

**College of Education and Human Services  
Educator Certification and Academic Services**



**Alternative Certification  
Handbook**

**2024-2025**

## **TABLE OF CONTENTS**

3. Letter from the Alternative Certification Program
4. Contact information for the Teacher Certification Staff
5. Educator Certification Overview
6. Necessary Personal Skills of an Educator
7. Fees
8. Background Checks & Criminal History Evaluation
9. Registering for Courses
10. Observation Hours/Course Work/Content & PPR Test/Changing Content Area
11. Teaching Experience Options
12. Paid One-Year Internship
13. Unpaid 16-weeks Clinical/Student Teaching
14. Completion of Internship and Clinical/Student Teaching
15. Fitness to Teach Policy
19. Retention, Due Process and Exit Policy
22. Filing for Standard Certification
23. FERPA
24. Code of Ethics
26. TAC Chapter 249, Section B Enforcement Actions & Guidelines



## COLLEGE OF EDUCATION AND HUMAN SERVICES

Dear Teacher Education Candidate:

The wise decision you have made to pursue your teacher certification in the Center for Educator Certification and Academic Services at East Texas A&M University will open many doors for you. The Educator Preparation Program at East Texas A&M University has enjoyed a reputation of excellence in preparing educators since its inception, with the establishment of the East Texas Normal College in 1889. The College of Education continues to honor our heritage of distinction in being recognized by the Carnegie Foundation for the Advancement of Teaching as a Doctoral Research University, leader in field-based internship/residency district partnerships, and the recipient of many awards at the national, state, and local level. Your choice to join the East Texas A&M University EPP will serve you well.

Looking forward, you have a great future filled with many opportunities. One of the most important will be impacting the life of a student. Most likely a teacher made a difference in your life; a teacher that saw something special in you. One that encouraged you to develop your unique gift and planted a childhood memory that continues to bring a smile when reminiscing about your days in school. This teacher was someone whom you felt a connection. As a student, we remember our teachers!

Thank you for your commitment to becoming a teacher, dedicating yourself to course work, and a program designed to reach the goal of effective teaching for maximum classroom achievement. The majority of teacher certification applicants have previously made their mark in a successful career. The passion to become an effective teacher became the driving force for this career choice. We welcome you and look forward to serving you with your quest to become a professional educator.

Congratulations on your decision to become a teacher!

Best wishes,

*Tracey Stedman*

Tracey Stedman  
Alternative Certification Program Coordinator

## Contact Information

### MAILING ADDRESS:

Teacher Certification Program  
East Texas A&M University  
P. O. Box 3011  
Commerce, TX 75429

**PHONE:** (903) 886-5640 **FAX:** (903) 886-5156

### Teacher Certification Office Staff

#### **Sherri Harwell**

Director, Educator Preparation and Accountability

[Sherri.Harwell@tamuc.edu](mailto:Sherri.Harwell@tamuc.edu)

Phone: 903-468-8186

#### **Bob Nottingham**

Certification Coordinator

[Bob.Nottingham@tamuc.edu](mailto:Bob.Nottingham@tamuc.edu)

Phone: 903-886-5642

#### **Leesa Cannon**

Professional Certification Coordinator

[Leesa.Cannon@tamuc.edu](mailto:Leesa.Cannon@tamuc.edu)

Phone: 903-886-5630

#### **Mitzi Hughes**

Undergraduate Field Experiences, EFE and Certification Advisor

[Mitzi.Hughes@tamuc.edu](mailto:Mitzi.Hughes@tamuc.edu)

Phone: 903-468-3061

#### **Tracey Stedman**

Graduate Alternative Certification & Post-Baccalaureate Alternative Certification Program Coordinator

[Tracey.Stedman@tamuc.edu](mailto:Tracey.Stedman@tamuc.edu)

Phone: 903-886-5671

#### **Alleigh Phillips**

Testing Coordinator

[Alleigh.Phillips@tamuc.edu](mailto:Alleigh.Phillips@tamuc.edu)

Phone: 903-468-3082

## **EDUCATOR CERTIFICATION OVERVIEW**

The preparation of teachers and other educational leaders is the goal of The Educator Preparation Program of East Texas A&M University. The Alternative Certification Advisory Committee consisting of university faculty, public school teachers and administrators, and business men and women serves as a directorial force for program guidelines which include such areas as admission and retention requirements, curriculum, and program design.

The Educator Preparation Program (EPP) is standards-based, learner-centered, and delivered through a collaborative classroom practicum experience. Technology skills and responsiveness to diversity, including ESL and students with special needs, are integral parts of the program. As with all teacher preparation in Texas, each program completer has an academic specialization, grade level, and a common core curriculum as a basis for the professional education sequence. Recommendation for certification is completed through the Center for Educator Certification and Academic Services. Once all requirements are completed (including all required tests, course work, and fees paid) you will apply to the Texas Education Agency (TEA) for your Standard Texas Teaching Certificate.

### **Program Accreditations**

All educator preparation programs in the COEHS are accredited by the State of Texas. The Educator Preparation Program takes pride in the high over-all initial pass rate maintained by individuals completing the East Texas A&M University certification program

### **National Report Card – Title II**

The Educator Preparation Program maintains a high pass rate on all state required assessments in basic skills, professional knowledge/pedagogy, academic content area, and/or teaching special populations.

### **Teacher Certification in Texas**

In order to become a certified teacher in Texas through our Teacher Certification program, an individual must:

- Demonstrate competency in the basic skills of reading, writing, and mathematics
- Have previously earned a bachelor's degree with a 2.75 overall GPA or higher
- Complete an approved educator certification program with or without earning a master's degree
- Complete a paid 1-year internship or an unpaid 490-hour clinical/student teaching assignment
- Pass state certification examinations in both content and pedagogy
- Apply to Texas Education Agency (TEA)
- Be recommended by the certification program or entity

## Necessary Personal Skills of an Educator

**Patience**-Today's generation have been raised on technology and often lack social skills and the ability to focus for long periods of time. Having one, or more than one, distracted student can cause havoc in the classroom, no matter the age. It is important for the teacher to remain patient and develop ways to keep all students engaged.

**Adaptability**- Students learn in different ways, and some lessons need unique teaching tools. Good teachers know how to adapt their lesson plan to their students, so that all students learn optimally. This trait can take some experience and practice in a classroom setting, so give it time.

**Imagination** - Whether you teach kindergarten or high school, nothing is a more effective tool than using your imagination to create new and interesting ways for your students to learn. You may be inspired by the work of another teacher, mentor or a TV commercial - it doesn't matter. All that matters is that you take the initiative to find new ways for your students to learn the material.

**Teamwork**- Teachers could have a difficult time without establishing a solid networking system. Utilize your veteran teachers, department heads, principals and support staff as a sounding board for support. Your best connection at your school is always your custodial staff! By working as a team, you develop an environment conducive to learning.

**Risk Taking** - Sometimes to get the big reward, you may need to take a risk. Being a teacher is about finding a way to get students to learn, and sometimes these new learning methods can be risky. Stick to it and you'll soon find that others are following your teaching example.

**Constant Learning** - You can never know too much when you are a teacher, especially when it comes to the best way to teach your students. Great teachers are constantly looking for ways to expand their horizons with courses, workshops, journals and seminars. Make sure you don't become stagnant. Take courses or professional development to keep the content fresh in your mind.

**Communication** - All teachers need good oral and written communication skills. Clear, concise, and to the point - the better your communication skills are, the easier your lessons will be. There are many different types of classes available to teachers who desire to improve their skills.

**Mentoring** -It is important for new teachers to establish a mentor for their first couple of years. This mentor should be a seasoned teacher who is an encourager, a sounding board and will help you progress and suggest improvements.

**Leadership** - One of the most important skills each teacher must possess is leadership. Your students need someone to guide them, to be in charge, and set the tone of the class. Leadership is not always a natural skill and may take time to develop. Observe well-respected teachers, attend leadership workshops and talk to your mentor to hone this skill.

## Fees for Traditional Alternative Certification Program\*\*

Application to Graduate School		\$50.00
Application to Educator Preparation Program		\$50.00
TX PACT Test Registration Fee		\$106.00
TEXES Content Test Registration Fee	Per test	\$118.00
Pedagogy & Responsibilities Test (PPR)		\$118.00
Fingerprinting Fee		\$50.25
TEA Assessment Fee		\$35.00
TK20 Fee		\$139.00
Internship Teaching Fee <b>OR</b>	2 semesters	\$1,400.00
Clinical/Student Teaching Fee	1 semester	\$700.00
Additional Semesters if needed		\$700.00
Initial Texas Standard Teacher Certificate		\$78.00
Intern or Probationary Certificate	If applicable	\$78.00
Graduation fee for master's only		\$40.00
**Estimated total tuition & fees associated with the university for 6 classes--based on TX residency, including online \$50 class fee per credit hour	alt cert by itself	\$7,376.00
**Estimated total tuition & fees associated with the university for 12 classes--based on TX residency, including online \$50 class fee per credit hour	alt cert + master's	\$13,174.00
<b>Estimated total for program with 16-week unpaid clinical/student teaching</b>	<b>alt cert only</b>	<b>\$8,820.25</b>
<b>Estimated total for program with 16-week unpaid clinical/student teaching</b>	<b>alt cert + master's</b>	<b>\$14,658.25</b>
<b>Estimated total for program with 1-year paid internship</b>	<b>alt cert</b>	<b>\$9,498.25</b>
<b>Estimated total for program with 1-year paid internship</b>	<b>alt cert + master's</b>	<b>\$15,436.25</b>
If pursuing EC-6 Core, 4-8 Core, 4-8 ELAR or 4-8 ELAR/SS add in STR exam cost of \$136.00		

\*\*May change without notice

## Background Checks

Pursuant to the Texas Education code (TEC) 22.083, candidates must undergo a criminal history background check prior to employment as an educator; and pursuant to the TEC, 22.0835, candidates must undergo a criminal history background check prior to clinical teaching.

Per TAC Title 19, section 249.16 Pursuant to the Texas Occupations Code (TOC), Chapter 53, and the Texas Education Code (TEC), Chapter 21, Subchapter B, the State Board for Educator Certification (SBEC) may suspend or revoke an existing valid certificate, deny an applicant a certificate, bar a person from being assessed or examined for a certificate, or take other disciplinary action because of a person's conviction of a felony or misdemeanor or certain other criminal history.

If you feel that you have the potential to be ineligible because you have been convicted of an offense, it is in your best interest to request a preliminary criminal history evaluation.

