

FILED
701-24-22879
1/5/2026 12:19 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Amy Robles, CLERK

ACCEPTED
701-24-22879
1/5/2026 12:43:22 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Amy Robles, CLERK

State Office of Administrative Hearings

Kristofer S. Monson
Chief Administrative Law Judge

January 5, 2026

Trevin Ware
Texas Education Agency

VIA EFILE TEXAS

Karl T. Hanner
For Respondent

VIA EFILE TEXAS

RE: SOAH Docket No. 701-24-22879; *Texas Education Agency v. John Harrell*

Dear Parties:

Please find attached a Proposal for Decision in this case.

Exceptions and replies may be filed by any party in accordance with 1 Texas Administrative Code section 155.507(b), a SOAH rule which may be found at www.soah.texas.gov.

CC: Service List

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**TEXAS EDUCATION AGENCY,
PETITIONER**

v.

**JOHN HARRELL,
RESPONDENT**

TABLE OF CONTENTS

I.	Notice, Jurisdiction, and Procedural History	2
II.	Applicable Law	2
III.	Background and Evidence	6
	A. Testimony of Respondent	7
	B. Testimony of Ms. Byrum	17
IV.	Analysis	18
	A. Staff's Alleged Violations	18
	1. Abuse; Priority 1 Conduct; Offense that Relates Directly to the Duties and Responsibilities of the Education Profession	18

2.	Standard 3.2: Intentionally, Knowingly, or Recklessly Treating Students in a Manner that Adversely Affects or Endangers Their Learning, Health, or Safety; and	21
	Standard 3.5: Intentionally, Knowingly, or Recklessly Engaging in Physical Mistreatment, Neglect, or Abuse of a Student or Minor.....	21
3.	Standard 1.7: Violation of Local School Board Policies	24
4.	Standard 1.10: Violation of Requirement to be of Good Moral Character and Worthy to Instruct and Supervise the Youth of this State.....	25
B.	Sanction.....	27
V.	Findings of Fact	27
VI.	Conclusions of Law.....	31

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**TEXAS EDUCATION AGENCY,
PETITIONER**

v.

**JOHN HARRELL,
RESPONDENT**

PROPOSAL FOR DECISION

The staff (Staff) of the Texas Education Agency (TEA), on behalf of the State Board for Educator Certification (SBEC), brought an administrative disciplinary action seeking to revoke the educator's certificate of John Harrell (Respondent), a former high school teacher in the Rockwall Independent School District (Rockwall ISD or District). Staff alleges that Respondent violated the Educators' Code of Ethics and a host of SBEC rules when he required students to perform excessively strenuous activities, including more than 300 pushups over the course of an hour, resulting in the hospitalization of several students for a serious condition known as rhabdomyolysis. The Administrative Law Judge (ALJ) finds that Staff

proved some of its allegations by a preponderance of the evidence, including allegations that require mandatory revocation of Respondent’s certification. Therefore, the ALJ recommends that Respondent’s teaching certificate be revoked.

I. NOTICE, JURISDICTION, AND PROCEDURAL HISTORY

Notice and jurisdiction were not disputed and are addressed in the Findings of Fact and Conclusions of Law without further discussion here. On September 30, 2025, ALJ Shelly M. Doggett of the State Office of Administrative Hearings (SOAH) convened the hearing on the merits via Zoom videoconference. Attorney Trevin R. Ware represented Staff, and attorney Karl Tiger Hanner represented Respondent, who also appeared. The hearing concluded the same day, and the record closed on November 7, 2025, after the hearing transcript and admitted exhibits were filed with SOAH.¹

II. APPLICABLE LAW

SBEC, with assistance from Staff,² regulates and oversees all aspects of the certification and standards of conduct of public school educators, including promulgating rules to administer those functions and provide for disciplinary proceedings that are to be governed by the Administrative Procedure Act.³

¹ Staff was ordered to provide a court reporter because the hearing was scheduled to last for three days, from September 30 to October 2, 2025. *See* 1 Tex. Admin. Code § 155.423(b).

² *See* Tex. Educ. Code § 21.035(b).

