

[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 §249.16

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.

Source Note: The provisions of this §249.16 adopted to be effective March 31, 1999, 24 TexReg 2304; amended to be effective June 21, 2009, 34 TexReg 3944; amended to be effective May 18, 2014, 39 TexReg 3710; amended to be effective December 28, 2014, 39 TexReg 10010

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STATE BOARD FOR EDUCATOR CERTIFICATION

[CHAPTER 227](#)

PROVISIONS FOR EDUCATOR PREPARATION CANDIDATES

[SUBCHAPTER B](#)

PRELIMINARY EVALUATION OF CERTIFICATION ELIGIBILITY

RULE §227.101

Purpose

(a) This subchapter provides rules for the implementation of a preliminary criminal history evaluation as provided in the Texas Occupations Code, Chapter 53, Subchapter D.

(b) The following words, terms, and phrases, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Criminal history--Criminal history record information that relates to convictions and deferred adjudications.

(2) Ineligibility--Unsuitability for certification, based on any of the grounds described in §249.12(b) of this title (relating to Administrative Denial; Appeal), as determined by the Texas Education Agency staff.

(3) Reasonably available--Provided in writing to Texas Education Agency staff by a requestor.

(4) Requestor--A person making a request for preliminary criminal history evaluation pursuant to this subchapter.

(5) Texas Education Agency staff--Staff of the Texas Education Agency assigned by the commissioner of education to perform the State Board for Educator Certification's administrative functions and services.

(c) A person who is enrolled or planning to enroll in a State Board for Educator Certification-approved educator preparation program or planning to take a certification examination may request a preliminary criminal history evaluation letter regarding the person's potential ineligibility for certification due to a conviction or deferred adjudication for a felony or misdemeanor offense.

Student Printed Name

Student Signature

Date