### 1. What is a Preliminary Criminal History Evaluation?

A Preliminary Criminal History Evaluation (PCHE) is an evaluation of eligibility for a Texas educator certificate based on your self-reported criminal history. As a service to prospective candidates, TEA staff may perform an evaluation for a non-refundable fee of \$50. The evaluation is voluntary and non-binding.

During the process, agency staff will obtain your name-based Texas criminal history information from the Texas Department of Public Safety. Once the evaluation is complete, TEA staff will send you an evaluation letter advising of your potential eligibility for educator certification. The determination of eligibility is based in part on the information you provide to the agency. Therefore, failure to provide complete and accurate information may result in an inaccurate criminal history evaluation. Agency staff performs the evaluations under the authority of the Texas Occupations Code §53.102 and Texas Administrative Code 19 Ch. 227.

You may request a Preliminary Criminal History Evaluation **only if**:

- You are enrolled or planning to enroll in an educator preparation program **or** you are planning to take a certification exam for initial educator certification, **and**
- You have reason to believe that you may be ineligible for educator certification due to a conviction or deferred adjudication for a felony or misdemeanor offense.



## Registering for Courses

After you have received acceptance into the ACP or the PBACP, you may register for classes. Course availability may be viewed on the university web site. To register for coursework the candidate will need to log into their myLeo account on the university home page. Every candidate is assigned a LEO email address that will need to be accessed on a regular basis. All correspondence from your College instructors is through the LEO address.

Note: Please contact your advisor (see list below), if seeking a master's degree, if you have questions about what classes to take and to obtain a degree plan. Please contact the office for a certification plan. If you have any questions you can call the Teacher Certification office at (903) 886-5671.

Alternative Certification: Tracey Stedman, [tracey.stedman@tamuc.edu](mailto:tracey.stedman@tamuc.edu) , 903-886-5671

Curriculum & Instruction: Dr. Julia Persky, [Julia.Persky@tamuc.edu](mailto:Julia.Persky@tamuc.edu), 903-875-7616

PAYMENT OF CLASSES – see your myLeo account.

FINANCIAL AID—The candidate applies for financial aid through the financial aid office on campus. The office may be accessed at <http://www.tamuc.edu/admissions/tuitionCosts/financialAidandScholarships/default.aspx> Contact the financial aid office to see if you are eligible.

**NOTE:** if you are pursuing Alternative Certification by itself, it is consider non-degree seeking and not eligible for federal financial aid. You may use personal loans, grants or scholarships.

## **Observation Hours/Course Work/Content & PPR Test/Changing Areas**

**Observation** - You are required to have 50-hours of field-based experience which includes 25-hours of classroom observation and 25-hours actively engaged in instructional or educational activities, completed in a TEA accredited classroom setting in the content area/grade level you are pursuing. Each individual observation will also require reflection questions to be answered. These observations will be completed in 2 classes. Depending on when you take these classes, you will have 1-2 semesters to complete all 50 hours.

**Course Work** – The State requires 150 hours of training be completed prior to a teaching assignment. For ETAMU this requires you complete a minimum of 4 of our 6 required teacher certification courses. For alt cert classes you must receive a B or above in all classes. Your overall GPA must be at a 3.00 or above.

**TEXES CONTENT TEST**--Once you begin taking your alternative certification classes you will be given approval for your TExES content exam. A passing score on the TExES content exam is required before you can begin your teaching assignment. If you are seeking a fall teaching assignment start date, testing scores must be submitted by July 1<sup>st</sup> in order to secure a Statement of Eligibility, mentor teacher and university field supervisor. If you are seeking a spring teaching assignment start date, testing scores must be submitted by Dec. 1<sup>st</sup> in order to secure a Statement of Eligibility, mentor teacher and university field supervisor.

NOTE: Teacher candidates seeking certification in EC-6 Core, 4-8 Core, ELAR 4-8 and ELAR/SS 4-8 will be required to pass the Science of Teaching Reading (STR) exam in addition to their TExES content exam. A passing score on the STR exam is required before you can begin your teaching assignment.

**Eligibility for Pedagogy and Professional Responsibilities Test (PPR)** -- Approval from EPP staff after successful completion of 4 certification courses listed on your certification plan. This needs to be passed before the end of your teaching assignment.

### **Change of Certification Area after admission into ETAMU Alternative Certification Program**

You may change your certification area after you have started the program but before you begin a teaching assignment. In order to change certification areas you have to:

1. Pass the TX PACT that corresponds to the new certification area being sought.

Once the PACT is passed, then fill out the appropriate form and return to the alternative certification advisor so your certification area can be changed through TEA. You may only change the area you want to pursue one time.

## Teaching Experience Options

### Paid One-Year Internship VS Unpaid 490-hour Clinical/Student Teaching

To start a teaching assignment you must have completed 4 of the 6 required classes with a B or better, completed your 50-hours of field-based observations and passed your content test and STR (if applicable) by July 1<sup>st</sup> to start your teaching assignment in the Fall semester and by Dec. 1<sup>st</sup> to start your teaching assignment in the spring semester. These deadlines are imperative in order to be able to receive the Statement of Eligibility or clinical/student assignment information from the ISD, secure a mentor and university field supervisor.

The alternative certification program course work is offered completely online. This allows candidates to complete the teaching assignment in an accredited Texas Education Agency (TEA) public school district or accredited private school anywhere in Texas provided a credentialed University Field supervisor is available. If the requested school is outside a 2-hour driving radius of Commerce, then we must be able to secure a university field supervisor before the school can be approved. Per TAC Chapter 228 a candidate's teaching experience shall not take place in a setting where the candidate is related by blood or by marriage to the field supervisor or mentor. ETAMU takes that a step further that the candidate cannot be related to an administrator at the school or to a teacher on the same grade level team.

Once your teaching experience begins, a partnership is formed between the program and your school district. You will benefit from intensive supervision that consists of structured guidance and regular ongoing support from a university field supervisor and school district mentor teacher. There are two options for completing your teaching experience:

1. **A year-long paid internship** is where you go out and apply for a teaching position in the subject/grade that you are pursuing. Once you interview and are offered a contract as Teacher of Record then a Statement of Eligibility\*\* will be sent to your Human Resources department and you can apply for an intern or probationary certificate. You must be teaching in the area you are pursuing at least 4 hours/periods a day.

**OR**

2. **A one-semester (490 hours) unpaid clinical/student teaching** placement where you are assigned to a mentor teacher's classroom. This is a full day, five days per week commitment. The placement for student teaching will be determined by the alternative certification program staff. Completion of a separate student teaching application and short interview are required. Application deadline is May 15th for the Fall Semester and November 15th for the Spring Semester.

**\*\* Statement of Eligibility (SOE)**—the Statement of Eligibility form is provided to the student once TEA pre-teaching assignment requirements have been met and a teaching job has been secured. The SOE provides school districts with documentation supporting admission into the East Texas A&M University EPP necessary for employment in an internship position. The employing school district completes "Employing School District" section of the form and returns it to [Tracey.Stedman@tamuc.edu](mailto:Tracey.Stedman@tamuc.edu). Note: A teacher candidate must gain employment in a Texas Education Agency (TEA) accredited school providing a credentialed supervisor is available. To determine accredited schools, you may view the TEA website at: <https://tea.texas.gov/accredstatus/>.

## Support Staff

Once placed in a teaching experience assignment, the program appoints a university field supervisor who provides constructive feedback on a regular basis after conducting classroom observations. A mentor teacher, one who is recognized as a master teacher, is appointed by the district to work with you and provide support. Your mentor serves as a professional model for you to follow and is the one to whom you turn for advice and guidance on a daily basis. The principal also plays an active role in supervising your professional development and may conduct evaluations of your teaching performance. The university field supervisor, mentor and principal make up your Instructional Leadership Team (ILT) whose purpose is to provide support during your teaching experience and lead to your success in the classroom. You will also have an EPP coordinator who will be checking in with you and your mentor.

## Paid One-Year Internship

Career Development is a great resource for potential employment opportunities, resume review or interview process and may be contacted by telephone at 903-468-3223 or by website:

<http://www.tamuc.edu/CampusLife/CampusServices/careerDevelopment>

The Texas Education Agency provides a Statewide School District Job Search listing employment opportunities in Texas located here <https://tea.texas.gov/TexasEducators/> or <https://teacherjobnet.org/>.

Typically, a school district will not employ a non-certified teacher unless they are unable to secure a certified teacher and then the candidate has to have met content proficiency in their content area and formally admitted to a TEA recognized Educator Preparation Program. The alternative certification program considers a candidate content and pedagogy proficient when a candidate passes the TExES content exam in the area he or she is seeking a teaching position and passes the PPR exam. The content proficiency is indicated on the candidate's certification plan.

Once a candidate has gained employment, completed 4 of the 6 required classes, completed the 50-hours of field observation and passed the required TExES content test(s), the EPP advisor will supply a Statement of Eligibility (SOE) to the candidate to take to the ISD's HR department to fill out. The candidate will then return the SOE to the EPP advisor. Once the SOE has been returned, the candidate can then apply for an intern or probationary certificate.

### Intern/Probationary Certificate Application Process

Please read all requirements and procedures listed below **prior** to accessing the TEA web page.

NOTE: This should be done once the EPP has contacted the candidate with information on the proper certificate to apply.

Application Procedures:

Log into your TEAL account via the TEA webpage <https://tea.texas.gov/>. You should have an account from your TExES exams.

Once you are logged in, click **APPLICATIONS** and then **INTERN** or **PROBATIONARY CERTIFICATE TEXAS PROGRAM** (Intern if you have not passed the PPR exam, Probationary if you have passed your PPR exam). Follow directions to apply for certificate. Choose Texas A&M University-Commerce.

Pay required fees to TEA. The cost of the certificate is \$78.

Finger printing is \$50.25 UNLESS:

1. You have an aide certificate with TEA.
2. You have been fingerprinted by a district as a substitute.

If you have already completed the fingerprinting process, your account will show that you need to pay for fingerprints but **DO NOT PAY**. A few days after applying, the fingerprints that you have completed will attach to your application and they will show as being paid.

NOTE: Intern Certificate is only good for one year. Probationary certificates may be renewed for a second year. To renew your probationary certificate for another year you must submit a valid TEA accredited school teaching contract or school document outlining your teaching assignment and remain in good standing with your EPP. You may teach on a probationary certificate for a maximum of 2 years.

NOTE: Any student who does not complete ALL requirements for their Standard Texas Teaching Certificate and continues to teach on a probationary certificate, TEA requires continued supervision. Along with continued supervision, additional fees are required.