³ *See* Tex. Educ. Code §§ 21.031(a), .041. Those rules, found within Title 19, Part 7, of the Texas Administrative Code, prescribe substantive conduct standards. This Proposal for Decision cites the laws and rules in effect at the time of the events in question—January 2023—unless otherwise specified.

The grounds for which SBEC may discipline an educator include violating the Educators' Code of Ethics (Code of Ethics).⁴ As framed by Staff's live pleadings,⁵ the following Code of Ethics provisions are relevant to this proceeding:

- **Standard 1.7:** "The educator shall comply with state regulations, written local school board policies, and other state and federal laws."⁶
- **Standard 1.10:** "The educator shall be of good moral character and be worthy to instruct or supervise the youth of this state."⁷
- **Standard 3.2:** "The educator shall not intentionally, knowingly, or recklessly treat a student or minor in a manner that adversely affects or endangers the learning, physical health, mental health, or safety of the student or minor."⁸

⁴ Tex. Educ. Code § 21.041(b)(8); 19 Tex. Admin. Code §§ 247.1(c), .2, 249.15(b)(3).

⁵ Staff Ex. 3 at TEA006-011.

⁶ 19 Tex. Admin. Code § 247.2(1)(G). Staff alleges that Respondent violated Rockwall ISD's policies regarding "Student Discipline" by applying aversive techniques to students. Staff Ex. 3 at TEA009.

⁷ 19 Tex. Admin. Code § 247.2(1)(J). "Good moral character" means the "virtues of a person as evidenced by patterns of personal, academic, and occupational behaviors that, in the judgment of the [SBEC], indicate honesty, accountability, trustworthiness, reliability, and integrity." 19 Tex. Admin. Code §§ 247.1(e)(9), 249.3(23). The lack of good moral character may be evidenced by, but is not necessarily limited to, the commission of crimes relating directly to the duties and responsibilities of the education profession, or by the commission of acts involving moral turpitude. 19 Tex. Admin. Code § 247.1(e)(9), 249.3(23). "Worthy to instruct or to supervise the youth of this state" is evidenced by the "[p]resence of those moral, mental, and psychological qualities that are required to enable an educator to render the service essential to the accomplishment of the goals and missions of the [SBEC] policy and [the Code of Ethics]." 19 Tex. Admin. Code § 247.1(e)(23).

⁸ 19 Tex. Admin. Code § 247.2(3)(B). "Endanger" is defined as "[e]xposure of a student or minor to unjustified risk of injury or to injury that jeopardizes the[ir] physical health or safety . . . without regard to whether there has been an actual injury to the student or minor." 19 Tex. Admin. Code §§ 247.1(e)(8), 249.3(19).

- **Standard 3.5:** “The educator shall not intentionally, knowingly, or recklessly engage in physical mistreatment,⁹ neglect,¹⁰ or abuse of a student or minor.”¹¹

SBEC may also take disciplinary action against the teaching certificate of an educator who has committed what SBEC characterizes as “Priority 1 conduct,” or conduct that presents a risk to the health, safety, or welfare of a student or minor, which is defined to include child abuse.¹² As relevant here, “abuse” is defined as:

- mental or emotional injury to a student or minor that results in an observable and material impairment in the student’s or minor’s development, learning, or psychological functioning;
- causing or permitting a student or minor to be in a situation in which the student or minor sustains a mental or emotional injury that results in an observable and material impairment in the student’s or minor’s development, learning, or psychological functioning; and
- physical injury that results in substantial harm to a student or minor, or the genuine threat of substantial harm from physical injury to the student or minor, including an injury that is at variance with the history

⁹ See 19 Tex. Admin. Code § 249.3(38) (defining “[p]hysical mistreatment” as “[a]ny act of unreasonable or offensive touching that would be offensive to a reasonable person in a similar circumstance.”).

¹⁰ “Neglect” includes “placing or leaving of a student or minor in a situation where the student or minor would be exposed to a substantial risk of physical or mental harm.” 19 Tex. Admin. Code § 249.3(32). This definition of neglect and the definition of abuse included *infra* apply for purposes of Priority 1 conduct and Standard 3.5 violations.

