due to working conditions that reasonably posed an immediate threat of significant physical harm to the educator; or
 - (J) any other relevant circumstances or facts.
- (3) Mandatory sanction for contract abandonment.
- (A) An educator subject to sanction, who has abandoned a contract 44-30 days prior to the first day of instruction for the following school year in violation of the TEC, §§21.105(c), 21.160(c), or 21.210(c), in a case where the factors listed in subsection (c) of this section or in paragraph (1) or (2)(B)-(J) of this subsection do not mitigate or apply, shall receive a sanction of an inscribed reprimand.
 - (B) An educator subject to sanction, who has abandoned a contract less than 30 days prior to the first day of instruction for the following school year or at any point during the school year in violation of the TEC, §§21.105(c), 21.160(c), or 21.210(c), in a case where the factors listed in subsection (c) of this section or in paragraph (1) or (2) of this subsection do not mitigate or apply, may not receive a sanction of less than:
 - (i) suspension for one year from the first day that, without district permission, the educator failed to appear for work under the contract, provided that the educator has not worked as an educator during that year and the case is resolved within that one year through an agreed final order; or
 - (ii) suspension for one year from either the effective date of an agreed final order resolving the case or an agreed future date at the beginning of the following school year, if the educator has worked as an educator after abandoning the contract; or
 - (iii) suspension for one year from the date that the SBEC adopts an order that becomes final following a default under §249.35 of this title (relating to Disposition Prior to Hearing; Default) or a contested case hearing at the State Office of Administrative Hearings (SOAH).
 - (C) The factors listed in subsection (c) of this section and in paragraphs (1) and (2) of this subsection may mitigate an educator's sanction so significantly that the SBEC takes no disciplinary action.
- (e) Mandatory minimum sanction for felony-level conduct. An educator subject to sanction, who is court-ordered to complete a period of deferred adjudication, community supervision, or pretrial diversion for a felony-level criminal offense under state or federal law, may not receive a sanction of less than:
- (1) suspension for a period concurrent with the term of deferred adjudication or community supervision, if the case is resolved through an agreed final order prior to the educator completing deferred adjudication or community supervision and the educator has not been employed as an educator during the period of deferred adjudication or community supervision; or
 - (2) suspension beginning on the effective date of an agreed final order for a period extending beyond the end of the educator's deferred adjudication or community supervision but may be less than the initial court-ordered term of deferred adjudication or community supervision, if the case is

- resolved through an agreed final order prior to the educator completing deferred adjudication or community supervision and the educator has been employed as an educator during the period of deferred adjudication or community supervision; or
- (3) suspension beginning on the effective date of an agreed final order for a period at least half as long as the initial court-ordered term of deferred adjudication or community supervision, if the case is resolved through an agreed final order after the educator has completed deferred adjudication or community supervision; or
 - (4) suspension for a period equal to the term of deferred adjudication or community supervision that the criminal court initially ordered but beginning from the date of the final board decision, if the case is resolved through a final board decision following a contested case hearing at the SOAH or a default under §249.35 of this title.
- (f) Mandatory minimum sanction for misdemeanor-level conduct. If an educator is subject to sanction, and a court has ordered the educator to complete a period of deferred adjudication, community supervision, or pretrial diversion for a misdemeanor-level criminal offense under state or federal law, the educator may not receive a sanction of less than an inscribed reprimand.
- (g) Mandatory minimum sanction for test security violation. An educator who intentionally, as defined in §247.1 of this title (relating to Purpose and Scope; Definitions), violates the security or confidential integrity of any test required by the TEC, Chapter 39, Subchapter B, in a manner described by §101.3031(a)(3) of Part 2 of this title (relating to Required Test Administration Procedures and Training Activities to Ensure Validity, Reliability, and Security of Assessments), may not receive a sanction of less than a one-year [~~one-year~~] suspension.
- (h) Mandatory minimum sanction for drugs and alcohol on school campus. An educator who is subject to sanction because the educator has tested positive for drugs or alcohol while on school campus, was under the influence of drugs or alcohol on school campus, or was in possession of drugs or alcohol on school campus may not receive a sanction of less than a one-year suspension and required completion of a drug or alcohol treatment program.
- (i) Mandatory 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 or a default under §249.35 of this title, it is determined that the educator or applicant:
- (1) engaged in any sexual contact or romantic relationship with a student or minor;
 - (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;
 - (7) intentionally, knowingly, or recklessly causes bodily injury to a student or minor when the conduct of the educator or applicant is not immune from disciplinary proceedings by TEC, §22.0512; or
 - (8) committed any offense described in the TEC, §22A.201 [~~§21.058~~] .
- (j) Mandatory minimum for failure to report. An educator subject to sanction, who fails to report educator misconduct under the circumstances and in the manner required by the TEC, §22A.051 [~~§21.006~~] , and §249.14(d)-(f) of this title (relating to Complaint, Required Reporting, and Investigation; Investigative Notice; Filing of Petition), when the case is resolved through an agreed final order, may not receive a sanction of less than:

- (1) an inscribed reprimand and a \$5,000 administrative penalty for a superintendent or director who fails to file timely a report to the SBEC; or
 - (2) an inscribed reprimand and a \$500 administrative penalty for a principal who fails to timely notify a superintendent or director.
- (k) Mandatory minimum for electioneering. An educator subject to sanction, who is court-ordered to complete a period of deferred adjudication, community supervision, or pretrial diversion for an offense under Texas Election Code, Chapter 255, may not receive a sanction of less than a one-year suspension.
- (l) Mandatory minimum for violation of TEC, §22A.055(f). An educator subject to sanction for a violation of TEC, §22A.055(f), may not receive a sanction of less than a one-year suspension of an administrator's certificate.
- (m) ~~(H)~~ Sanctioned misconduct in another state. The findings of fact contained in final orders from any other state jurisdiction may provide the factual basis for SBEC disciplinary action. 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 the educator's Texas educator certificate and impose a sanction as provided under this chapter.

