

Chapter 249. Disciplinary Proceedings, Sanctions, and Contested Cases

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, 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.

Statutory Authority: The provisions of this §249.51 issued under the Texas Education Code (TEC), §§21.031(a); 21.035; 21.041, as amended by House Bill (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 Senate Bill (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, 20 United States Code, §7926.

Source: The provisions of this §249.51 adopted to be effective August 2, 2026, 51 TexReg 4872.

§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, 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) the staff receives documentation that the information or indictment that served as the underlying basis for arrest has been dismissed or otherwise nullified, 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.

Statutory Authority: The provisions of this §249.52 issued under the Texas Education Code (TEC), §§21.031(a); 21.035; 21.041, as amended by House Bill (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 Senate Bill (SB) 571, 89th Texas Legislature, Regular Session, 2025; Texas

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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, 20 United States Code, §7926.

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