





## 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)

- (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 may 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). The educator:
- (A) gave written notice to school district 30 days or more in advance of the first day of instruction for which the educator will not be present;
  - (B) assisted 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 school district;
  - (F) provided lesson plans for classes following educator's resignation;
  - (G) changes 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.
- (3) Mandatory minimum sanction for contract abandonment. An educator subject to sanction, who has abandoned a contract in violation of the TEC, §§21.105(c), 21.160(c), or 21.210(c) in a case where the factors listed in paragraph (1) or (2) of this subsection do not apply, may not receive a sanction of less than:
  - (A) 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
  - (B) 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
  - (C) 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).
- (e) Mandatory minimum sanction for felony-level conduct. An educator subject to sanction, who is court-ordered to complete a period of deferred adjudication or community supervision 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

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 of a test or assessment, or who intentionally discloses test or assessment content, or who intentionally provides unauthorized information to another person, shall receive a minimum sanction of a reprimand or suspension for a period of 12 months.

administrative sanction of an educator's certificate or license issued in another state is a violation of SBEC

**A. Defaults**

**No Answer Defaults**

1. In the





19. In the Matter of Julia Roberson; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1-year suspension

20. In the Matter of Charles Roe; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1-year suspension

21.

28. In the Matter of Molly Wilson; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1-year suspension

29. In the Matter of Blake Benson; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation

30. In the Matter of Timothy J. Lohr; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation

31. In the Matter of Kyle Jacob Edwards; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation

32. In the Matter of Brady Calame Mims; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation

33. In the Matter of Mary Elva Martinez; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

34. In the Matter of Jorge Gomez; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 21 0 0 1 108.02 628.06 Tm0 g0 G[Ju]-3(dgmen)-2(t)]TJET@0.0000091 0 0





