

PART III. TEACHERS' PROFESSIONAL PRACTICES COMMISSION

CHAPTER 177. STANDARDS, ETHICS, AND PRACTICES

§177.1. Code of Ethics and Standard Practices for Texas Educators.

- (a) *Professional responsibility.* The Texas educator should strive to create an atmosphere that will nurture to fulfillment the potential of each student. The educator is responsible for standard practices and ethical conduct toward students, professional colleagues, parents, and the community. The code is intended to govern the profession, and interpretations of the code shall be determined by the Professional Practices Commission. The educator who conducts his affairs with conscientious concern will exemplify the highest standards of professional commitment.
- (b) *Professional ethical conduct.*
 - (1) The Texas educator should endeavor to maintain the dignity of the profession by respecting and obeying the law, demonstrating personal integrity, and exemplifying honesty.
 - (2) The educator shall not intentionally misrepresent official policies of his school district or educational organization and shall clearly distinguish those views from his personal attitudes and opinions.
 - (3) The educator shall honestly account for all funds committed to his charge and shall conduct his financial business with integrity.
 - (4) The educator shall not use institutional or professional privileges for personal or partisan advantage.
- (c) *Professional practices and performance.*
 - (1) The Texas educator, after qualifying in a manner established by law or regulation, shall assume responsibilities for professional teaching practices and professional performance and shall continually strive to demonstrate competence.
 - (2) The educator shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications and shall adhere to the terms of a contract or appointment.
 - (3) The educator shall possess mental health, physical stamina, and social prudence necessary to perform the duties of his professional assignment.
 - (4) The educator shall organize instruction that seeks to accomplish objectives related to learning.
 - (5) The educator shall continue professional growth.
 - (6) The educator shall comply with written local school board policies, Texas Education Agency regulations, and applicable state laws.
- (d) *Ethical conduct toward professional colleagues.*
 - (1) The Texas educator, in exemplifying ethical relations with colleagues, shall accord just and equitable treatment to all members of the profession.
 - (2) The educator shall not reveal confidential information concerning colleagues unless disclosure serves professional purposes or is required by law.
 - (3) The educator shall not willfully make false statements about a colleague or the school system.
 - (4) The educator shall adhere to written local school board policies and legal statutes regarding dismissal.
- (e) *Ethical conduct toward students.*
 - (1) The Texas educator, in accepting a position of public trust, should measure success by progress of each student toward realization of his potential as an effective citizen.
 - (2) The educator shall deal considerately and justly with each student and shall seek to resolve problems including discipline according to law and school board policy.
 - (3) The educator shall not intentionally expose the student to disparagement.
 - (4) The educator shall not reveal confidential information concerning students unless disclosure serves professional purposes or is required by law.
 - (5) The educator shall make reasonable effort to protect the student from conditions detrimental to learning, or health, or safety.
 - (6) The educator shall endeavor to present facts without distortion.
- (f) *Ethical conduct toward parents and community.*
 - (1) The Texas educator, in fulfilling citizenship responsibilities in the community, should cooperate with parents and others to improve the public schools of the community.
 - (2) The educator shall not interfere with a colleague's exercise of political and citizenship rights and responsibilities.
 - (3) The educator shall make reasonable effort to communicate to parents information which should be revealed in the interest of the student.
 - (4) The educator shall endeavor to understand community cultures and relate the home environment of students to the school.

(5) The educator shall manifest a positive role in school public relations.

Authority: The provisions of this §177.1 issued under Acts 1969, 61st Leg., p. 2735, ch. 889, effective September 1, 1969, as amended (Texas Education Code §13.210).

Source: The provisions of this §177.1 adopted to be effective January 1, 1976.

CHAPTER 181. PROCEDURE

SUBCHAPTER A. Complaints and Hearings

Authority: The provisions of this Subchapter A issued under Acts 1969, 61st Leg., p. 2735, ch. 889, effective September 1, 1969, as amended (Texas Education Code §13.208).

Cross References: This subchapter cited in 19 TAC §181.5 (relating to Action Upon Complaint).

§181.1. Definitions.

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

Active certificated member of the teaching profession—Administrator, teacher, or special service person who holds a valid Texas teacher's certificate or emergency teaching permit and holds a position or is actively seeking a position that requires certification.

Chairperson—Chairperson of the Teachers' Professional Practices Commission who is annually elected by the commission or the chairperson of a three-member panel appointed to conduct a hearing on behalf of the commission.