## Unpaid 490-hour Clinical/Student Teaching

### Student Teaching Application Process

Should you choose not to seek an employed position, or you are not able to secure a paid position, you may opt to complete an unpaid clinical/student teaching assignment. You will be required to student teach for one full semester. This will be a full day commitment, five days per week for 490-hours (includes time in classroom, planning period, recess and intermissions, does not include lunch). The alternative certification program staff along with the ISD will determine placement, but every attempt will be made to place you in the district of your choice. Application deadline is May 15th for the Fall Semester and November 15th for the Spring Semester.

Once the above are submitted, the Teacher Certification advisor will contact you for an in-person or Zoom interview.

## **Completion of Paid 1-year Internship**

In order to successfully complete your chosen internship, you must remain employed in an acceptable position during the duration of your internship. If at any time you are released from your position by your school district, or you resign from your position, you will be dismissed from the Teacher Education Program at East Texas A&M University. The only exception is if during a paid internship your resignation is amicable between you and your school district, and you immediately (within 7 days) assume an acceptable paid position and successfully complete internship. This exception also requires a statement of agreement by your mentor teacher and university field supervisor, stating that they believe that you have been making satisfactory progress in teaching and that you should be allowed to continue working in the profession.

Your successful completion of internship will be graded on a successful (S) /unsuccessful (U) basis. Members of your Instructional Leadership Team (ILT) will make the determination based on your performance at the conclusion of your internship. Your ILT will be comprised of a university field supervisor, mentor and principal. Your internship handbook will serve as a guide for all members of the ILT. If the decision is made that you have failed to successfully complete internship, you will be dismissed from the program with the option to appeal. The only exception is if your ILT recommends that you continue with additional training. If this occurs, you will be required to obtain an extension of your probationary certificate for another year and pay all fees associated with an additional internship. In addition, a growth plan will be initiated and you may be required to complete additional professional development or content related training/coursework.

## **Completion of Unpaid 490-hour Clinical/Student Teaching**

In order to successfully complete your clinical/student teaching, you must remain in your assigned classroom during the duration of your clinical/student teaching. If at any time you change classrooms without conversing with the Teacher Certification program, change classrooms to an area not in your content area or are dismissed from clinical/student teaching by your school, you will be dismissed from the Teacher Education Program at East Texas A&M University.

Your successful completion of clinical/student teaching will be graded on a successful (S) /unsuccessful (U) basis. Members of your Instructional Leadership Team (ILT) will make the determination based on your performance at the conclusion of your clinical/student teaching. Your ILT will be comprised of a university field supervisor, mentor and principal. Your clinical/student teaching handbook will serve as a guide for all members of the ILT. If the decision is made that you have failed to successfully complete clinical/student teaching, you will be dismissed from the program with the option to appeal. The only exception is if your ILT recommends that you must repeat all or part of the clinical/student teaching experience. If this occurs, you will be required to reapply for clinical/student teaching and pay all fees associated with an additional clinical/student teaching assignment. In addition, a growth plan will be initiated and you may be required to complete additional professional development or content related training/coursework.

## **FITNESS TO TEACH (FTT) POLICY**

Successful teaching requires a combination of both academic and interpersonal skills. Although interpersonal skills do not ensure the success of a teacher, the lack of them will ensure failure, regardless of how academically capable the teacher is.

The Texas Educator Agency (TEA) specifies that institutions preparing educators have the responsibility to certify the knowledge and skills of its teacher candidates. To that end, a committee composed of representatives from departments across the College of Education & Human Development developed the Fitness to Teach Policy.

### **Fitness to Teach Policy:**

In addition to curriculum and testing requirements addressed in the Educator Preparation Handbook, all Alternative Certification teacher candidates will be screened throughout their program according to the criteria addressed in this policy, including dispositions for teaching. Dispositions for teaching are defined as those professional attitudes, values, and beliefs expected of a professional educator. As a professional program, the Alternative Certification Program reserves the right to recommend or not recommend teacher candidates for certification. If all criteria are not met satisfactorily, teacher candidates may be denied full acceptance into the Teacher Certification Program and/or denied the opportunity to student teach. Without full acceptance into the Alternative Certification Program and successful completion of all course work, field work, and student teaching or internship, the university will not recommend teacher candidates for Texas Teacher Certification. All teacher candidates referred for review are expected to participate in the process. Refusal to participate will not terminate or invalidate the process. Fitness to Teach reviews are internal institutional reviews and are not open to the public, including family members, friends, and other professionals unless specifically requested by the Assistant Dean for Teacher Education.

### **1. Completed Criminal History Review**

In accordance with Texas Education Code 22.083, an examination of each teacher candidate's criminal history will be conducted by the independent school district (ISD) prior to participation in any on-campus activities, including observations or student teaching. Criminal history record information, which includes both conviction and arrest records is obtained. An ISD or other school entity may deny placement of students with a criminal background. The student's clearance for fieldwork is the prerogative of the ISD or participating entity and not East Texas A&M University. If a student cannot complete course-required field work because of their criminal history, the student will be required to withdraw from the course. The student may retake the course if and when the criminal history changes, allowing them to be cleared by the school district. If the offense is one that will preclude any further field work, the student will be dismissed from the Alternative Certification program.

### **2. Academic Requirements**

- a. Teacher candidates attend all classes as required. Preparedness for class and punctuality are expected at all times.
- b. Teacher candidates complete course assignments in a professional manner according to the timelines designated by the course instructor.
- c. Teacher candidates complete all field experiences in a professional and timely manner as required.

d. The teacher candidate demonstrates honesty and integrity by being truthful about background, experiences, and qualifications; doing one's own work; giving credit for the ideas of others; and providing proper citation of source materials.

### **3. Communication Skills**

The teacher candidate demonstrates written and oral skills expected of an education professional that shows the ability to comprehend information and communicate ideas and feelings.

(1) *Written*: Writes clearly, using correct grammar and spelling. Demonstrates professional level skills in written English to understand content presented in the program and to adequately complete all written assignments, as specified by faculty.

(2) *Oral*: Communicates effectively with other students, faculty, staff, and professionals. Expresses ideas and feelings clearly and demonstrates the ability and willingness to listen to others. Demonstrates professional level skills in spoken English to understand content presented in the program, to adequately complete all oral assignments, and to meet the objectives of field placement experiences.

(3) *Electronic Communication*: the teacher candidate refrains from inappropriate communication with a student including electronic communications by cell phone, text message, email, instant message, blogs, Facebook, Twitter, Snap Chat and any other social network communication.

### **4. Personal and Professional Requirements**

a. A teacher candidate does not reveal confidential information concerning students unless disclosure serves professional purposes or is required by law.

b. Teacher candidates demonstrate interpersonal skills that are required for successful professional teaching. These skills include:

- (1) An openness to accept and test the results of unfamiliar ways of teaching
- (2) The ability to accept and act upon reasonable criticism
- (3) The ability to understand others' perspectives about teaching
- (4) The ability to separate personal and professional issues when in the classroom or completing course work
- (5) The ability to work cooperatively with parents, teachers, staff, and administrators in school settings and elsewhere
- (6) The ability to work productively with classmates in course assigned group projects
- (7) The disposition to act always for the benefit of all students

c. The teacher candidate does not sexually harass others; make verbal or physical threats; become involved in sexual relationships with their students, supervisors, or faculty; abuse others in physical, emotional, verbal, or sexual ways.

d. Teacher candidates demonstrate positive personal hygiene habits.

e. Teacher candidates dress appropriately for their professional contexts.

f. Teacher candidates adhere to the Code of Ethics and Standard Practices for Texas Educators.

g. Teacher candidates demonstrate professional behavior both in and out of the classroom or school setting.

h. The candidate shall be of good moral character and demonstrate that he or she is worthy to instruct or supervise the youth of this state.

### **5. Cultural and Social Attitudes and Behavior**

a. Teacher candidates exhibit respect for superiors, peers, and children and youth in all settings.

b. Teacher candidates understand and appreciate the value of differences and look beyond self in interactions with others; respect differences of race, ethnicity, religion, and social class, national



allegiance, and cultural heritage. Teacher candidates do not impose personal, religious, sexual, and/or cultural values on others.

c. Teacher candidates exhibit acceptance of and provide accommodations for exceptional learners.

d. Teacher candidates are able to work productively with their peers.

e. Teacher candidates are able to speak in a manner appropriate to the context of the classroom.

f. Teacher candidates must display positive attitudes toward faculty, colleagues, and students.

g. Teacher candidates demonstrate positive social skills in professional and social interactions with faculty, colleagues, parents, and students.

## **6. Physical Skills**

The teacher candidate exhibits motor and sensory abilities to attend and participate in class and practicum placements, with or without accommodations, as recommended by the Office of Disability Services.

Note:

No otherwise qualified teacher candidate shall, on the basis of differences, be subjected to discrimination or excluded from participation in the Alternative Certification Program. A teacher candidate with a disability may be protected by Section 504 of the Vocational Rehabilitation Act and the Americans with Disabilities Act and be eligible for a reasonable accommodation that will provide an equal opportunity to meet the academic criteria related to professional behavior and scholastic performance.

Any otherwise qualified teacher candidate with a qualified disability who requests a reasonable accommodation must notify the Office of Disability Services and provide documentation as needed. The Office of Disability Services makes recommendations for accommodations.

## **7. Emotional Dispositions**

### **a. Stress Management**

The teacher candidate demonstrates the ability to deal with current life stressors through the use of appropriate coping mechanisms. He or she handles stress effectively by using appropriate self-care and developing supportive relationships with colleagues, peers, and others.

### **b. Emotional and Mental Capabilities**

The teacher candidate uses sound judgment. The teacher candidate demonstrates the emotional and mental health required to function effectively as a teacher.

### **c. Cognitive Dispositions**

(1) Teacher candidates think analytically about educational issues.

(2) Teacher candidates are thoughtfully reflective about their practice.

(3) Teacher candidates are flexible, open to new ideas, and willing and able to modify their beliefs and practices.

(4) Teacher candidates question and test their assumptions about teaching and schooling.

## **Conditions for Completion of Clinical/Student Teaching or Internship**

Successful completion of clinical/student teaching or internship is a condition for meeting teacher certification requirements. If a student fails to receive a recommendation they may appeal to the Alternative Certification Advisory Board. After the appeal, if the student fails to complete the assigned requirements, they will be dismissed from the Alternative Certification Program without the opportunity for a second appeal.