¹¹ 19 Tex. Admin. Code § 247.2(3)(E). Staff alleges that Respondent engaged in abusive conduct as defined by 19 Texas Administrative Code section 249.3(1), through the improper use of exercise as a method of discipline and/or punishment, resulting in students developing a life-threatening condition. Alternatively, Staff alleges that Respondent engaged in neglectful conduct, as defined by 19 Texas Administrative Code section 249.3(32), by placing or leaving students in a situation where the students were exposed to substantial risk of physical and/or mental harm. Staff Ex. 3 at TEA009.

¹² 19 Tex. Admin. Code §§ 249.14(k)(1)(D), .15(b)(9)(D). Staff alleges Respondent engaged in the relevant abusive conduct by causing and/or permitting students to be in a situation where they sustained mental and/or emotional injury that resulted in an observable material impairment in the students’ development, learning, and or/psychological functioning, and that Respondent engaged in the improper use of exercise as a method of discipline and/or punishment, which resulted in students developing a life-threatening condition. Staff Ex. 3 at TEA008-009.

or explanation given and excluding an accident or reasonable discipline.¹³

Additionally, SBEC may discipline an educator who has committed an offense that directly relates to the duties and responsibilities of the education profession, without regard to whether there has been a criminal conviction.¹⁴ An offense is considered to directly relate if the offense indicates a threat to the health, safety, or welfare of a student or minor, and includes but is not limited to offenses involving any form of physical abuse of a student or minor.¹⁵

Finally, Staff may discipline an educator who is unworthy to instruct or supervise the youth of this state.¹⁶ “Unworthy to instruct or to supervise the youth of this state” refers to an “[a]bsence of those moral, mental, and psychological qualities that are required to enable an educator to render the service essential to the accomplishment of the goals and mission of [SBEC’s] policy and [the Code of Ethics].”¹⁷ A criminal conviction is not required for a determination that a person is unworthy to instruct, and “[i]t is a rebuttable presumption that an educator who violates written directives from school administrators regarding the educator’s

¹³ 19 Tex. Admin. Code §§ 247.1(e)(1)(A)-(C), 249.3(1)(A)-(C).

¹⁴ 19 Tex. Admin. Code § 249.15(b)(10). Staff alleges that Respondent committed an offense that directly relates to the duties and responsibilities of the education profession by engaging in abusive conduct through the improper use of exercise as a method of discipline and/or punishment, which resulted in students developing a life-threatening condition. Staff Ex. 3 at TEA009.

¹⁵ 19 Tex. Admin. Code §§ 249.15(b)(10), .16(c)(2).

¹⁶ 19 Tex. Admin. Code § 249.15(b)(2); *see also* 19 Tex. Admin. Code § 247.2(1)(J).

¹⁷ 19 Tex. Admin. Code § 249.3(60).

behavior toward a student is unworthy to instruct or supervise the youth of this state.”¹⁸

Staff bears the burden of proving its allegations by a preponderance of the evidence.¹⁹ If a violation is established, SBEC may choose to impose a range of sanctions, from a reprimand to revocation of a teaching certificate.²⁰ SBEC is required, however, to permanently revoke the teaching certificate of any educator if, after a contested case hearing, it is determined that the educator intentionally, knowingly, or recklessly caused bodily injury to a student or minor when the conduct of the educator or applicant is not immune from disciplinary proceedings by Texas Education Code section 22.0512.²¹

III. BACKGROUND AND EVIDENCE

Respondent holds a Texas Educator Certificate and Standard Certificate in Social Studies for Grades 8-12.²² In January 2023, when Respondent was employed by Rockwall ISD as the head football coach at Rockwall-Heath High School (Rockwall-Heath), several of Respondent’s students were hospitalized for

¹⁸ 19 Tex. Admin. Code § 249.3(60).

¹⁹ 1 Tex. Admin. Code § 155.427; *Granek v. Tex. State Bd. of Med. Exam’rs*, 172 S.W.3d 761, 777 (Tex. App.—Austin 2005, no pet.); *Sm. Pub. Servs. Co. v. Pub. Util. Comm’n of Tex.*, 962 S.W.2d 207, 213-14 (Tex. App.—Austin 1998, pet. denied).

²⁰ 19 Tex. Admin. Code § 249.15(a).

²¹ 19 Tex. Admin. Code § 249.17(i)(7).

