Text of Proposed Amendment to 19 TAC

Chapter 249. Disciplinary Proceedings, Sanctions, and Contested Cases

Subchapter B. Enforcement Actions and Guidelines

§249.14. Complaint, Required Reporting, and Investigation; Investigative Notice; Filing of Petition.

(a)-(c) (No change.)

(d) A person who serves as the superintendent of a school district or the director of an open-enrollment charter school, private school, regional education service center, or shared services arrangement shall promptly notify in writing the SBEC by filing a report with the TEA staff within seven calendar days of the date the person first obtains or has knowledge of information indicating any of the following circumstances:

(1) that an applicant for or a holder of a certificate has a reported criminal history;

(2) that a certificate holder was terminated from employment based on a determination 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; [~~or~~]

(3) that a certificate holder resigned and reasonable evidence supported a recommendation by the person to terminate a certificate holder because 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 sanctions against his or her certificate may result as a consequence.

(B) A person required to comply with this paragraph [~~paragraph (3) of this subsection~~] shall notify the governing body of the employing school district before filing the report with the TEA staff ; or [~~.~~]

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

(e) A report filed under subsection (d) of this section shall, at a minimum, describe in detail [~~summarize~~] the factual circumstances requiring the report and identify the subject of the report by providing the following available information: name and any aliases; certificate number, if any, or social security number; [~~and~~] last known mailing address and home and daytime phone numbers ; name or names and any available contact information of any alleged victim or victims; and name or names and any available contact information of any relevant witnesses to the circumstances requiring the report . A person who is required to file a report under subsection (d) of this section but fails to do so timely is subject to sanctions under this chapter.

(f) The TEA staff shall not pursue sanctions against an educator who is alleged to have abandoned his or her contract in violation of the TEC [~~Texas Education Code (TEC)~~] , §§21.105(c), 21.160(c), or 21.210(c), unless the board of trustees of the employing school district:

(1) 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 binding determination in a contested case hearing ; and

(2) submits a written complaint to the TEA staff within 30 calendar days after the educator files a written resignation with the school district in the manner provided by the TEC, §§21.105, 21.160, or 21.210. This deadline applies even if the school district does not accept the educator's written resignation. If the educator does not submit a written resignation, the employing school district may determine the effective resignation date for purposes of this section, which shall not be later than 14 days after the educator fails to appear for work without district permission under the terms of the contract [~~separates from employment~~] .

(g)-(m) (No change.)