Commission—Teachers' Professional Practices Commission which consists of 15 educators appointed by the governor in compliance with the Teachers' Professional Practices Act (the Texas Education Code, §§13.201-13.218).

Commissioner—Commissioner of Education, State of Texas.

Complainant—Active certificated member of the teaching profession who files and signs the written complaint that is received by the commission.

Director—Central Education Agency staff member responsible to the commission for program administration.

Fact—Any relevant event, expression, activity, happening, or circumstance that bears upon showing a violation of any of the principles or standards contained in the Code of Ethics and Standard Practices adopted by the Teachers' Professional Practices Commission of Texas.

Hearing—Commission proceedings for the formulation of a recommendation to the commissioner.

Hearing Officer—The representative of the commissioner of education who acts as presiding officer at a Teachers' Professional Practices Commission Hearing.

Issue—Whether or not conduct or activities of a member of the teaching profession are in violation on any of the principles or standards contained in the Code of Ethics and Standard Practices adopted by the Teachers' Professional Practices Commission of Texas.

Reprimand—A recommendation made to the commissioner of education that the violation found is of a serious nature and the interest of the teaching profession can best be protected through issuance of an official reprimand. When issued by the commissioner, a copy of the reprimand shall be sent to the superintendent of the employing school district, or if the offender be the superintendent, to the president of the board of trustees. A copy shall also be sent to the Director of the Division of Teacher Certification and shall become a part of the respondent's official certification record.

Respondent—Active certificated member of the teaching profession against whom the complaint is duly filed for an alleged violation of the Code of Ethics and Standard Practices for Texas Educators.

Warning—A recommendation made to the commissioner of education that the violation found is of such nature that the interest of the profession will be adequately protected and served through issuance of a written warning to the respondent. A copy of this warning shall become a part of the individual's official certification records, and notice of the commissioner's decision shall be forwarded to the director of the Division of Teacher Certification.

Source: The provisions of this §181.1 adopted to be effective January 1, 1976; amended to be effective July 15, 1980, 5 TexReg 2611; amended to be effective February 4, 1986, 11 TexReg 398.

§181.2. Initiation of Complaint.

- (a) A complaint may be initiated by an active certificated member of the teaching profession against any other active certificated member of the teaching profession for an alleged violation of a principle or standard contained within the Code of Ethics and Standard Practices for Texas Educators.
- (b) The commission is authorized to receive written complaints from active certificated members of the profession of alleged violations by active certificated members of the profession.
- (c) The commission by a vote of 10 or more members may proceed with action upon any complaint filed, notwithstanding any other provision of these sections.

Source: The provisions of this §181.2 adopted to be effective July 15, 1980, 5 TexReg 2611; amended to be effective February 4, 1986, 11 TexReg 398.

Cross References: This section cited in 19 TAC §181.7 (relating to Appeal of Jurisdictional Decision).

§181.3. Format for Complaint.

- (a) A complaint shall be filed before the commission by use of the format for complaint. The format for complaint may be obtained by request in writing to the director, Teachers' Professional Practices Commission, 1701 North Congress Avenue, Austin, Texas 78701.

- (b) The format for complaint must be fully completed, submitted in writing, and addressed to the director, Teachers' Professional Practices Commission, 1701 North Congress Avenue, Austin, Texas 78701.
- (c) The format for complaint consists of a notarized statement which includes the following:
 - (1) Full name, address, and telephone number of the complainant.
 - (2) Full name, address, and telephone number of the respondent.
 - (3) A clear and complete description of what was done by the respondent which the complainant believes was in violation of the Code of Ethics. The specific place, time, date, occurrences, and the specific principle(s) and/or standard(s) of the code that the incident violates must be cited.
 - (4) The statement: "I certify that this complaint was individually initiated by me and is not a result of coercion by any person or group."
- (d) The complainant shall not be allowed to introduce evidence at the hearing on any issue which is not raised in the complaint.

Source: The provisions of this §181.3 adopted to be effective July 15, 1980, 5 TexReg 2611; adopted to be effective July 15, 1980, 5 TexReg 2611; amended to be effective February 4, 1986 11 TexReg 398.

Cross References: This section cited in 19 TAC §181.7 (relating to Appeal of Jurisdictional Decision).

§181.4. Filing of Complaint.