²² Staff Ex. 1; Staff Ex. 3 at TEA007, 0013. The admitted exhibits do not include Respondent’s full Texas Educator Certificate number. Respondent admitted to holding “Certificate No. XXX-XX-50-17,” as identified in Staff’s Original Petition, though several of the numbers appear to be redacted. Staff Ex. 3 at TEA007, 0013.

rhabdomyolysis after attending Respondent's off-season training class. Respondent was placed on administrative leave in February 2023 and subsequently resigned.

At the hearing, Staff and Respondent each had eight exhibits admitted into evidence.²³ Staff presented testimony from Respondent and Ms. Joey Byrum, and Respondent did not call any additional witnesses.

A. TESTIMONY OF RESPONDENT

Respondent holds a Bachelor of Science degree in Exercise and Sports Studies, akin to kinesiology, and a Master of Education degree from Tarleton State University.²⁴ He played football from middle school through college at the University of Houston and Tarleton State University.²⁵ Respondent worked as a college football coach for eight years before teaching and coaching in Texas for various school districts starting in 2013.²⁶ By January 2022, he was teaching economics and government at Rockwall-Heath—whose mascot is the Hawks—when he accepted a position as the school's head football coach and campus sports coordinator.²⁷

²³ Staff's admitted exhibits include Staff Exhibits 1-5, 8, 10, and 12, as filed on October 28, 2025. The copies filed on October 1, 2025, did not match the versions admitted during the hearing, as they did not have the TEA bates pages on the bottom corners of each page. Respondent's admitted exhibits include Respondent Exhibits 1-2 and 6-11. Respondent's Exhibits 6-11 were not admitted for the truth of the matters asserted therein.

²⁴ Transcript (Tr.) at 20-21, 53-54; Respondent Ex. 2.

²⁵ Tr. at 50; Respondent Ex. 2.

²⁶ Tr. at 50-51; Respondent Ex. 1.

²⁷ Tr. at 21-22.

After a disappointing 2022 football season in which, Respondent reported, the team had too many penalties, busted assignments, and a lack of discipline and unity, Respondent developed the Heath Hawk Off-Season 2023 training program in hopes of restoring a “culture of winners” and “tradition.”²⁸ Respondent testified the off-season program was intended to foster toughness and discipline, build team unity, and develop students’ character on and off the field.²⁹ Another goal was to condition students and make them stronger so they could withstand playing the regular season in the Texas heat, especially freshmen “puppies” who Respondent said had been “pushed around” the prior year.³⁰ The program was implemented in January 2023, when the University Interscholastic League (UIL) allows teams to participate in a specified number of practices.³¹

Among other things, the off-season training program stated that students would be required to perform 16 “on the spot” penalty pushups for certain behaviors, including negative interactions with coaches or peers.³² The entire class, likewise, would be required to do 16 pushups if they failed to follow or take seriously “warm-up line” instructions, as Respondent was trying to develop students’ attention to detail,³³ or failed to “hustle” or give full effort as they moved between drills and

²⁸ Tr. at 23-25, 65, 68; Staff Ex. 5.

²⁹ Tr. at 27, 63-65.

³⁰ Tr. at 65-66, 68, 89-90.

³¹ Tr. at 25-26. Respondent testified that the UIL governs athletics and fine arts bodies in Texas. Tr. at 60.

³² Tr. at 31; Staff Ex. 5 at TEA025.

³³ Staff Ex. 5 at TEA024; Tr. at 29-30.

stations.³⁴ As alluded to in the training manual, and testified to by Respondent, the number 16 was significant because it corresponds with the number of games a high school football team must win to secure the state championship.³⁵ According to Respondent, there was no limit to the number of pushups a student could be required to do in any given workout, nor were the number of pushups catered to weight or body type of individual players.³⁶

Respondent described the off-season workout as a melting pot of bootcamp- and military-style programs that are common across the state and the country.³⁷ The program reportedly combined new ideas with components from other high school training programs and was implemented in the style of the highly regarded college football coach Nick Saban.³⁸ Respondent testified that he received an email in 2021 sent from Rockwall ISD Athletic Director Russ Reeves (Athletic Director Reeves) to “everybody in the [D]istrict” urging recipients not to use corporal or punitive measures in developing their programs.³⁹ Respondent disagreed, however, with Staff’s characterization of the pushups as punitive discipline or punishment—instead, he described them as the physical and mental conditioning

³⁴ Staff Ex. 5 at TEA026, 029. The training manual also assessed 16 pushups for wearing restricted items and 32 pushups for being late to workouts, school, or team meetings. Staff Ex. 5 at TEA024, 026; Tr. at 29, 33.