Review of Teacher Candidates

All teacher candidates referred for review are expected to participate in the process. Refusal to participate will not terminate the process. The level of review will depend on factors such as the nature, severity, frequency of the incident or concern. For example, repeated violations may result in immediate Formal Level 2 review. Violations of the ETAMU or host school district's student code of conduct will result in immediate Level 2 Formal Review.

### **1. Informal Review**

An informal review involves a faculty member and a teacher candidate. When a faculty member has concerns about a teacher candidate meeting any of the fitness to teach criteria, the faculty member will:

A. discuss the concerns directly with the teacher candidate and seek to work with the candidate to resolve the difficulties

B. inform the appropriate department head and the dean or their designee of the concern(s) in order to identify potential patterns and issues related to the teacher candidate

C. document dates and content of meetings with teacher candidates

If a problem arises in the field, the mentor teacher of the host school district may discuss concerns directly with the ETAMU University Field Supervisor or Alternative Certification Coordinator. The teacher candidate may also be included in this meeting.

### **2. Formal Review: Level 1**

When a faculty member or university field supervisor is sufficiently concerned about a teacher candidate's fitness to teach, he or she will fill out the Fitness to Teach Formal Review Level 1 form. These forms are to be turned in to the Director of Teacher Certification or their designee.

A three-way conference will then be scheduled with the instructor or university field supervisor, the teacher candidate, and the Director or their designee. During this conference, a plan for remediation will be developed. The nature and content of the plan will depend on the specific situation. However, all remediation plans will be stated in measurable, objective terms, include a reasonable timeline, and be signed by all parties involved. If the candidate fails the remediation plan(s) he/she will be placed on Level 2 Formal Review. If the candidate successfully completes the remediation plan, probationary status will be removed. The remediation plan may continue for more than one semester, depending on the individual circumstances.

### **3. Formal Review: Level 2**

If a second incident or concern is reported on the same teacher candidate, the candidate has failed a remediation plan during the Level 1 Review, or the seriousness of the incident or concern warrant it, the Advisory Board will meet to:

A. review the paperwork

B. interview the faculty members or university field supervisor who have instructed the teacher candidate

C. review the teacher candidate's documentation

D. makes a determination regarding the teacher candidate's suitability to continue in the program

The teacher candidate is afforded due process throughout these proceedings. Following a Level 2 review, a letter of appeal may be submitted to the Director of Teacher Certification for consideration. The Advisory Board's decision is final.

## RETENTION, DUE PROCESS AND EXIT POLICY

1. While in the Alternative Certification Program you must maintain a minimum GPA of 3.0 with no grade below a “B” in your alt cert classes. If your GPA falls below a 3.0 or you receive a grade below a “B” in an alt cert class, you must retake that class in the next available semester and receive a “B” or above in order to maintain good standing in our program. If you fail to meet GPA or make a “B” or better in your second attempt, you will be removed from the program and be considered “not in good standing” with the program.
2. Successfully complete courses as outlined on the Alternative Certification plan.
3. Meet and adhere to all requirements listed in the Alternative Certification Handbook.
4. Successfully complete a 1-year paid internship or a 490-hour unpaid clinical/student teaching assignment according to program guidelines.

a. Receive recommendation for certification from the principal, mentor teacher and university field supervisor at the end of your teaching assignment. This recommendation is required prior to the Alternative Certification Program recommending you for a Texas state standard teaching certificate. The University Field Supervisor is responsible for submitting or verifying that the completed form has been submitted to the Alternative Certification Program. Failure to receive a recommendation will result in dismissal from the program and you will be considered “not in good standing” with our program.

**Exception:** You may be retained in the program, if the mentor teacher, principal, university field supervisor and Educator Preparation Director agree that some or part of the internship or clinical/student teaching assignment must be repeated until standards for a successful internship or clinical/student teaching assignment are met. The teacher candidate will be responsible for additional costs related to added supervision.

b. Maintain employment at all times during a 1-year paid internship, from the beginning of the public school academic calendar year until the end. If at any time you resign, are dismissed, your contract is not renewed, you are discharged or released from the EPP, you withdraw from the EPP or your internship assignment is not in the grade/subject you are pursuing, you will be automatically dismissed from the program and you may be considered “not in good standing”, depending on the situation. If you leave the internship due to any of the above reasons, the EPP, the campus or district personnel, and the candidate teacher must inform each other within one calendar week of the candidate teacher’s last day in the assignment and TEA must receive the certificate deactivation request with all related documentation from the EPP within two calendar weeks of the candidate teacher’s last day of the assignment in a format determined by TEA.

**Exception:** The only exception is if your resignation is amicable between you and your school district, and you immediately (within seven (7) days) assume an acceptable position and successfully complete the one-year internship. This exception also requires a statement of agreement by your mentor teacher

and university supervisor, stating they believe you have been making satisfactory progress in teaching and you should be allowed to continue working in the profession.

c. Maintain attendance at all times during the unpaid clinical/student teaching assignment. You are expected to complete 490-hours of clinical/student with no more than 3 excused absences. If you exceed 3 absences, you will be expected to make those days up before receiving a recommendation. If at any time you resign or are dismissed from student teaching, you will be automatically dismissed from the program and you will be considered “not in good standing” with our program.

**Exception:** If the school district assigned for the clinical/student teaching experience offers employment prior to the completion of clinical/student teaching, the Educator Preparation Director will determine requirements for the completion of the now internship.

5. Comply with the Texas Administrative Code, [Chapter 247](#) and exhibit professional behavior at all times. At any time, university or school district personnel may initiate Fitness to Teach (FTT) that will be considered by the Instructional Leadership Team and/or Educator Preparation Director at Texas A&M University-Commerce. These parties, or party, may decide whether the **behavior** violates acceptable professional behavior standards, and whether dismissal is warranted.

6. Enroll, fund and attend all prescribed coursework, training and internship or clinical/student teaching assignment in the designated semesters and at the designated times. This includes being punctual and remaining in attendance for the duration.

**NOTE:** All fees related to the Alternative Certification Program must be paid in full prior to being recommended for certification.

**Exception with regard to attendance:** Participation in a required/authorized university activity, verified illness, death in the student’s immediate family, or obligation of a student at a legal proceeding may be considered as excused. All absences must accompany authorization/verification of reason. The above exceptions may be considered when a policy is not apparent.

7. Continue to make yearly progress towards certification. (This may include continuing to successfully complete coursework on the certification plan, passing the required content area or PPR (Pedagogy and Professional Responsibilities) TExES tests and completing an approved 1- year paid internship or 490-hour unpaid clinical/student teaching assignment. If you do not register for classes for two consecutive long semesters and do not respond to email requests, you will be removed from the program and an email will be sent to you. To be reinstated, a student will have to reapply to the program.

A. If you have fully completed the program but have not passed all required exams you will have 1-year to fulfill the requirement. If you request test approval after 1-year of completing the program, then remediation is required before test approval will be given. For example, completing a practice exam with a score of 80% or above on a tutoring site and sending those scores to the certification office.

8. Comply with all practices, policies, and requirements written herein. Failure to comply with all practices, policies and requirements will result in dismissal from the Alternative Certification Program. In accordance with due process, students who are dismissed from the Alternative Certification Program will be issued a letter describing the reasons for dismissal from the program, including any supporting documentation (if applicable). Within a time-frame determined by the Director of Educator Preparation, the student may challenge the reason(s) for dismissal from the Alternative Certification Program, if the student believes that practices, policies, and/or requirements written herein were adhered to by the student. The student may write a letter of appeal that will be reviewed by the Alternative Certification Advisory Committee.

The Certification Advisory Committee is scheduled to meet two (2) times during the year to review and consider appeals. Members of the Advisory Committee will have access to the letter of dismissal, the letter of appeal, evaluation materials, and all supporting documents related to the dismissal. The dismissed teacher candidate will have the opportunity to appeal to the Advisory Committee for re-entry into the Teacher Certification program. The Advisory Committee will determine if the policies, practices, or requirements written herein were adhered to by the student. If the ruling is in favor of the student and it is determined all practices, policies and requirements written herein were adhered to, the Advisory Committee and program staff will determine the conditions for re-admission to the Alternative Certification Program. Additionally, any remaining program requirements will be determined. Successful completion of conditions and program requirements may lead to an initial Texas state teaching certificate.

If the ruling is not in favor of the student, and it is determined that all practices, policies and requirements written herein were not adhered to by the student, re-admission to the Alternative Certification Program will be denied. If the student is unsuccessful in meeting the conditions and program requirements, they will not be eligible for another appeal. The student will then be considered “not in good standing” with the program.

Note: Direct violation of the Code of Ethics for Texas Educators as defined in the Texas Administrative Code, [Chapter 247.2](#), resulting in revocation of a certificate, or dismissal from the field experience, will not be considered for appeal and/or re-admission in to the Alternative Certification Program. The student will be considered “not in good standing” with the program.

## Filing for Standard Certification

Requirements that must be met prior to filing for certification:

- ▶ Continued admission and retention in the EPP Program
- ▶ Passing of all required TExES exams
- ▶ Successful completion of all required coursework. Students must maintain 3.0 GPA with minimum grade of “B” in alternative certification courses.
- ▶ Successful teaching assignment
- ▶ Principal recommendation form on file with signatures of recommendation from principal, mentor and university supervisor
- ▶ All teaching assignment fees paid in full.

### Application Procedures:

1. Go to TEA website at [www.tea.state.tx.us](http://www.tea.state.tx.us) click on the TEAL Login at top of page
  - Log on to your account (if you have taken a TExES exam you should have an account)
  - First-time user Click on "New User? Create New Account"
2. Once you are logged in:
  - Click on the link APPLICATIONS
  - Click on STANDARD CERTIFICATE
  - Follow the directions on the web page to apply for your Certificate.
  - Choose **TEXAS A&M University-Commerce** **(Alternative** if seeking “certification only” or all your master’s classes are not completed yet or **University-Post Bac** if seeking degree (all classes complete & you will be graduating) and certification at the same time.)
3. Pay TEA electronically for **\$78.00** Certification, **\$40.25** Fingerprinting and **\$10.00** Vendor fees:
  - At this time, you may elect to only pay the fingerprinting fees and then pay for the certificate when it gets closer to the end of student teaching.
  - If you have been an Educational Aide and hold an Aide Certificate with SBEC, or completed the process with a school district, you **will not** be required to complete Fingerprinting again.
  - Double check your APPLICATION STATUS to make sure that your payment was processed.