- (a) The complaint should be filed as near the date of the alleged violation as possible, but not later than 90 days from the date of the alleged violation. The date of postmark on the letter transmitting the complaint shall serve as the effective date of filing. These time provisions may be waived at the discretion of the commission.
- (b) An alleged violation while on duty status may be unknown to anyone at the time of occurrence and be discovered subsequent to the termination of that duty status. The commission retains jurisdiction in such matters for one calendar year from the date of termination of active duty status. In such instances the date of discovery of the alleged violation serves as the initiating date for filing purposes pursuant to the time provisions of subsection (a) of this section.
- (c) An exception to subsections (a) and (b) of this section is in cases where the complainant has adhered to local school board procedures in regard to grievances or complaints. In adhering to these procedures, complainant has exhausted all local district appeals ending with a hearing or response from the local school board. The complainant then has 30 days from the time of the final school board decision or response to file a complaint with the commission. All other provisions of subsection (a) of this section remain in effect.

Source: The provisions of this §181.4 adopted to be effective July 15, 1980, 5 TexReg 2611; amended to be effective February 20, 1981, 6 TexReg 565; amended to be effective February 4, 1986, 11 TexReg 398.

Cross References: This section cited in 19 TAC §181.7 (relating to Appeal of Jurisdictional Decision).

§181.5. Action upon Complaint.

- (a) The director will record the receipt of the complaint and will forward a copy to the commission chairperson.
- (b) The director will determine the acceptance or rejection of jurisdiction with regard to the complaint.
 - (1) The rejection of jurisdiction by the director and the reasons for rejection will be transmitted in writing to the complainant.
 - (2) The acceptance of jurisdiction by the director will initiate procedural continuation.
- (c) Upon acceptance of jurisdiction, the director will forward to the respondent by certified mail the following information and request that a written response be filed:
 - (1) copy of the complaint;
 - (2) notice that includes:
 - (A) legal authority and jurisdiction for the hearing;
 - (B) reference to particular sections of statutes and rules involved; and
 - (C) statement of the jurisdictional decision; and
 - (3) "Rules of Procedure for Hearing Complaints Before the Teachers' Professional Practices Commission of Texas."
- (d) The director will forward a copy of the jurisdictional decision to the commission chairperson and advise him or her of the necessary procedures to be followed.
- (e) Upon receipt of the jurisdictional decision, the commission chairperson will make the following determinations:
 - (1) The commission will hear the complaint *en banc* or the commission chairperson will appoint a hearing panel of three members (and one alternate) of the commission to hear the complaint. If a hearing panel is appointed, the commission chairperson will designate one member of the panel to act as chairperson.
 - (2) The date, time, and place for the hearing will be set. The date for the hearing will be not less than 30 days and will not, except in unusual circumstances, exceed 60 days following the receipt of the notice of the complaint by the respondent.
 - (3) Hearings may be conducted at one of the regional service centers if warranted. The following will be considered in making this judgment:
 - (A) the number of witnesses for the complainant or respondent;

- (B) the distance from location of complaint incident to Austin;
 - (C) the convenience of transportation for all parties to and from Austin;
 - (D) the availability of a court reporter at the location of the regional service center;
 - (E) availability of space at regional service centers; and
 - (F) convenience of transportation for all parties to the regional service center.
- (f) The director will transmit to the respondent by certified mail at least 15 days prior to the date established for the hearing the following information:
- (1) date, time, place, and nature of the hearing; and
 - (2) names of the commission members who will hear the complaint.
- (g) The director will transmit the identical information that is sent to the respondent to the complainant and to those members of the commission who will hear the complaint.
- (h) Prior to the hearing, all communications between the parties affected and the commission will be through the director. Communications or documents are not to be directed or copied to individual commission members by the parties.
- (i) If either party intends to be represented at the hearing by legal counsel, he or she should notify the director of this at the earliest possible time.

Source: The provisions of this §181.5 adopted to be effective July 15, 1980, 5 TexReg 2611; amended to be effective February 20, 1981, 6 TexReg 565.; amended to be effective May 7, 1985, 10 TexReg 1292; amended to be effective February 4, 1986, 11 TexReg 398.

Cross References: This section cited in 19 TAC §181.6 (relating to Determination of Jurisdiction).

§181.6. Determination of Jurisdiction.