³⁵ Tr. at 23, 31; *see also* Staff Ex. 5 at TEA024.

³⁶ Tr. at 34, 91-92.

³⁷ Tr. at 66-68.

³⁸ Tr. at 67-68, 82-86; *see* Respondent Exs. 6-11 (admitted not for the truth of the matters asserted therein but to show some of the material relied on by Respondent in developing his off-season training program).

³⁹ Tr. at 70, 93. A copy of the email was marked as Staff Exhibit 7 but not offered into evidence. Respondent testified that the email referenced a news article about two students who suffered third-degree burns after being singled out to do bear crawls on turf in the summer because they did not attend practice. Tr. at 70-71.

portion of the workout vital for developing upper body strength and team building.⁴⁰ Although 16 pushups were required for “infractions,” Respondent said they were performed as a group, and coaches did not single out individual students but said vague things like, “I got a guy not clapping.”⁴¹ The players, moreover, would have performed some kind of upper-body conditioning that day if they had not done the pushups,⁴² which were also meant to reinforce doing things the correct way, paying attention to detail, and “being a part of something special.”⁴³

The first run-through of the offseason workout was held during eighth period on Friday, January 6, 2023, with a class of 125-150 junior varsity, varsity, and freshman students.⁴⁴ It was the first workout at school since students had returned from winter break, which lasted approximately two weeks.⁴⁵ Respondent testified that the class period began close to 3:00 p.m. and lasted approximately an hour to an hour and five minutes.⁴⁶ Students met and changed in the locker room, where Respondent discussed “attack[ing] this thing together as a family,” before heading to the indoor turf room.⁴⁷ According to Respondent, the doors to the facility were open,

⁴⁰ Tr. at 69-71, 93-94.

⁴¹ Tr. at 69, 96.

⁴² Tr. at 94.

⁴³ Tr. at 65, 94.

⁴⁴ Tr. at 30, 34-35.

⁴⁵ Tr. at 36-37, 92.

⁴⁶ Tr. at 35, 37-38.

⁴⁷ Tr. at 35-36.

the temperature was “not hot” at 45-55 degrees Fahrenheit, and the fans were on.⁴⁸ Several other coaches assisted, though some were in and out of the training.⁴⁹

Respondent described being ecstatic at his students’ performance during the workout because they were encouraging one another and acting like a team.⁵⁰ Nevertheless, the coaches called for 23 sets of 16 pushups for various infractions or mishaps, with some restarts to the sets. Respondent estimated students were told to do somewhere between 350-400 pushups for failing to follow instructions, failing to count, or bickering, though he noted that coaches did not require the students to go all the way down and up for a true pushup, nor that they have perfect form.⁵¹ Instead, the coaches counted out the numbers and looked for “unison counting and effort” from the students.⁵² By the end of the workout, some students were “planking” on their knees, or resting, yet Respondent testified he was “fired up” because the students were remaining positive, counting in unison, and backing each other up.⁵³ No coaches, according to Respondent, berated or cursed at any students for not doing pushups.⁵⁴ Respondent also said he did not see any students in distress or hear complaints about them feeling bad or being too sore to continue.⁵⁵

⁴⁸ Tr. at 36, 71-72.

⁴⁹ Tr. at 30-31.

⁵⁰ Tr. at 38, 41-42.

⁵¹ Tr. at 39. Respondent testified that none of the students completed 400 pushups. Tr. at 39.

⁵² Tr. at 39, 40-41, 75.

⁵³ Tr. at 75-76.

⁵⁴ Tr. at 76.

⁵⁵ Tr. at 78-79.