\*You will receive an email confirmation from TEA after the university has completed its recommendation. Your status may be checked online. After the TEA receives the university’s recommendation, TEA will process the issuing of the certificate. Once the certificate has been issued, it may be viewed on the website under the “Official Record for Educator Certificate”. This virtual certificate is your official certificate and can be printed for your records.

NOTE: Applications that are not fully processed within 60 days will be deleted. If deleted, you will be required to file again through the TEA (TEAL) online system.

## **FERPA**

I understand that under the Family Educational Rights and Privacy Act of 1974 (“FERPA” 20 USC 123g; 34 CFR §99; commonly known as the “Buckley Amendment”) no disclosure of my records can be made without my written consent unless otherwise provided for in legal statutes and judicial decisions. I also understand that I may revoke this consent at any time (via written request to the educator preparation program) except to the extent that action has already been taken upon this release. Further, without such a release, I am unable to participate in any field-based experiences including 30 clock hours of observation, clinical teaching, student teaching, or internship.

NOTE: East Texas A&M University expressly discloses the following:

1. As a provider of teacher education programs, East Texas A&M University must ensure its students demonstrate adherence to the Code of Ethics and Standard Practices of Texas Educators, which requires the observance of federal and state law. An arrest, indictment, conviction and/or deferred adjudication may result in a student being dismissed from the program.
  
2. While East Texas A&M University does not perform criminal history background checks, Texas public schools are permitted by state law to conduct criminal history background checks on a person intended for hire or a person who has requested a volunteer position. As a participant in an internship in a Texas public school, you may be subject to a criminal history background check.
  
3. While East Texas A&M University does not perform criminal history background checks, The Texas State Board for Educator Certification requests information regarding any previous arrest, indictment, conviction, and/or deferred adjudication. When applying for state certification, you will be subject to a criminal history background check by the State Board for Educator Certification. An applicant with a criminal history may be denied certification.

## Code of Ethics for Texas Educators

Texas Administrative Code

Rule §247.2 Code of Ethics and Standard Practices for Texas Educators

In compliance with the Texas Education Code, §21.041(b)(8), the State Board for Educator Certification (SBEC) adopts an Educators' Code of Ethics as set forth in §247.2 of this title (relating to Code of Ethics and Standard Practices for Texas Educators). The SBEC may amend the ethics code in the same manner as any other formal rule.

The Texas educator shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall safeguard academic freedom. The Texas educator, in maintaining the dignity of the profession, shall respect and obey the law, demonstrate personal integrity, and exemplify honesty and good moral character. The Texas educator, in exemplifying ethical relations with colleagues, shall extend just and equitable treatment to all members of the profession. The Texas educator, in accepting a position of public trust, shall measure success by the progress of each student toward realization of his or her potential as an effective citizen. The Texas educator, in fulfilling responsibilities in the community, shall cooperate with parents and others to improve the public schools of the community. This chapter shall apply to educators and candidates for certification.

The SBEC is solely responsible for enforcing the Educators' Code of Ethics for purposes related to certification disciplinary proceedings. The Educators' Code of Ethics is enforced through the disciplinary procedure set forth in Chapter 249 of this title (relating to Disciplinary Proceedings, Sanctions, and Contested Cases) pursuant to the purposes stated therein.

As provided in §249.5 of this title (relating to Purpose), the primary goals the SBEC seeks to achieve in educator disciplinary matters are as follows:

### Enforceable Standards.

#### Professional Ethical Conduct, Practices and Performance

(A) Standard 1.1. The educator shall not intentionally, knowingly, or recklessly engage in deceptive practices regarding official policies of the school district, educational institution, educator preparation program, the Texas Education Agency, or the State Board for Educator Certification (SBEC) and its certification process.

(B) Standard 1.2. The educator shall not intentionally, knowingly, or recklessly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.

(C) Standard 1.3. The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.

(D) Standard 1.4. The educator shall not use institutional or professional privileges for personal or partisan advantage.

(E) Standard 1.5. The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or that are used to obtain special advantage. This standard shall not restrict the



acceptance of gifts or tokens offered and accepted openly from students, parents of students, or other persons or organizations in recognition or appreciation of service.

(F) Standard 1.6. The educator shall not falsify records, or direct or coerce others to do so.

(G) Standard 1.7. The educator shall comply with state regulations, written local school board policies, and other state and federal laws.

(H) Standard 1.8. The educator shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications.

(I) Standard 1.9. The educator shall not make threats of violence against school district employees, school board members, students, or parents of students.

(J) Standard 1.10. The educator shall be of good moral character and be worthy to instruct or supervise the youth of this state.

(K) Standard 1.11. The educator shall not intentionally, knowingly, or recklessly misrepresent his or her employment history, criminal history, and/or disciplinary record when applying for subsequent employment.

(L) Standard 1.12. The educator shall refrain from the illegal use, abuse, or distribution of controlled substances, prescription drugs, and toxic inhalants.

(M) Standard 1.13. The educator shall not be under the influence of alcohol or consume alcoholic beverages on school property or during school activities when students are present.

### **Ethical Conduct Toward Professional Colleagues**

(A) Standard 2.1. The educator shall not reveal confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law.

(B) Standard 2.2. The educator shall not harm others by knowingly making false statements about a colleague or the school system.

(C) Standard 2.3. The educator shall adhere to written local school board policies and state and federal laws regarding the hiring, evaluation, and dismissal of personnel.

(D) Standard 2.4. The educator shall not interfere with a colleague's exercise of political, professional, or citizenship rights and responsibilities.

(E) Standard 2.5. The educator shall not discriminate against or coerce a colleague on the basis of race, color, religion, national origin, age, gender, disability, family status, or sexual orientation.

(F) Standard 2.6. The educator shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.

(G) Standard 2.7. The educator shall not retaliate against any individual who has filed a complaint with the SBEC or who provides information for a disciplinary investigation or proceeding under this chapter.

(H) Standard 2.8. The educator shall not intentionally or knowingly subject a colleague to sexual harassment.

### **Ethical Conduct Toward Students**

(A) Standard 3.1. The educator shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.

(B) Standard 3.2. The educator shall not intentionally, knowingly, or recklessly treat a student or minor in a manner that adversely affects or endangers the learning, physical health, mental health, or safety of the student or minor.

(C) Standard 3.3. The educator shall not intentionally, knowingly, or recklessly misrepresent facts regarding a student.

(D) Standard 3.4. The educator shall not exclude a student from participation in a program, deny benefits to a student, or grant an advantage to a student on the basis of race, color, gender, disability, national origin, religion, family status, or sexual orientation.

(E) Standard 3.5. The educator shall not intentionally, knowingly, or recklessly engage in physical mistreatment, neglect, or abuse of a student or minor.

(F) Standard 3.6. The educator shall not solicit or engage in sexual conduct or a romantic relationship with a student or minor.

(G) Standard 3.7. The educator shall not furnish alcohol or illegal/unauthorized drugs to any person under 21 years of age unless the educator is a parent or guardian of that child or knowingly allow any person under 21 years of age unless the educator is a parent or guardian of that child to consume alcohol or illegal/unauthorized drugs in the presence of the educator.

(H) Standard 3.8. The educator shall maintain appropriate professional educator-student relationships and boundaries based on a reasonably prudent educator standard.

(I) Standard 3.9. The educator shall refrain from inappropriate communication with a student or minor, including, but not limited to, electronic communication such as cell phone, text messaging, email, instant messaging, blogging, or other social network communication. Factors that may be considered in assessing whether the communication is inappropriate include, but are not limited to:

- (i) the nature, purpose, timing, and amount of the communication;
- (ii) the subject matter of the communication;
- (iii) whether the communication was made openly, or the educator attempted to conceal the communication;
- (iv) whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;
- (v) whether the communication was sexually explicit; and
- (vi) whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the educator or the student.

## Texas Administrative Code

[Next Rule>>](#)

[TITLE 19](#)

EDUCATION

[PART 7](#)

STATE BOARD FOR EDUCATOR CERTIFICATION

[CHAPTER 249](#)

DISCIPLINARY PROCEEDINGS, SANCTIONS, AND CONTESTED CASES

[SUBCHAPTER B](#)

ENFORCEMENT ACTIONS AND GUIDELINES

RULE §249.11

Test Irregularities; Appeal; Sanctions

---

(a) Upon satisfactory evidence that the examinee has violated certification test administration rules or procedures, the State Board for Educator Certification may cancel the examinee's test scores or registration and bar the person from being admitted to future test administrations. The Texas Education Agency (TEA) staff shall provide written notice of this action and the factual and legal reasons for it to the examinee by personal service, registered or certified mail, or email to the most recent address provided to the TEA or its test contractor by the examinee. The examinee may attempt to show compliance with test administration rules or procedures by written submission or by requesting an informal conference, and/or may appeal and request a State Office of Administrative Hearings (SOAH) hearing as hereafter provided.

(b) The examinee may appeal and request a SOAH hearing of the administrative cancellation of test scores and/or test admission bar. The appeal of an administrative cancellation shall be in the form of a petition that complies in content and form with §249.26 of this title (relating to Petition) and 1 Texas Administrative Code, Part 7, §155.301 (relating to Required Form of Pleadings).

(c) In order to be referred to the SOAH for a contested case hearing, an appeal petition must be filed with the TEA staff within 30 calendar days after the examinee received or is deemed to have received written notice of the TEA staff's action. Unless otherwise proved by the examinee, the notice shall be deemed to have been received by the

examinee no later than five calendar days after mailing to the most recent address provided by the examinee. The TEA staff may dismiss an appeal not timely filed.

(d) The TEA staff shall send an answer to the petition to the examinee and shall refer the petition and answer to the SOAH for a contested case hearing.

**Texas Administrative Code**

[Next Rule>>](#)

[TITLE 19](#)

EDUCATION

[PART 7](#)

STATE BOARD FOR EDUCATOR CERTIFICATION

[CHAPTER 249](#)

DISCIPLINARY PROCEEDINGS, SANCTIONS, AND CONTESTED CASES

[SUBCHAPTER B](#)

ENFORCEMENT ACTIONS AND GUIDELINES

RULE §249.12

Administrative Denial; Appeal

---

(a) This section applies to administrative denials, as that term is defined in §249.3 of this title (relating to Definitions). This section does not apply to the denial of an application for a certificate that has been permanently revoked, and it does not apply to the failure to issue a certificate because specific certification requirements have not been met.

