

## **Item 12:**

# **Pending or Contemplated Litigation, including Disciplinary Cases**

### **DISCIPLINARY POLICY GUIDELINES**

As provided in 19 Tex. Admin. Code (TAC) § 249.5, the primary purposes the State Board for Educator Certification (SBEC) seeks to achieve in educator disciplinary matters are to:

- (1) protect the safety and welfare of Texas schoolchildren and school personnel;
- (2) ensure educators and applicants are morally fit and worthy to instruct or to supervise the youth of the state; and
- (3) fairly and efficiently resolve educator disciplinary proceedings.

The SBEC's focus on the safety and welfare of students is also reflected in the SBEC Mission Statement, Core Principles, and Goals

habitual impairment through drugs or alcohol, abuse or neglect of students and minors, including the educator's own children, or reckless endangerment of the safety of others, may demonstrate that the person lacks good moral character, is a negative role model to students, and does not possess the moral fitness necessary to be a certified educator.

4. "Unworthy to instruct or to supervise the youth of this state," which serves as a basis for sanctions under 19 TAC § 249.15(b) (2), is a broad concept that is not limited to the specific criminal convictions that are described in Texas Education Code (TEC) §§ 21.058 and 21.060. The SBEC 19 TAC § 249.3(45) definition of "the determination that a person is unfit to hold a certificate under the TEC, Chapter 21, Subchapter B, or Bof" "outh h iashu133o

**Chapter 249. Disciplinary Proceedings, Sanctions, and Contested Cases**  
**Subchapter B. Enforcement Actions and Guidelines**

**§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;
    - (B) relocation to a new city as a result of change in employer of the educator's spouse or partner who resides with the educator; or
    - (C) significant change in the educator's family needs that requires the educator to relocate or to devote more time than allowed by current employment.

- (2) Mitigating factors. The following factors may be considered in seeking, proposing, or making a decision

- (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 manipulates the results or violates the security or confidential integrity of any test required by the TEC, Chapter 39, Subchapter B, may not receive a sanction of less than suspension for one year from the effective date of an agreed final order or a final board decision following a contested case hearing at the SOAH.
- (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

- (k) 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.

**A. Defaults**

**No Answer Defaults**

1. In the Matter of Stanley Alexander, Jr.; Action to be taken: Consideration of

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26. In the Matter n Robert Matthew Aams ; Actin to be taken: Cnsiati(n)62( )0.5(of)34( )JTJ -0.03

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27. In the Matter f Kaundre B(n)68.5(y)0.5(d)JTJ 0.006 Tc 0.029 Tw 2.25 0 Tc

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31. In the Matter n Aan Rhodes

34. In the Matter of Lindsey Sabrina Perales; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

35. In the Matter of Derek M. Smith; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 2 year suspension

### **SOAH Defaults**

1. In the Matter of James Montgomery; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 2 year suspension and proof of successful completion of substance abuse treatment program

2. In the Matter of Antwanna Williams; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

3. In the Matter of Areli Morales; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation

### **B. Contested Cases**

#### Proposals for Decision

1. Docket No. 701184986.EC, Texas Education Agency, Educator Leadership and Quality Division v. Alexandria Carraman; Action to

2. Docket No. 701184501.EC, Texas Education Agency, Educator Leadership and Quality Division v. James Vivian; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.  
  
ALJ Recommendation: 2 year suspension  
  
Staff Recommendation: Permanent Revocation
3. Docket No. 701184695.EC, Texas Education Agency, Educator Leadership and Quality Division v. Lisa Stokes; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.  
  
ALJ Recommendation: 1 year suspension  
  
Staff Recommendation: Revocation
4. Docket No. 701184922.EC, Texas Education Agency, Educator Leadership and Quality Division v. Quinton Abron; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.  
  
ALJ Recommendation: Permanent Revocation  
  
Staff Recommendation: Accept ALJ Recommendation
5. Docket No. 701183992.EC, Texas Education Agency, Educator Leadership and Quality Division v. Jose Trujillo; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.  
  
ALJ Recommendation: Permanent Revocation  
  
Staff Recommendation: Accept ALJ recommendation
6. Docket No. 701185203.EC, Texas Education Agency, Educator Leadership and Quality Division v. Douglas Howard; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.  
  
ALJ Recommendation: No disciplinary action be taken  
  
Staff Recommendation: Accept ALJ recommendation

## **C. Court Cases**

### *District Court Cases*

1. David Turner v. Texas Education Age(.) District Court Cases