- (a) For the purpose of determining the commission's jurisdiction, all facts alleged in the complaint shall be taken as true. If the facts alleged would, by themselves, support a finding that the respondent has violated one or more specific principles or standards of the Code of Ethics in a significant manner, then the commission has jurisdiction.
- (b) If the director for the PPC concludes the commission has jurisdiction, then the director shall request a response from the respondent and notify the commission chairperson that a hearing before the commission should be scheduled.
- (c) If the director concludes that the commission does not have jurisdiction, the director shall advise the complainant and the commission chairperson that jurisdiction has been denied, state the basis for the decision, and inform the complainant of the right of appeal.
- (d) The complainant may, within 30 days of receiving notice of denial of jurisdiction, request that the denial be reviewed by the commission's jurisdictional appeals committee in accordance with §181.7 of this title (relating to Appeal of Jurisdictional Decision).
- (1) The commission's jurisdictional appeals committee may consult with the director for the commission or other Texas Education Agency personnel having expertise in such matters.
 - (2) If the commission's jurisdictional appeals committee concludes that the commission does not have jurisdiction, the denial shall be final.
 - (3) If the commission's jurisdictional appeals committee concludes that the commission does have jurisdiction, the chairperson for the commission shall instruct the director to accept jurisdiction and request a response from the respondent. The chairperson shall then proceed to set the matter for hearing as provided in §181.5 of this title (relating to Action upon Complaint).

Source: The provisions of this §181.6 adopted to be effective February 4, 1986, 11 TexReg 398.

§181.7. Appeal of Jurisdictional Decision.

- (a) Rejection of jurisdiction by the director may be appealed to the commission by the complainant. Appeal of all jurisdictional matters shall be based upon the complete record of complaint available in the commission files.
- (1) The appeal must be filed in writing with the director within 30 days of receipt of notification of denial of jurisdiction.
 - (2) The appeal must specifically request formal review of the jurisdictional determination by the commission. The appeal must also provide reasons for contesting jurisdictional ruling in the matter. The complainant may file a brief at the time the appeal is formally filed.
- (b) The director shall forward the appeal to the commission chairperson, and the commission chairperson shall decide whether the commission will consider the appeal *en banc*, or by means of a jurisdictional appeals committee. In either case, the commission chairperson shall be a member of the jurisdictional appeals committee and shall preside at all meetings relating to appeals of jurisdiction. If an appeals committee is to be established, the commission chairperson shall appoint two other members of the commission to serve on the committee to consider appeals of jurisdiction.
- (c) The commission chairperson shall establish a date, time, and site for commission consideration of appeal *en banc* or for a meeting of the jurisdictional appeals committee to consider the appeal.
- (d) The commission chairperson, through the director, will notify the party appealing of the date of the meeting and that notification of disposition of the appeal will be forwarded upon review of the record and decision of the committee.
- (e) The commission chairperson, through the director, will transmit to all members of the commission, or to the jurisdictional appeals committee, the following information:

- (1) notification of date, time, and site of the appeal meeting; and
 - (2) a copy of the complaint.
- (f) The commission *en banc* or the jurisdictional appeals committee, shall review the complaint and shall consider and decide upon the matter of jurisdiction by:
- (1) applying and interpreting rules of the commission stipulated in §181.2 of this title (relating to Initiation of Complaint), §181.3 of this title (relating to Format for Complaint), and §181.4 of this title (relating to Filing of Complaint);
 - (2) interpreting allegations in the complaint as they relate to designated principles and standards of the Code of Ethics and Standard Practices for Texas Educators.
- (g) Oral argument shall not be heard concerning jurisdiction.
- (h) The commission *en banc*, or the appeals committee, shall determine acceptance or rejection of jurisdiction by majority vote. The director shall communicate the decision of the committee to the complainant.
- (i) Acceptance of jurisdiction by the commission or by the jurisdictional appeals committee will initiate procedural continuation.

Source: The provisions of this §181.7 adopted to be effective February 4, 1986, 11 TexReg 398.

Cross References: This section cited in 19 TAC §181.6 (relating to Determination of Jurisdiction).

§181.8. Response to Complaint.

- (a) The respondent shall be sent a copy of the complaint and requested to file a written response. Within 30 days after receiving such request, the respondent shall file a response which may generally address the allegations in the complaint or address one or more of the allegations specifically. Upon request to the director for the commission, the respondent shall be allowed an additional 30 days in which to file a response. If the respondent fails to file a response, the allegations in the complaint may be taken as true at the hearing and the commission may make whatever recommendations it deems appropriate based on those allegations. No recommendation on a complaint can be made by the commission without a hearing.
- (b) The response must be in writing and must be received by the director, Teachers' Professional Practices Commission, 1701 North Congress Avenue, Austin, Texas 78701, within 30 days of receipt of the notification of the complaint by the respondent.
- (c) The format for the response should consist of the following.
- (1) The heading: "Before the Teachers' Professional Practices Commission of Texas."
 - (2) Full name, address, and telephone number of the respondent.
 - (3) Answers to allegations in the complaint may be specific denials, explanations, or statements of mitigating circumstances.
 - (4) Should the respondent prefer to be heard by either the commission *en banc* or by a committee of three, the preference may be stated.
 - (5) Should the respondent desire an open public hearing, a statement requesting such a hearing may be included.
- (d) The director for the commission will forward copies of the response to the complainant and the commission chairperson.