(b) The Texas Education Agency (TEA) staff may administratively deny any of the matters set out in subsection (a) of this section based on satisfactory evidence that:

(1) the person filed a fraudulent application;

(2) the person assisted another person in obtaining employment at a school district or open-enrollment charter school, other than by the routine transmission of administrative or personnel files when the person knew that the other person had previously engaged in an inappropriate relationship with a minor or student in violation of the law;

(3) the person has committed an act that would make them subject to required revocation under the Texas Education Code, §21.058;

(4) the person has committed an act that would make them subject to mandatory permanent revocation or denial under §249.17(i) of this title (relating to Decision-Making Guidelines);

(5) the person has engaged in conduct or committed a crime or an offense that:

(A) demonstrates that the person lacks good moral character;

(B) demonstrates that the person is unworthy to instruct or to supervise the youth of this state; or

(C) constitutes the elements of a crime or offense relating directly to the duties and responsibilities of the education profession; or

(6) the person failed to comply with the terms or conditions of an order issued by or on behalf of the State Board for Educator Certification or the TEA staff.

(c) The TEA staff shall provide written notice of the denial and the factual and legal reasons for it to the person whose application or request has been administratively denied. The notice shall be given by registered or certified mail to the address the person has provided in the application or request that is being denied. The person may attempt to show compliance with legal requirements by written submission or by requesting an informal conference, and/or may appeal and request a State Office of Administrative Hearings (SOAH) hearing as hereafter provided. The 30-day deadline to appeal and request a hearing is not tolled during any attempts to show cause.

(d) The appeal and request for a SOAH hearing of an administrative denial shall be in the form of a petition that complies in content and form with §249.26 of this title (relating to Petition) and 1 Texas Administrative Code, Part 7, §155.301 (relating to Required Form of Pleadings). In order to be referred to the SOAH for a contested case hearing, an appeal petition must be filed with the TEA staff within 30 calendar days after the person received or is deemed to have received written notice of the administrative denial. Unless otherwise proved by the person, the notice shall be deemed to have been received by the examinee no later than five calendar days after mailing to the most recent address provided by the person. The TEA staff may dismiss an appeal that is not timely filed without further action.

(e) The TEA staff shall send an answer to the petition to the person appealing an administrative denial and shall refer the petition and answer to the SOAH for a contested case hearing.

[Next Rule>>](#)

**Texas Administrative Code**

<a href="#">TITLE 19</a>	EDUCATION
<a href="#">PART 7</a>	STATE BOARD FOR EDUCATOR CERTIFICATION
<a href="#">CHAPTER 249</a>	DISCIPLINARY PROCEEDINGS, SANCTIONS, AND CONTESTED CASES
<a href="#">SUBCHAPTER B</a>	ENFORCEMENT ACTIONS AND GUIDELINES
RULE §249.13	Cancellation of an Erroneously Issued Certificate

- (a) When satisfactory evidence indicates that a certificate was issued in error and the person issued the certificate has not fulfilled all certification requirements, the Texas Education Agency (TEA) staff shall cancel the certificate. The effective date of cancellation is the date the person's virtual certificate is updated to reflect that the certificate is no longer valid.
- (b) Before canceling the certificate, the TEA staff shall notify the person issued the certificate of the reasons for which the TEA intends to cancel the certificate and shall provide the person issued the certificate at least ten calendar days to respond and show cause why the certificate should not be canceled. Unless otherwise proved by the person, the show cause notice shall be deemed to have been received by the person no later than five calendar days after mailing to the most recent address the person is required to provide pursuant to §230.91 of this title (relating to Procedures in General).
- (c) The TEA staff shall notify the person and the person's employing school district, if any, that the person was issued a certificate in error, what actions the TEA staff have taken to cancel the erroneously issued certificate, and how the person can be issued a valid certificate.
- (d) The TEA staff will issue the person a valid certificate when it receives satisfactory evidence that all certification requirements have been fulfilled. The person will not be required to repeat any coursework, training, internship, or other certification requirements that an educator preparation program certifies that the person has completed.
- (e) The person whose erroneously issued certificate has been canceled may request a contested case hearing before the State Office of Administrative Hearings (SOAH). For the purposes of notice, time limits, appeal requirements, and determining the placement of the burden of proof at the SOAH contested case hearing, the person whose certificate has been canceled shall be deemed to have had his or her original application for the erroneously issued certificate administratively denied pursuant to §249.12 of this title (relating to Administrative Denial; Appeal) on the effective date of the cancellation.

**Texas Administrative Code**

[Next Rule>>](#)

<a href="#">TITLE 19</a>	EDUCATION
<a href="#">PART 7</a>	STATE BOARD FOR EDUCATOR CERTIFICATION
<a href="#">CHAPTER 249</a>	DISCIPLINARY PROCEEDINGS, SANCTIONS, AND CONTESTED CASES
<a href="#">SUBCHAPTER B</a>	ENFORCEMENT ACTIONS AND GUIDELINES
RULE §249.14	Complaint, Required Reporting, and Investigation; Investigative Notice; Filing of Petition

- (a) The Texas Education Agency (TEA) staff may obtain and investigate information concerning alleged improper conduct by an educator, applicant, examinee, or other person subject to this chapter that would warrant the State Board for Educator Certification (SBEC) denying relief to or taking disciplinary action against the person or certificate.
- (b) Complaints against an educator, applicant, or examinee must be filed in writing.
- (c) The TEA staff may also obtain and act on other information providing grounds for investigation and possible action under this chapter.
- (d) A person who serves as the superintendent of a school district or district of innovation, the director of a charter school, regional education service center, or shared services arrangement, or the chief administrative officer of a private school may notify the SBEC of any educator misconduct that the person believes in good faith may be subject to sanctions under this chapter and/or Chapter 247 of this title (relating to Educators' Code of Ethics). However, under any of the following circumstances, a person who serves in such a position shall promptly notify the SBEC in writing by filing a report with the TEA staff within seven business days of the date

the person either receives a report from a principal under subsection (e) of this section or knew of any of the following circumstances, except if the person is a superintendent or director of a public school and has completed an investigation in accordance with Texas Education Code (TEC), §21.006(c-2), resulting in a determination that the educator did not engage in misconduct:

(1) that an applicant for or a holder of a certificate has a reported criminal history, which the superintendent or director obtained information by a means other than the criminal history clearinghouse established under Texas Government Code, §411.0845;

(2) that a certificate holder was terminated from employment and there is evidence that he or she committed any of the following acts:

(A) sexually or physically abused a student or minor or engaged in any other illegal conduct with a student or minor;

(B) possessed, transferred, sold, or distributed a controlled substance;

(C) illegally transferred, appropriated, or expended school property or funds;

(D) attempted by fraudulent or unauthorized means to obtain or to alter any certificate or permit that would entitle the individual to be employed in a position requiring such certificate or permit or to receive additional compensation associated with a position;

(E) committed a crime, any part of such crime having occurred on school property or at a school-sponsored event; or

(F) solicited or engaged in sexual conduct or a romantic relationship with a student or minor;

(3) that a certificate holder has submitted a notice of resignation and that there exists evidence that he or she committed one of the acts specified in paragraph (2) of this subsection.

(A) Before accepting an employee's resignation that, under this paragraph, requires a person to notify the SBEC by filing a report with the TEA staff, the person shall inform the certificate holder in writing that such a report will be filed and that sanctions against his or her certificate may result as a consequence.

(B) A person required to comply with this paragraph shall notify the governing body of the employing school district before filing the report with the TEA staff.

(C) A superintendent or director of a school district shall complete an investigation of an educator if there is reasonable cause to believe the educator may have engaged in misconduct described in paragraph (2)(A) of this subsection despite the educator's resignation from district employment before completion of the investigation; or

(4) any other circumstances requiring a report under the TEC, §21.006.

(e) A person who serves as a principal in a school district, a district of innovation, or a charter school must notify the superintendent or director of the school district, district of innovation, or charter school and may be subject to sanctions for failure to do so no later than seven business days after:

(1) an educator's termination or resignation following an alleged incident of misconduct involving one of the acts described in subsection (d)(2) of this section; or

(2) the principal knew about an educator's reported criminal history.

(f) Pursuant to the TEC, §21.006(b-2), (c), (h), and (i), a report filed under subsections (d) and (e) of this section must include:

(1) the name or names of any student or minor who is the victim of abuse or unlawful conduct by an educator; and

(2) the factual circumstances requiring the report and the subject of the report by providing the following available information:

(A) name and any aliases; certificate number, if any, or social security number;

(B) last known mailing address and home and daytime phone numbers;

(C) all available contact information for any alleged victim or victims;

(D) name or names and any available contact information of any relevant witnesses to the circumstances requiring the report;

(E) current employment status of the subject, including any information about proposed termination, notice of resignation, or pending employment actions; and

(F) involvement by a law enforcement or other agency, including the name of the agency.

(g) Pursuant to the Family Educational Rights and Privacy Act (FERPA), 20 United States Code, §1232g(a)(4), and the federal regulations interpreting it at 34 Code of Federal Regulations, §99.3, education records that are protected by FERPA must be records that are directly related to a student, and the term "education records" does not include records that relate to a school employee in his or her capacity as a school employee.

(h) A person who is required to file a report under subsections (d) and (e) of this section but fails to do so timely is subject to sanctions under this chapter.

(i) If a school district board of trustees learns of a failure by the superintendent of the district or a district principal to provide a notice required under the Texas Code of Criminal Procedure (TCCP), §15.27(a), (a-1), or (b), the board of trustees shall report the failure to the SBEC. If the governing body of a private primary or secondary school learns of a failure by the principal of the school to provide a notice required under the TCCP, §15.27(e), and the principal holds a certificate issued under the TEC, Chapter 21, Subchapter B, the governing body shall report the failure to the SBEC.

(j) The TEA staff shall not pursue sanctions against an educator who is alleged to have abandoned his or her TEC, Chapter 21, contract in violation of the TEC, §§21.105(c), 21.160(c), or 21.210(c), subject to the limitations imposed by the TEC, §21.4021(g), unless the board of trustees of the employing school district:

(1) submits a written complaint to the TEA staff within 30 calendar days after the effective date of the educator's separation from employment from the school district. For purposes of this section, unless the school district and the educator have a written agreement to the contrary, the effective date of separation from employment is the first day that, without district permission, the educator fails to appear for work under the contract;

(2) renders a finding that good cause did not exist under the TEC, §§21.105(c)(2), 21.160(c)(2), or 21.210(c)(2). This finding constitutes prima facie evidence of the educator's lack of good cause, but is not a conclusive determination; and

(3) submits the following required attachments to the written complaint:

(A) the educator's resignation letter, if any;

(B) the agreement with the educator regarding the effective date of separation from employment, if any;

(C) the educator's contract; and

(D) school board meeting minutes indicating a finding of "no good cause" (if the board does not meet within 30 calendar days of the educator's separation from employment, the minutes may be submitted within 10 calendar days after the next board meeting).

