

Item 13:

Discussion of 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases

DISCUSSION 21 / <

SUMMARY: This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss potential amendments to 19 Texas Administrative Code (TAC) Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases.

STATUTORY AUTHORITY: The statutory authority for 19 TAC Chapter 249, Subchapter B and Subchapter E is Texas Education Code, §§21.006(a), (b), (b-1), (b-2), (c), (d), (e), (f), (g), (h), (i), 53.022, 53.025, 53.051, and 53.052, the Every Student Succeeds Act (ESSA), 20 USC, §7926.

TEC, §21.006(a) ~~(c-2)~~, (f) ~~(g-1)~~, and (i), requires the superintendent of a school district, district of innovation, open-enrollment charter school, other public education service center or shared services arrangement to report to the board of trustees within seven business days of when the superintendent knew or received a report from a principal that an educator has resigned or is terminated and there is evidence that the educator engaged in certain misconduct, unless the superintendent or director completes a report within seven business days of when the superintendent knew or received a report from a principal that an educator resigns or is terminated and determines that the educator engaged in certain misconduct. It also requires principals to report to superintendents within seven business days of when the superintendent knew or received a report from a principal that an educator has resigned or is terminated and there is evidence that the educator engaged in certain misconduct. It further authorizes the SBEC to impose sanctions on principals as required by the statute including authority to impose monetary penalties on principals. SBEC rulemaking authority as necessary to implement the statute, including authority to create an internet portal to facilitate confidential and secure reporting.

TEC, §21.006(b-2), requires a principal of a school district, district of innovation, open-enrollment charter school to notify the superintendent within seven days when an educator has resigned or is terminated and there is evidence that the educator engaged in misconduct. TEC, §§21.006(f) and (g) give the SBEC rulemaking authority to implement the statute.

TEC, §21.006(i), gives the SBEC authority to impose administrative sanctions on superintendents who fail to

TEC, §21.160(e), requires the Board to consider any mitigating factors r WHDFKHU ¶ V
conduct and allows the Board 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, §21.210(c), allows the SBEC to impose sanctions against an educator who abandons a
term contract.

TEC, §21.210

- (v) the extent that the educator attempts to conceal the communications;
 - (vi) if the educator claims to be counseling a student, the State Board for Educator
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- (E) "Unworthy to instruct or to supervise the youth of this state," defined in §249.3 of this title, which serves as a basis for sanctions under §249.15(b)(2) of this title (relating to Disciplinary Action by State Board for Educator Certification), is a broad concept that is not limited to the specific criminal convictions that are described in the TEC, §21.058 and §21.060. The moral fitness of a person to instruct the youth of this state must be determined from an examination of all relevant conduct, is not limited to conduct that occurs while performing the duties of a professional educator, and is not limited to conduct that constitutes a criminal violation or results in a criminal conviction or to conduct that constitutes a violation of Chapter 247 of this title. It is a rebuttable presumption.

later than five calendar days after mailing. The respondent shall serve the answer on the petitioner by United States certified mail, return receipt requested, and by regular first-class United States mail.

- (b) The answer shall specifically admit or deny each allegation in the petition and shall plead all affirmative defenses.
- (c) The answer shall contain the name, current mailing address, daytime telephone number, email address, and facsimile number, if any, of the respondent and the respondent's authorized representative.
- (d) All well-pled factual allegations in the petition will be deemed admitted unless the respondent's answer, containing specific denials to each allegation, is filed within the time period prescribed in subsection (a) of this section. A general denial shall not be sufficient to controvert factual allegations contained in the petition.
- (e) An answer that does not comply with the requirements of this section and 1 Texas Administrative Code, Part 7, §155.301 (relating to Required Form of Pleadings) may provide grounds for default judgment in favor of the petitioner, as provided in this chapter.

§249.28. Stipulations.

Stipulations shall be governed by 1 Texas Administrative Code, Part 7, Chapter 155 (relating to Rules of Procedure).

§249.29. Discovery.

The Texas Government Code, Chapter 2001; 1 Texas Administrative Code, Part 7, Chapter 155 (relating to Rules of Procedure); this chapter; and the Texas Rules of Civil Procedure, as applicable, shall govern discovery.

Subchapter E, Post-Hearing Matters

§249.42. Procedure for the Suspension, Surrender, or Revocation of a CT (e)C4 fas9 87 Tme 9 uR9 4 hpc9 p)3e-3 (o9 TJe11 69