Source: The provisions of this §181.8 adopted to be effective February 4, 1986, 11 TexReg 398.

§181.9. Amendments.

After the initial complaint and response are filed, amendments may be filed with the commission's consent. The amendment must be submitted in writing to the director and to the opposing party. With the consent of the hearing officer, an amendment may be read orally into the record and be included in the matters disposed of by the hearing panel. In the absence of extraordinary circumstances, no complaint or response may be amended within 14 days of the scheduled hearing or at the hearing. If such amendment is permitted, the opposing party, upon request, shall be granted a reasonable continuance.

Source: The provisions of this §181.9 adopted to be effective February 4, 1986, 11 TexReg 398.

§181.10. Withdrawal of Complaint.

A complaint may be withdrawn at the discretion of the commission at any time prior to the hearing provided the complainant submits to the commission chairperson, through the director, a request in writing that the complaint be withdrawn without further action being taken by the commission; and the request is signed by the complainant. The commission chairperson will assure all withdrawal conditions have been met prior to a decision. The chairperson, through the director, will notify the commissioner and all affected parties of the decision.

Source: The provisions of this §181.10 adopted to be effective February 4, 1986, 11 TexReg 398.

§181.11. Prehearing Procedures.

- (a) Upon the request of either the complainant or respondent, the director for the commission may enter whatever prehearing orders the director deems reasonable and necessary to allow both parties a fair opportunity to prepare for the hearing.
- (b) The panel chairperson may schedule a prehearing conference with the parties for the purpose of determining if all or any part of the matters in issue may be resolved without the necessity of an evidentiary hearing. The prehearing conference may be attended by the hearing officer and any representative of the commission appointed by the panel chairperson.
- (c) If either party to the complaint objects to any member of the commission who is to hear the complaint, the party may, in writing, state the objection and the reasons for the objection and request that the member be disqualified from the hearing. The decision concerning whether the cause for the objection warrants disqualification of the commission member will be made by the chairperson. Should a member of a three-person committee be disqualified, the chairperson will appoint another commission member in his or her place.

Source: The provisions of this §181.11 adopted to be effective February 4, 1986, 11 TexReg 398.

§181.12. Hearing: Rules and Responsibilities.

- (a) A commission member may be disqualified from hearing a complaint if he or she:
 - (1) is the complainant or respondent;
 - (2) is deemed by the chairperson to be unable to participate because of a relationship to the complaint;
 - (3) is disqualified by a majority vote of the commission or hearing panel;
 - (4) disqualifies himself or herself because of his or her relationship to complaint; or
 - (5) is disqualified as specified in §181.11 of this title (relating to Prehearing Procedures).
- (b) Decisions relative to disqualification of any member for any purpose are the sole authority of the commission and/or its members. Argument or pleadings made subsequent to such decision by either complainant or respondent or their representatives shall not be received or considered.
- (c) Members of the commission are privileged in their utterances.
- (d) A majority of the commission when meeting *en banc* will constitute a quorum. If the complaint is to be heard by a committee of three commission members, all three members will constitute a quorum.
- (e) A transcript of the hearing will be provided by a certified court reporter. It will accompany the report of the findings to the commissioner. This will be the responsibility of the director.
- (f) The hearing will be private unless the respondent requests an open public hearing.
- (g) The hearing will proceed if the respondent has not appeared within 60 minutes of the appointed time for the hearing to begin. If the complainant has not appeared within 60 minutes of the appointed time for the hearing to begin and is without good cause, the hearing will proceed and the panel may recommend dismissal of the complaint.
- (h) If documentary evidence is to be admitted, copies must be provided to the opposing party and to all commission members hearing the complaint. If an exhibit is admitted, the record will reflect the contents of the exhibit.
- (i) Briefs may be submitted by either party before or during the hearing. Copies must be provided by the party submitting the brief to the opposing party and to all commission members hearing the complaint.

Source: The provisions of this §181.12 adopted to be effective February 4, 1986, 11 TexReg 398.