(k) To efficiently administer and implement the SBEC's purpose under this chapter and the TEC, the TEA staff may set priorities for the investigation of complaints based on the severity and immediacy of the allegations and the likelihood of harm posed by the subject of the investigation. All cases accepted for investigation shall be assigned one of the following priorities.

(1) Priority 1: conduct that may result in the placement of an investigative notice pursuant to the TEC, §21.007, and subsection (l) of this section because it presents a risk to the health, safety, or welfare of a student or minor, parent of a student, fellow employee, or professional colleague, including, but not limited to, the following:

(A) any conduct constituting a felony criminal offense;

(B) indecent exposure;

(C) public lewdness;

(D) child abuse and/or neglect;

(E) possession of a weapon on school property;

(F) drug offenses occurring on school property;

(G) sale to or making alcohol or other drugs available to a student or minor;

(H) sale, distribution, or display of harmful material to a student or minor;

(I) certificate fraud;

(J) state assessment testing violations;

(K) deadly conduct; and

(L) conduct that involves inappropriate communication with a student as described in §247.2(3)(I) of this title (relating to Code of Ethics and Standard Practices for Texas Educators), inappropriate professional educator-student relationships and boundaries, or otherwise soliciting or engaging in sexual conduct or a romantic relationship with a student or minor.

(2) Priority 2: any sanctionable conduct that is not Priority 1 conduct under paragraph (1) of this subsection. An investigative notice will not be placed on an educator's certification records on the basis of an allegation of Priority 2 conduct. The TEA staff may change a case's priority at any time based on information received. Priority 2 conduct includes, but is not limited to, the following:

(A) any conduct constituting a misdemeanor criminal offense or testing violation that is not Priority 1 conduct;

(B) contract abandonment; and

(C) code of ethics violations that do not constitute Priority 1 conduct.

(l) After accepting a case for investigation, if the alleged conduct indicates a risk to the health, safety, or welfare of a student or minor, as described in subsection (k)(1) of this section, the TEA staff shall immediately place an investigative notice on the certificate holder's certification records stating that the certificate holder is currently under investigation. The placement of such an investigative notice must follow the procedures set forth in subsection (m)(1) of this section. After accepting a case for investigation, if the alleged conduct indicates a risk to the health, safety, or welfare of a parent of a student, fellow employee, or professional colleague, as described in subsection (k)(1) of this section, the TEA staff may place an investigative notice on the certificate holder's certification records stating that the certificate holder is currently under investigation. The placement of an investigative notice must follow the procedures set forth in subsection (m)(2) of this section.

(m) The following procedures must be followed for placing an investigative notice on the educator's certification records.

(1) At the time of placing an investigative notice on an educator's certification records for alleged conduct that indicates a risk to the health, safety, or welfare of a student or minor, the TEA staff shall serve the certificate holder with a letter informing the educator of the investigation and the basis of the complaint.

(A) Within ten calendar days of placing an investigative notice on the educator's certification records, the letter notifying the certificate holder of the investigation shall be mailed to the address provided to the TEA staff pursuant to the requirements set forth in §230.91 of this title (relating to Procedures in General).

(B) The letter notifying the certificate holder of the investigation shall include a statement of the alleged conduct, which forms the basis for the investigative notice, and shall provide the certificate holder the opportunity to show cause within ten calendar days why the notice should be removed from the educator's certification records.

(2) Prior to placing an investigative notice on an educator's certification records for alleged conduct that indicates a risk to the health, safety, or welfare of a parent of a student, fellow employee, or professional colleague, as described in subsection (k)(1) of this section, the TEA staff shall serve the certificate holder with a letter informing the educator of the investigation and the basis of the complaint.

(A) At least ten calendar days before placing an investigative notice on the educator's certification records, the letter notifying the certificate holder of the investigation shall be mailed to the address provided to the TEA staff pursuant to the requirements set forth in §230.91 of this title.

(B) The letter notifying the certificate holder of the investigation shall include a statement of the alleged conduct, which forms the basis for the investigative notice, and shall provide the certificate holder the opportunity to show cause within ten calendar days why the notice should not be placed on the educator's certification records.

(3) The TEA staff shall determine whether or not to remove or place an investigative notice on the educator's certification records, taking into account the educator's response, if any, to the letter notifying the certificate holder of the investigation.

(n) An investigative notice is subject to the following time limits.

(1) An investigative notice may remain on the certification records of a certificate holder for a period not to exceed 240 calendar days.

(2) The TEA staff may toll this time limit if information is received indicating that there is a pending criminal or administrative matter related to the alleged act of misconduct that gives rise to the investigative notice. For purposes of this subsection, a criminal or administrative matter includes an audit by a state or federal agency, an arrest, an investigation, related litigation or other enforcement action brought by a state or federal administrative agency, or a prosecution by a criminal law enforcement agency. Upon receiving notice that the criminal or administrative matter has been resolved the tolling period shall end. As part of its procedure, the TEA staff will attempt to make bimonthly (once every two months) contact with the agency where a related matter is pending to determine whether the related matter has been closed or otherwise resolved.

(3) The TEA staff may toll this time limit if the matter is referred for a contested case hearing, upon agreement of the parties, or while the matter is pending action by the SBEC on a proposed agreed order.

(o) The TEA staff shall remove an investigative notice from an educator's certification records:

(1) when a case's final disposition occurs within the time limits established in subsection (n) of this section; or

(2) when the time limits for an investigative notice have been exceeded, if:

(A) the certificate holder has made a written demand to the TEA staff that the investigative notice be removed because the time limits have been exceeded; and

(B) the TEA staff has failed to refer the matter to the State Office of Administrative Hearings for a contested case hearing within 30 calendar days from the date of receipt of the written demand to remove the investigative notice.

(p) Only the TEA staff may file a petition seeking sanctions under §249.15 of this title. Prior to filing a petition, the TEA staff shall mail to the certificate holder affected by written notice of the facts or conduct alleged to warrant the intended action and shall provide the certificate holder an opportunity to show compliance with all requirements of law.

**Texas Administrative Code**

[Next Rule>>](#)

[TITLE 19](#)

EDUCATION

[PART 7](#)

STATE BOARD FOR EDUCATOR CERTIFICATION

[CHAPTER 249](#)

DISCIPLINARY PROCEEDINGS, SANCTIONS, AND CONTESTED CASES

[SUBCHAPTER B](#)

ENFORCEMENT ACTIONS AND GUIDELINES

RULE §249.15

Disciplinary Action by State Board for Educator Certification

---

(a) Pursuant to this chapter, the State Board for Educator Certification (SBEC) may take any of the following actions:

- (1) place restrictions on the issuance, renewal, or holding of a certificate, either indefinitely or for a set term;
- (2) issue an inscribed or non-inscribed reprimand;
- (3) suspend a certificate for a set term or issue a probated suspension for a set term;
- (4) revoke or cancel, which includes accepting the surrender of, a certificate without opportunity for reapplication for a set term or permanently;
- (5) impose any conditions or restrictions upon a certificate that the SBEC deems necessary to facilitate the rehabilitation and professional development of the educator or to protect students, parents of students, school personnel, or school officials; or
- (6) impose an administrative penalty of \$500-\$10,000 on a superintendent or director who fails to file timely a report required under §249.14(d) of this title (relating to Complaint, Required Reporting, and Investigation; Investigative Notice; Filing of Petition) or on a principal who fails to timely notify a superintendent or director as required under §249.14(e) of this title under the circumstances and in the manner required by the Texas Education Code (TEC), §21.006.

(b) The SBEC may take any of the actions listed in subsection (a) of this section based on satisfactory evidence that:

- (1) the person has conducted school or education activities in violation of law;
- (2) the person is unworthy to instruct or to supervise the youth of this state;
- (3) the person has violated a provision of the Educators' Code of Ethics;
- (4) the person has failed to report or has hindered the reporting of child abuse pursuant to the Texas Family Code, §261.001, or has failed to notify the SBEC, the commissioner of education, or the school superintendent or director under the circumstances and in the manner required by the TEC, §21.006, §21.0062, §22.093, and §249.14(d)-(f) of this title;
- (5) the person has abandoned a contract in violation of the TEC, §§21.105(c), 21.160(c), or 21.210(c);
- (6) the person has failed to cooperate with the Texas Education Agency (TEA) in an investigation;
- (7) the person has failed to provide information required to be provided by §229.3 of this title (relating to Required Submissions of Information, Surveys, and Other Data);
- (8) the person has violated the security or integrity of any assessment required by the TEC, Chapter 39, Subchapter B, as described in subsection (g) of this section or has committed an act that is a departure from the test administration procedures established by the commissioner of education in Chapter 101 of Part 2 of this title (relating to Assessment);
- (9) the person has committed an act described in §249.14(k)(1) of this title, which constitutes sanctionable Priority 1 conduct, as follows:
  - (A) any conduct constituting a felony criminal offense;
  - (B) indecent exposure;
  - (C) public lewdness;
  - (D) child abuse and/or neglect;
  - (E) possession of a weapon on school property;
  - (F) drug offenses occurring on school property;
  - (G) sale to or making alcohol or other drugs available to a student or minor;



- (H) sale, distribution, or display of harmful material to a student or minor;
- (I) certificate fraud;
- (J) state assessment testing violations;
- (K) deadly conduct; or

(L) conduct that involves inappropriate communication with a student as described in §247.2(3)(I) of this title (relating to Code of Ethics and Standard Practices for Texas Educators), inappropriate professional educator-student relationships and boundaries as described in §247.2(3)(H) of this title, or otherwise soliciting or engaging in sexual conduct or a romantic relationship with a student or minor;

(10) the person has committed an act that would constitute an offense (without regard to whether there has been a criminal conviction) that is considered to relate directly to the duties and responsibilities of the education profession, as described in §249.16(c) of this title (relating to Eligibility of Persons with Criminal History for a Certificate under Texas Occupations Code, Chapter 53, and Texas Education Code, Chapter 21). Such offenses indicate a threat to the health, safety, or welfare of a student or minor, parent of a student, fellow employee, or professional colleague; interfere with the orderly, efficient, or safe operation of a school district, campus, or activity; or indicate impaired ability or misrepresentation of qualifications to perform the functions of an educator and include, but are not limited to:

(A) offenses involving moral turpitude;

(B) offenses involving any form of sexual or physical abuse or neglect of a student or minor or other illegal conduct with a student or minor;