Subchapter F. Temporary Suspensions

§249.51. Temporary Suspension Based on Continuing and Imminent Threat.

- (a) If the State Board for Educator Certification (SBEC) or SBEC committee has reason to believe a certificate or permit holder is a continuing and imminent threat to the public welfare, a disciplinary proceeding will be held as soon as practicable in accordance with Texas Education Code (TEC), §22A.202, as applicable.
- (b) In determining a continuing and imminent threat to the public welfare under TEC, §22A.202, the SBEC or SBEC committee will consider:
- (1) if there is a real danger to a student or to the public from the acts or omissions of the license or permit holder, including, but not limited to, solicitation or engagement of a romantic relationship, neglect, or abuse;
 - (2) whether the harm alleged is more than abstract, hypothetical, or remote;
 - (3) both actions and inactions by the license or permit holder;
 - (4) whether the conduct occurred on or off a school district campus; and
 - (5) whether there have been prior complaints, investigations, or discipline of the same or similar nature against the license or permit holder.

§249.52. Process For Temporary Suspension of a License or Permit.

- (a) For each temporary suspension proceeding, the State Board for Educator Certification (SBEC) shall appoint a five-member committee to consider the information and evidence presented by Texas Education Agency (TEA) staff. In the event of the recusal of a committee member or the inability of a committee member to attend a temporary suspension committee proceeding, the SBEC chair may appoint an alternate member to serve on the committee.
- (b) A with-notice hearing may include activities such as presentation of evidence, deliberations, and announcement of the committee's decision. The committee has discretion over setting time limits and evidentiary determinations. Notice of the temporary suspension hearing shall be sent to the respondent no less than 10 days before the hearing via electronic mail. If the electronic notice is returned as undeliverable, the notice will be sent via certified mail.
- (c) Evidence will be considered under a relaxed standard described in Texas Government Code (TGC), §2001.081, including information of a type on which a reasonably prudent person commonly relies in the conduct of the person's affairs, necessary to ascertain facts not reasonably susceptible of proof under formal rules of evidence rules, and not precluded by statute.

- (d) If a majority of the committee votes to temporarily suspend a license or permit, the suspension shall have immediate effect, and the chair of the committee will sign an order of temporary suspension. The order of temporary suspension shall be sent to the respondent via electronic mail or first-class mail.
- (e) In accordance with Texas Education Code (TEC), §22A.202(c), a certificate or permit may be suspended without notice to the respondent if at the time of the suspension, TEA staff initiates proceedings at the State Office of Administrative Hearings (SOAH) simultaneously with the temporary suspension, and a hearing is held as soon as possible under TEC, Chapter 22A, and TGC, Chapter 2001.
- (f) Notice, continuance, and waiver of probable cause hearing. TEA staff shall serve notice of a probable cause hearing upon the respondent in accordance with SOAH's rules. The respondent may request a continuance or waiver of the probable cause hearing. If the administrative law judge (ALJ) grants the continuance request or the respondent waives the probable cause hearing, the suspension remains in effect until the suspension is considered by SOAH at the continued probable cause hearing or at the final hearing.
- (g) Probable cause hearing. At the probable cause hearing, an ALJ shall determine whether there is probable cause to continue the temporary suspension of the license or permit and issue an order on that determination.
- (h) Final hearing. SOAH shall hold a hearing no later than 61 days from the date of the temporary suspension or the date of the final disposition if the temporary suspension is issued under TEC, §22A.203. At this hearing, TEA staff shall present evidence supporting the continued suspension of the license and may present evidence of any additional violations related to the respondent. This hearing is referred to as the "final hearing."
- (i) Notice and continuance of final hearing. TEA staff shall send notice of the final hearing in accordance with SOAH's rules. The respondent may request a continuance or waive the final hearing.
- (j) Proposal for decision. Following the final hearing, the ALJ shall issue a proposal for decision on the suspension. The proposal for decision may also address any other additional violations related to the respondent.
- (k) For purposes of suspension or restriction under TEC, §22A.203, final disposition of a criminal case includes evidence of:
- (1) final, non-appealable conviction;
 - (2) acceptance and entry of a plea agreement;
 - (3) dismissal;
 - (4) acquittal; or
 - (5) successful completion of a deferred adjudication.
- (l) A temporary suspension takes effect immediately and shall remain in effect until:
- (1) a final or superseding order of the committee or SBEC is entered;
 - (2) staff receives documentation that the arrest is dismissed, the prosecuting authority rejects the prosecution, or charges are dismissed for a temporary suspension under TEC, §22A.203; or
 - (3) the ALJ issues an order determining that there is no probable cause to continue the temporary suspension under TEC, §22A.202.