

## Item 14:

# Consider and Take Appropriate Action on Written Delegation of Settlement Authority for Educator Discipline Cases to the Associate Commissioner for Educator Preparation, Certification, and Enforcement

### DISCUSSION AND ACTION

**SUMMARY:** This item provides the State Board for Educator Certification (SBEC) the opportunity to delegate its authority to informally dispose of contested cases involving educator discipline to the Associate Commissioner for Educator Preparation, Certification, and Enforcement.

**STATUTORY AUTHORITY:** Texas Education Code (TEC) § 21.035.

**EFFECTIVE DATE:** Upon Board Approval

**BACKGROUND INFORMATION AND SIGNIFICANT ISSUES:** On September 1, 2015, H.B. 2205, 84<sup>th</sup> Texas Legislature, became effective, giving the SBEC express statutory authority under TEC § 21.035 to make a written delegation of authority to the Commissioner of Education or the Texas Education Agency to informally dispose of a contested case involving educator certification.

At the December 2015 SBEC meeting, the Board formally delegated settlement authority to the Associate Commissioner for Educator Leadership and Quality. This item allows the SBEC to update the delegation authority to reflect the renaming of the department from Educator Leadership and Quality to **Educator Preparation, Certification, and Enforcement**, as reflected in the attachment.

**PUBLIC AND STUDENT BENEFIT:** Ensure that educators subject to discipline are appropriately sanctioned to protect the safety and welfare of Texas school children and school personnel, while improving the efficiency and speed of resolving contested cases that involve educator certification.

### MOTION FOR CONSIDERATION:

Approve the Resolution delegating to the Associate Commissioner for Educator Preparation, Certification, and Enforcement the authority of the SBEC to informally dispose of contested cases involving educator certification.

### Staff Member Responsible:

Laura Moriaty, Director, SBEC Enforcement

### Attachment:

Resolution of the State Board for Educator Certification

**ATTACHMENT**Resolution of the State Board for Educator Certification

The State Board of Educator Certification (SBEC) met on April 30, 2021 and approved the following delegation of authority:

WHEREAS the SBEC is charged with regulating and overseeing all aspects of standards of conduct of public school educators;

WHEREAS the Texas Legislature, through H.B. 2205, 84th Texas Legislature, regular session, permitted the SBEC to delegate its authority to the Commissioner of Education or the Texas Education Agency to informally dispose of a contested case involving educator certification;

WHEREAS the SBEC has undertaken the rule making process to set forth its requirements with respect to sanctions in educator discipline cases;

WHEREAS consideration of agreed orders informally disposing of contested cases requires significant time and attention to review facts and negotiate terms;

WHEREAS the SBEC has historically relied on TEA staff to informally dispose of contested cases relating to educator certification on its behalf, prior to the issuance of a Proposal for Decision from the State Office of Administrative Hearings;

WHEREAS the SBEC wishes to rely on TEA staff's expertise to negotiate and settle contested cases relating to educator certification, within the parameters set forth by SBEC rules and policies;

WHEREAS for the SBEC to fully consider and make decisions on matters that relate to its core mission and that are of a substantial and continuing value to the licensure and regulation of educators in Texas, it is desirable that the Board delegate to the Texas Education Agency the authority to settle and otherwise informally dispose of contested cases relating to educator certification; and

WHEREAS it is desirable that such authority be formally delegated to the Associate Commissioner for Educator Preparation, Certification, and Enforcement;

Now, therefore, be it:

RESOLVED that the SBEC hereby delegates to the Associate Commissioner for Educator Preparation, Certification, and Enforcement the authority of the SBEC to informally dispose of contested cases involving educator certification, as permitted by Texas Education Code §21.035, subject to SBEC rules and policies that concern contested cases related to educator certification.