(C) offenses involving any felony possession or conspiracy to possess, or any misdemeanor or felony transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance defined in the Texas Health and Safety Code, Chapter 481;

(D) offenses involving school property or funds;

(E) offenses involving any attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;

(F) offenses occurring wholly or in part on school property or at a school-sponsored activity; or

(G) felony offenses involving driving while intoxicated (DWI);

(11) the person has intentionally failed to comply with the reporting, notification, and confidentiality requirements specified in the Texas Code of Criminal Procedure, §15.27(a), relating to student arrests, detentions, and juvenile referrals for certain offenses;

(12) the person has failed to discharge an employee or to refuse to hire an applicant when the employee or applicant was employed in a public school and on the registry of persons who are not eligible to be employed under TEC, §22.092, when the person knew that the employee or applicant had been adjudicated for or convicted of having an inappropriate relationship with a minor in accordance with the TEC, §21.009(e), or when the person knew or should have known through a criminal history record information review that the employee or applicant had been placed on community supervision or convicted of an offense in accordance with the TEC, §22.085;

(13) the person assisted another educator, school employee, contractor, or agent in obtaining a new job as an educator or in a school, apart from the routine transmission of administrative and personnel files, when the educator knew or had probable cause to believe that such person engaged in an inappropriate relationship with a minor or student;

(14) the person is a superintendent of a school district or the chief operating officer of an open-enrollment charter school who falsely or inaccurately certified to the commissioner of education that the district or charter school had complied with the TEC, §22.085; or

(15) the person has failed to comply with an order or decision of the SBEC.

(c) The TEA staff may commence a contested case to take any of the actions listed in subsection (a) of this section by serving a petition to the certificate holder in accordance with this chapter describing the SBEC's intent to issue a sanction and specifying the legal and factual reasons for the sanction. The certificate holder shall have 30 calendar days to file an answer as provided in §249.27 of this title (relating to Answer).

(d) Upon the failure of the certificate holder to file a written answer as required by this chapter, the TEA staff may file a request for the issuance of a default judgment from the SBEC imposing the proposed sanction in accordance with §249.35 of this title (relating to Disposition Prior to Hearing; Default).

(e) If the certificate holder files a timely answer as provided in this section, the case will be referred to the State Office of Administrative Hearings (SOAH) for hearing in accordance with the SOAH rules; the Texas Government Code, Chapter 2001; and this chapter.

(f) The provisions of this section are not exclusive and do not preclude consideration of other grounds or measures available by law to the SBEC or the TEA staff, including child support arrears. The SBEC may request the Office of the Attorney General to pursue available civil, equitable, or other legal remedies to enforce an order or decision of the SBEC under this chapter.

(g) The statewide assessment program as defined by the TEC, Chapter 39, Subchapter B, is a secure testing program.

(1) Procedures for maintaining security shall be specified in the appropriate test administration materials.

(2) Secure test materials must be accounted for before, during, and after each test administration. Only authorized personnel may have access to secure test materials.

(3) The contents of each test booklet and answer document are confidential in accordance with the Texas Government Code, Chapter 551, and the Family Educational Rights and Privacy Act of 1974. Individual student performance results are confidential as specified under the TEC, §39.030(b).

(4) Violation of security or confidential integrity of any test required by the TEC, Chapter 39, Subchapter B, shall be prohibited. A person who engages in conduct prohibited by this section may be subject to sanction of credentials, including any of the sanctions provided by subsection (a) of this section.

(5) Charter school test administrators are not required to be certified; however, any irregularity in the administration of any test required by the TEC, Chapter 39, Subchapter B, would cause the charter itself to come under review by the commissioner of education for possible sanctions or revocation, as provided under the TEC, §12.115(a)(4).

(6) Conduct that violates the security and confidential integrity of a test is evidenced by any departure from the test administration procedures established by the commissioner of education. Conduct of this nature may include, but is not limited to, the following acts and omissions:

(A) viewing a test before, during, or after an assessment unless specifically authorized to do so;

(B) duplicating secure examination materials;

(C) disclosing the contents of any portion of a secure test;

(D) providing, suggesting, or indicating to an examinee a response or answer to a secure test item or prompt;

(E) changing or altering a response or answer of an examinee to a secure test item or prompt;

(F) aiding or assisting an examinee with a response or answer to a secure test item or prompt;

(G) fraudulently exempting or preventing a student from the administration of a required state assessment;

(H) encouraging or assisting an individual to engage in the conduct described in paragraphs (1)-(7) of this subsection; or

(I) failing to report to an appropriate authority that an individual has engaged in conduct outlined in paragraphs (1)-(8) of this subsection.

(7) Any irregularities in test security or confidential integrity may also result in the invalidation of student results.

(8) The superintendent and campus principal of each school district and chief administrative officer of each charter school and any private school administering the tests as allowed under the TEC, §39.033, shall develop procedures to ensure the security and confidential integrity of the tests specified in the TEC, Chapter 39, Subchapter B, and shall be responsible for notifying the TEA in writing of conduct that violates the security or confidential integrity of a test administered under the TEC, Chapter 39, Subchapter B. A person who fails to report such conduct as required by this subsection may be subject to any of the sanctions provided by subsection (a) of this section.

## **Texas Administrative Code**

[Next Rule>>](#)

[TITLE 19](#)

[PART 7](#)

[CHAPTER 249](#)

[SUBCHAPTER B](#)

RULE §249.16

EDUCATION

STATE BOARD FOR EDUCATOR CERTIFICATION

DISCIPLINARY PROCEEDINGS, SANCTIONS, AND CONTESTED CASES

ENFORCEMENT ACTIONS AND GUIDELINES

Eligibility of Persons with Criminal History for a Certificate under Texas Occupations Code, Chapter 53, and Texas Education Code, Chapter 21

(a) Pursuant to the Texas Occupations Code (TOC), Chapter 53, and the Texas Education Code (TEC), Chapter 21, Subchapter B, the State Board for Educator Certification (SBEC) may suspend or revoke an existing valid certificate, deny an applicant a certificate, bar a person from being assessed or examined for a certificate, or take other disciplinary action because of a person's conviction of a felony or misdemeanor or certain other criminal history.

(b) Disciplinary action under the TOC, §53.021, does not apply to a person convicted only of an offense punishable as a Class C misdemeanor unless the person is an applicant for or the holder of a license that authorizes the person to possess a firearm and the person was convicted of the misdemeanor offense of domestic violence as defined by 18 United States Code, §921.

(c) When statute or SBEC rule codified in the Texas Administrative Code, Title 19, Part 7, requires an offense to directly relate to the duties and responsibilities of the education profession, an offense is considered to directly relate if the offense indicates a threat to the health, safety, or welfare of a student or minor, parent of a student, fellow employee, or professional colleague; interferes with the orderly, efficient, or safe operation of a school district, campus, or activity; or indicates impaired ability or misrepresentation of qualifications to perform the functions of an educator. Offenses considered to relate directly to the duties and responsibilities of the education profession include, but are not limited to:

- (1) offenses involving moral turpitude;
- (2) offenses involving any form of sexual or physical abuse or neglect of a student or minor or other illegal conduct with a student or minor;
- (3) offenses involving any felony possession or conspiracy to possess, or any misdemeanor or felony transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance defined in the Texas Health and Safety Code, Chapter 481;
- (4) offenses involving school property or funds;
- (5) offenses involving any attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;
- (6) offenses occurring wholly or in part on school property or at a school-sponsored activity; or
- (7) felony offenses involving driving while intoxicated (DWI).

(d) Except as provided in subsection (f) of this section, the Texas Education Agency (TEA) staff, pursuant to the TOC, Chapter 53, and the requirements of this chapter, shall notify the applicant or certificate holder in writing of the TEA staff's intent to seek disciplinary action, including denial or revocation, and the reasons for the proposed action. The applicant or certificate holder shall have the opportunity to be heard according to the procedures set forth in this chapter.

(e) The grounds for revoking or suspending a certificate provided by this section and the TOC, Chapter 53, are cumulative of the other grounds and remedies provided by the TEC, §21.060, and this chapter.

(f) The TEC, §21.058, shall control actions pursued under that section.

## **Texas Administrative Code**

[Next Rule>>](#)

[TITLE 19](#)

EDUCATION

[PART 7](#)

STATE BOARD FOR EDUCATOR CERTIFICATION

[CHAPTER 249](#)

DISCIPLINARY PROCEEDINGS, SANCTIONS, AND CONTESTED CASES

[SUBCHAPTER B](#)

ENFORCEMENT ACTIONS AND GUIDELINES

RULE §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;

(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; or

(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 shall 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 the school district 30 days or more in advance of the first day of instruction for which the educator will not be present;

- (B) assisted the 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 the school district;
- (F) provided lesson plans for classes following the educator's resignation;
- (G) changed 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.

(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 completed deferred adjudication or community supervision; or

(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 campus may not receive a sanction of less than a one-year suspension and required completion of a drug or alcohol treatment program.

(i) Mandatory permanent revocation or denial. Notwithstanding subsection (c) of this section, the SBEC shall permanently revoke the teaching certificate of any educator or permanently deny the application of any applicant if, after a contested case hearing or a default under §249.35 of this title, it is determined that the educator or applicant:

(1) engaged in any sexual contact or romantic relationship with a student or minor;

(2) solicited any sexual contact or romantic relationship with a student or minor;

(3) possessed or distributed child pornography;

(4) was registered as a sex offender;

(5) committed criminal homicide;

(6) transferred, sold, distributed, or conspired to possess, transfer, sell, or distribute any controlled substance, the possession of which would be at least a Class A misdemeanor under the Texas Health and Safety Code, Chapter 481, on school property;

(7) intentionally, knowingly, or recklessly causes bodily injury to a student or minor when the conduct of the educator or applicant is not immune from disciplinary proceedings by TEC, §22.0512; or

(8) committed any offense described in the TEC, §21.058.

(j) Mandatory minimum for failure to report. An educator subject to sanction, who fails to report educator misconduct under the circumstances and in the manner required by the TEC, §21.006, and §249.14(d)-(f) of this title (relating to Complaint, Required Reporting, and Investigation; Investigative Notice; Filing of Petition), when the case is resolved through an agreed final order, may not receive a sanction of less than:

(1) an inscribed reprimand and a \$5,000 administrative penalty for a superintendent or director who fails to file timely a report to the SBEC; or

(2) an inscribed reprimand and a \$500 administrative penalty for a principal who fails to timely notify a superintendent or director.

(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.