

Item 6:

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

DISCUSSION AND ACTION

SUMMARY: Texas Government Code (TGC), §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board for Educator Certification (SBEC) rules. This item presents for SBEC approval the adoption of review of 19 Texas Administrative Code (TAC) Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases. The rules under review set out SBEC's authority and procedures for sanctioning certified educators and denying certification to unfit applicants.

STATUTORY AUTHORITY: Statutory authority for the rule review is TGC, §2001.039. The statutory authority for 19 TAC Chapter 249 is the Texas Education Code, (TEC), §§21.006; 21.0062; 21.007; 21.009; 21.031(a); 21.035; 21.040(4); 21.041(a) and (b)(1), (4), (7), and (8); 21.044(a); 21.058; 21.0581; 21.060; 21.065; 21.105(c); 21.160(c); 21.210(c); 22.082; 22.0831; 22.085; 22.087; 22.092; and 22.093; TGC, §§411.087, 411.090, and 2001.058(d-1), (e), and (f); and 2001.142(a); Texas Family Code, §261.308(d) and (e), and §261.406(a) and (b); Texas Occupations Code, §§53.021(a), 53.022, 53.023, 53.024, 53.025, 53.051, 53.052, and 56.003; Texas Penal Code, §21.12(a); and Every Student Succeeds Act, 20 United States Code, §7926.

The full text of statutory citations can be found in the statutory authority section of this agenda.

PREVIOUS BOARD ACTION: At the February 10, 2023 meeting, the SBEC voted to publish the proposed review of 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, in the *Texas Register*.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 249 establish requirements for disciplinary proceedings, sanctions, and contested cases against educators who are alleged to have violated the laws and rules relevant to educator certification.

The rule text of 19 TAC Chapter 249 is viewable on the Texas Education Agency (TEA)'s website at: <https://tea.texas.gov/about-tea/laws-and-rules/sbec-rules-tac/sbec-tac-currently-in-effect/19-tac-chapter-249>

ANTICIPATED REVISIONS TO RULES: No changes to rules in 19 TAC Chapter 249 are anticipated at this time.

PUBLIC COMMENTS: The TEA filed the notice of proposed review of 19 TAC Chapter 249 with the *Texas Register* following the February 2023 SBEC meeting. The public comment period on the proposed rule review began March 17, 2023, and ended April 17, 2023. Any comments received will be provided to the SBEC under separate cover prior to the April 28, 2023 meeting. The SBEC will take registered oral and written comments on this item at the April 28, 2023 meeting in accordance with the SBEC board operating policies and procedures.

ASSOCIATE COMMISSIONER'S RECOMMENDATION:

Adopt the review of 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases.

Staff Member Responsible:

Emily Garcia, Associate Commissioner, Educator Preparation, Certification, and Enforcement