§181.13. Subpoenas and Depositions.

- (a) A request by either party to issue a subpoena to require the attendance of witnesses and/or the production of books, records, papers, or other items, must be submitted in writing to the director within a reasonable time prior to the hearing. The request must show good cause and must be accompanied by a cashier's check or money order in an amount for fees estimated to accrue. A copy of the standard rates may be obtained from the director upon request.
 - (1) A request for the issuance of a subpoena will be ruled upon by the director. The request must specify:
 - (A) the name, address, and telephone number of the person to be subpoenaed;
 - (B) the item to be subpoenaed by title, description, location, and the name, address, and telephone number of the person who has possession of the item; and
 - (C) the basis for the claim of good cause that identifies the relevance of the testimony of the person to be subpoenaed or the relevance of the item to be subpoenaed to the jurisdictional point or points of the complaint.
 - (2) If the request complies with all provisions, the subpoena will be issued to the requesting party, and it shall be his/her responsibility to cause the subpoena to be served by the appropriate sheriff or constable to require the attendance of witnesses or the production of items. If the request does not comply with all provisions or does not show good cause, the director will advise the party in writing that the request has been rejected and the reasons therefor.
- (b) A request by either party to require the issuance of a subpoena for the purpose of the taking of a deposition from a witness must be submitted in writing to the director within a reasonable time prior to the hearing. The request must show good

cause and must be accompanied by a cashier's check or a money order in an amount for fees estimated to accrue. A copy of the standard rates may be obtained from the director upon request.

- (1) A request for a subpoena for the taking of a deposition will be ruled upon by the director. It must specify:
 - (A) the name, address, and telephone number of the individual from whom the deposition is to be taken; and, if books, records, papers, or other items are to be part of the deposition, identify the item to be subpoenaed by title and description; and
 - (B) the basis for the claim of good cause that identifies the relevance of testimony or the relevance of the requested subpoenaed item to the jurisdictional point or points of the complaint.
- (2) If the request complies with all provisions, the subpoena will be issued to the requesting party and it shall be his/her responsibility to cause the subpoena to be served by the appropriate officer authorized by statute for deposition purposes. If the request does not comply with all provisions or does not show good cause, the director will advise the party in writing that the request has been rejected and the reasons therefor. All depositions will be filed with the director for inspection and use by either party in the hearing.

Source: The provisions of this §181.13 adopted to be effective February 4, 1986, 11 TexReg 398.

§181.14. Procedures for the Hearing.

- (a) Immediately upon the commission's acceptance of jurisdiction of any complaint, the commissioner of education shall be notified and requested to appoint a hearing officer to preside at the hearing and an attorney to advise the commission during the hearing.
- (b) The hearing shall be conducted in accordance with the rules of evidence. The rules of evidence shall be liberally construed, and all evidence shall be admitted unless it is irrelevant, immaterial or unduly repetitious, its evidentiary value is outweighed by its tendency to prejudice the fact finder against a particular party or witness, or it is otherwise inadmissible for any purpose.
- (c) The complainant shall be allowed to introduce evidence at the hearing relevant to any issue raised in the complaint.
- (d) The hearing officer shall make all rulings concerning the admissibility of evidence.
- (e) Parties who are not represented by an attorney may not be placed at a disadvantage by the fact that they are unfamiliar with courtroom procedure. If at any time such a party is prevented from presenting relevant evidence by objections unrelated to the admissibility of such evidence, the commission may interrupt the proceeding and may request its attorney to explain to that party the proper method of presenting such evidence.
- (f) Both parties shall have the opportunity to make an opening and a closing statement. These statements may be reduced to writing and a copy provided to each member of the commission.
- (g) The complainant will be heard first. The respondent will then be heard.
- (h) Both parties may produce witnesses in their behalf and each party will be afforded the opportunity to cross-examine any witnesses. After the parties have concluded their examinations of any witness, the commission and the hearing officer may ask such questions as are necessary and proper to enable them to fully understand the witness' testimony.
- (i) The counsel representing a party may advise his or her client of his or her rights, make motions regarding the nature and conduct of the questioning, and may cross-examine any witnesses.

Source: The provisions of this §181.14 adopted to be effective February 4, 1986, 11 TexReg 398.

§181.15. Postponement of Hearing.

