



Texas Classroom Teachers Association

PO Box 1489 | Austin, Texas 78767 | tcta.org
888-879-8282 | 512-477-9415 | Fax: 512-469-9527

Comments of the Texas Classroom Teachers Association Submitted to the State Board for Educator Certification February 7, 2025

The Texas Classroom Teachers Association (“TCTA”) submits these comments regarding proposed amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases.

Grooming

With respect to the proposed language related to grooming, our concerns are that these behaviors are defined as constituting evidence of grooming, even though they can be appropriate during the performance of a teacher’s duties and sometimes are even required. For example, the proposed rule states that “meeting behind closed doors with the student without another adult present” constitutes evidence of grooming conduct. However, homebound teachers routinely meet with students on a one-on-one basis in a student’s home, often with no other adult present in the room. Additionally, in the campus setting, TEA has specifically directed school districts as part of its required school safety action steps to ensure that all exterior doors remain closed and locked. This mandate applies to doors in portable classrooms and does not make an exception for situations in which one-on-one instruction, pull-outs or tutoring is taking place.

TCTA acknowledges that the addition of the language requiring the Board to consider context and the totality of the circumstances does mitigate this concern, as does the proposed removal of the phrase “prima facie” from the definition that was originally proposed; however, these safeguards rely heavily on the discretion of TEA staff and is subjective in nature. SBEC’s disciplinary rules are most effective and clear to educators and the public when they identify prohibited conduct. The proposed rules give SBEC the discretion to say that conduct may be appropriate on one occasion, but sanctionable on another. This does not give clear and appropriate notice to educators as to what conduct is prohibited.

TCTA requests that the language in 249.3(51) be revised to include “may”. TCTA supports the proposed removal of the phrase “prima facie” from the provision.

Systems Errors

The proposed rule language appears in §249.13 and would permit the board to cancel a certificate without notification or an opportunity for due process to a certificate holder if the certificate is issued to due to a “Texas Education Agency systems error.” TCTA’s concern regarding this proposed language is that the term “systems error” does not appear elsewhere in the board’s rules and is not defined.



Texas Classroom Teachers Association

PO Box 1489 | Austin, Texas 78767 | tcta.org
888-879-8282 | 512-477-9415 | Fax: 512-469-9527

TCTA requests clarification from the agency as to the intended meaning and application of the term “systems error” as set out in this rule prior to adoption or approval.

Contract Abandonment

TCTA also has concerns regarding the proposed requirement that would modify § 249.17(d)(2) to require that each mitigating factor shall reduce a suspension by a period of one month, because such a requirement does not comply with Texas Education Code 21.105(e), which states that before imposing sanctions against a teacher for contract abandonment the SBEC must consider any mitigating factors relevant to the teacher’s conduct and may consider alternatives to sanctions, including additional continuing education or training. Although the proposed language does address the first requirement of this provision (that the board must consider mitigating factors), it does not allow for the board to consider alternatives to sanctions and instead imposes a mandatory requirement that the board may only reduce a suspension by a period of one month. Given the fact that there are only ten mitigating factors and 12 months in a year, even if an educator were to establish that every single mitigating factor was present, they would still be subject to a suspension of two months. Therefore, under the proposed rule the educator would never be eligible for consideration to an alternative to sanctions as required by law. TCTA requests that this language be removed from the proposed rule.

Pre-trial Diversion

The proposed revisions related to pre-trial diversion appear in § 249.17(e). TCTA believes that the inclusion of pre-trial diversion as one of the court actions that subject an educator to a mandatory minimum sanction of a one year suspension as set out in proposed 19 Texas Administrative Code § 249.17(e) is not workable in practice, because not all jurisdictions in Texas impose court supervision on a defendant in conjunction with pre-trial diversion. All the mandatory suspension timeframes contained in (e) are linked to the dates and length of court-imposed supervision. However, in many large Texas jurisdictions, including Travis County, no such supervision is ordered. The proposed rule language does not address this issue and does not permit an alternate minimum sanction for educators who enter into such arrangements with the criminal court. TCTA recommends that this proposed language be removed.

Thank you for your consideration of our comments.