- (a) A request for postponement of the hearing must be submitted in writing and received by the director at least three days prior to the scheduled date of the hearing. The request may originate from either the complainant or the respondent and it must show good cause.
- (b) The chairperson for the hearing will make the determination of whether the cause stated in the request justifies postponement. If the chairperson for the hearing allows the request, he or she will notify, through the director, all parties of the new time, date, and place for the hearing. The date for the new hearing will be as near the date set for the original hearing as deemed feasible by the chairperson for the hearing.

Source: The provisions of this §181.15 adopted to be effective February 4, 1986, 11 TexReg 398.

§181.16. Findings of the Commission.

- (a) At the conclusion of the testimony, the chairperson for the hearing will announce that the commission will adjourn to meet in executive session, according to Texas Civil Statutes, Article 6252.17, §2(g), to determine its findings and recommendations. During its deliberations, the commission may consult freely with the hearing officer on any aspect of the case. The commission will reconvene in an open meeting for the purpose of declaring the findings of the commission and taking final action on the recommendation to the commissioner.
- (b) The vote from the commission approving or disapproving the recommendation to the commissioner will be by a show of hands.
- (c) If the proposed recommendation is not accepted by a majority vote of the commission, then the commission may adjourn to meet in executive session to arrive at another decision different from the one proposed and defeated.

- (d) If the proposed recommendation is approved, it will become the decision of the commission and will so stand.
- (e) The chairperson shall, following the decision, remind the parties that the commission is an advisory body and that its final responsibility in regard to the hearing is to make a recommendation to the commissioner of education.

Source: The provisions of this §181.16 adopted to be effective February 4, 1986, 11 TexReg 398.

§181.17. Recommendations to the Commissioner of Education.

- (a) The commission may recommend to the commissioner of education that any of the following actions be taken in regard to the complaint in part or in its entirety:
 - (1) the complaint be dismissed;
 - (2) the respondent be issued a warning to be made a part of the respondent's file kept by the Division of Teacher Certification;
 - (3) the respondent be issued a reprimand to be made a part of the respondent's file kept by the Division of Teacher Certification and copied to the employing school district;
 - (4) the respondent's certificate be suspended for a period not to exceed one year and so noted upon reissuance of the certificate; or
 - (5) the respondent's certificate be revoked.
- (b) If the commissioner upholds the commission's recommendation of a suspension or revocation, the Central Education Agency shall provide notification of the suspension or revocation to all superintendents of all school districts in the State of Texas and to certification officers in each state or territory of the United States.

Source: The provisions of this §181.17 adopted to be effective February 4, 1986, 11 TexReg 398.

§181.18. Report of Findings and Recommendations.

- (a) At the conclusion of the hearing, the chairperson for the hearing will appoint a member of the majority to the decision to draft a report for the commissioner. If the decision is not unanimous, a minority report may be issued as part of the report to the commissioner under subsection (g) of this section.
- (b) The majority decision report will delineate the charges against the individual, the findings of fact, conclusion of law, and recommendation of the commission.
- (c) A transcript of testimony and evidence will be forwarded by the director to the panel member appointed to draft the majority decision report within 10 days of director's receipt of the transcript from the court reporter.
- (d) The panel member appointed to draft the majority decision report will complete and forward the draft to the director for the commission within 30 days after receiving the transcript from the director.
- (e) The director for the commission within 10 days shall forward a copy of the draft report to each panel member for review and signature of approval. Each panel member should respond within 5 days.
- (f) When all certifying signatures have been affixed to the final report(s), the director for the commission will within 5 days forward the report, transcript, and exhibits to the commissioner for consideration of the recommendation.
- (g) A member or members of a hearing panel may submit a minority report to the director for the commission within 5 days of receipt of the majority findings and recommendations.
- (h) A copy of the commission's report shall be sent to both parties to the hearing when it is sent to the commissioner.

Source: The provisions of this §181.18 adopted to be effective February 4, 1986, 11 TexReg 398.

SUBCHAPTER B. Meetings

Authority: The provisions of this Subchapter B issued under Acts 1969, 61st Leg., p. 2735, ch. 889, effective September 1, 1969, as amended (Texas Education Code §§13.207-13.210), unless otherwise noted.

§181.31. Organization.

- (a) *Meetings.*
 - (1) The Professional Practices Commission shall hold not less than three meetings each year in Austin at a place, time, and hour determined by the commission.
 - (2) For its purposes, the commission's year shall begin on September 1 and conclude on August 31 of each ensuing year.
 - (3) Meetings may be held only after 10 days prior notice, and notice in writing by the chairman shall constitute proper notice if the meeting date is not chosen by a majority of the commission.
 - (4) Meetings may be held at the call of the chairman or upon request in writing of a majority of the commission.
 - (5) A majority of the commission shall constitute a quorum.
 - (6) A majority of such quorum of the commission shall have the authority to act upon any matter properly before the commission.

- (b) *Officers.*
- (1) The officers shall include a chairman, vice chairman, and secretary.
 - (2) These officers shall be elected at the first meeting of the commission's year to serve until their successors assume office.
 - (A) If the chairman is unable to serve, the vice chairman shall assume his duties.
 - (B) If the chairman must leave the commission, the vice chairman shall become chairman, and another member of the commission shall be elected vice chairman.
 - (C) If the secretary must leave the commission, another member of the commission shall be elected secretary.
- (c) *Order of business.*
- (1) *Agenda:*
 - (A) The agenda for the next meeting may be approved at each meeting by the commission.
 - (B) The agenda shall be forwarded by the chairman to all commission members at least 10 days before the next scheduled meeting.
 - (C) Commission members desiring to add items on the agenda shall write the chairman at least 15 days before a scheduled meeting.
 - (D) During a meeting, items may be added to the agenda by a $\frac{2}{3}$ vote of commission members present.
 - (E) Commission members desiring to propose amendments to the adopted code shall submit proposed amendments to the chairman at least 20 days before a scheduled meeting for discussion at that meeting and action at the next meeting.
 - (2) Rules and procedures not specifically adopted by the commission shall be in accordance with Roberts' Rules of Order Revised.
 - (3) The commission may set aside the rules of procedure by $\frac{2}{3}$ vote of commission members present.
 - (4) Members of the commission shall be privileged in their utterances while acting in good faith in the course of their duties.

Source: The provisions of this §181.31 adopted to be effective January 1, 1976.

§181.32. Duties.

- (a) *Adopting a code.*
- (1) *Development of the code.*
 - (A) The commission shall develop and adopt a code of ethics and standard practices which shall regulate and govern the conduct of members of the profession.
 - (B) The code of ethics and standard practices adopted shall include standards of professional teaching practices and professional performance, and standards of ethical conduct of members of the teaching profession toward other members of the profession, parents, students, and the community.
 - (C) The effective date of the standards adopted by the commission shall be the first day of September if the standards are filed with the Commissioner of Education on or before June 1 of that year in order to comply with the statutory requirement of 90 days notification.
 - (2) *Public hearings.*
 - (A) Associations and individuals representing the teaching profession and other interested persons shall have the opportunity to submit and request the adoption of all or part of the provisions of unofficial codes of ethics that have been adopted by state and national associations.
 - (B) Associations and individuals shall have the opportunity to introduce proposals, to discuss questions and to support, oppose, or request amendments to proposals.
 - (C) Rules adopted by the commission shall govern public hearings.
 - (3) *Referendum.*
 - (A) Professional standards developed by the commission shall be submitted by the Texas Education Agency to all active certificated personnel.
 - (B) The commission shall have available the results of the referendum and give them consideration before adopting the standards.
 - (C) No professional standards disapproved by the majority of the certificated professional personnel voting in the referendum shall be adopted.
- (b) *Amending the code.*
- (1) A proposed amendment or revision of the code must be submitted to the chairman at least 20 days prior to the scheduled meeting at which it is to be considered. It must be an agenda item and distributed to the commission members 10 days prior to the meeting.
 - (2) The commission shall discuss the proposed amendment at the meeting at which it is introduced and the determination of whether it is to be submitted in a referendum will be made at the next meeting.
 - (3) A proposed amendment accepted by the commission will be submitted in a referendum to each active certificated professional person who holds a position that requires certification and who is currently on duty status.

- (4) The commission shall have available the results of the referendum and give them consideration before adopting an amendment.
- (5) No proposed amendment disapproved by the majority of the certificated professional personnel voting in the referendum will be adopted.
- (6) Amendments or revisions adopted by the commission shall become effective on the first day of September following the expiration of 90 days after the amendments or revisions have been filed with the commissioner of education.

Source: The provisions of this §181.32 adopted to be effective January 1, 1976.

§181.33. Hearing of Complaints.

- (a) Any commission member who may be in attendance at a hearing from which he has been disqualified will disassociate himself from the matter by completely removing himself from the commission table.
- (b) The recommendation of the commission to the commissioner will be transmitted by vote totals to each commission member by the director.

Source: The provisions of this §181.33 adopted to be effective January 1, 1976.