Respondent did not take official or preplanned water breaks during practice but testified it was widely known the students could step out any time for water and then return to their drills.⁵⁶ He noted that water cows—big, mobile jugs with multiple spigots—were usually available, and that athletes could also use the water fountains.⁵⁷ More generally, Respondent stated that players could always opt out or rest when they were overheated or overtired, and that he never told players to keep going past exertion.⁵⁸ In addition, players would have unofficial breaks between sets, when coaches were talking to them or giving instructions.⁵⁹

Two trainers were in and out of the training area and available to see students during the January 6 practice.⁶⁰ Peace officer and student resource officer, Paul Sturgeon, a licensed emergency medical technician, was also present and watching.⁶¹ Neither the trainers nor Officer Sturgeon expressed concerns about student safety, said the pushups were abusive or punitive in nature, or said the students were doing too many pushups.⁶² At the end of the class, Respondent reported the players were hugging and encouraging one another with positive interactions.⁶³ The students changed and went into the weekend, to Respondent's

⁵⁶ Tr. at 72-73, 95.

⁵⁷ Tr. at 72-73.

⁵⁸ Tr. at 74.

⁵⁹ Tr. at 95.

⁶⁰ Tr. at 74.

⁶¹ Tr. at 76-77.

⁶² Tr. at 77-78.

⁶³ Tr. at 41-42.

knowledge, without any issues and without seeking any assistance from the trainers.⁶⁴

The following Monday, January 9, 2023, Respondent learned after first period that one of his players was in the hospital with rhabdomyolysis. He reported immediately going into “research mode” because he did not know what rhabdomyolysis was, despite his many years of playing football and fifteen years of coaching professionally.⁶⁵ He further testified to never hearing or learning about the condition in his college courses or from a trainer.⁶⁶ Initially, he thought it was “a fancy word for sore.”⁶⁷ A few minutes after hearing about the first hospitalized student, Respondent learned a second student had been hospitalized. Respondent continued researching online, talked to Athletic Director Reeves and a trainer, and learned rhabdomyolysis was a “serious deal” that can cause kidney issues.⁶⁸ Recalling that Student 4⁶⁹ reported being so sore he could not move his arms at a weight-lifting session earlier that morning, Respondent pulled Student 4 out of class and sent him to an athletic trainer and then the hospital.⁷⁰

⁶⁴ Tr. at 42-44, 79.

⁶⁵ Tr. at 44-45, 79, 97.

⁶⁶ Tr at 54.

⁶⁷ Tr. at 45.

⁶⁸ Tr. at 45.

⁶⁹ To protect the identity of the minors involved, the ALJ and the parties used the Student Witness Key found in Staff’s Exhibit 12 to identify students by number, rather than name, during this proceeding.

⁷⁰ Tr. at 45-46, 81.

Respondent testified that he was highly alarmed and concerned with ensuring the students received the help they needed.⁷¹ He said he did not hide anything and told his coaches to find students from the practice and send any with symptoms to the trainers.⁷² A trainer then met with the entire team during eighth period to do a light stretch, instead of the off-season workout, while Respondent went to the hospital to visit his students. When he returned, Respondent and other coaches called to check on students that had been absent from class that day. Student 6 was later hospitalized, after they reached him, and Respondent reportedly stayed with Student 6 until almost 5:00 a.m. the following day.⁷³

The Tuesday after the workout, as Respondent was leaving Rockwall-Heath to go back to the hospital, he was called into a meeting with Athletic Director Reeves and placed on administrative leave.⁷⁴ During that meeting, Respondent was asked to write down his account of events, which he said he did despite not having slept for 30 hours.⁷⁵ Respondent testified that he later retracted his statement due to his lack of sleep, though he did not specify why the retraction was necessary.⁷⁶

⁷¹ Tr. at 46-47.

⁷² Tr. at 46-47, 80.

⁷³ Tr. at 81.

⁷⁴ Tr. at 53, 81-82.

⁷⁵ Tr. at 82; Staff Ex. 10.

⁷⁶ Tr. at 82. The written statement largely tracked Respondent's testimony. The only exception noticed by the ALJ was that Respondent wrote there was no water cow present, though he said players could get water from the faucet, a bathroom, or a coach in an emergency. Staff Ex. 5 at TEA091.

Respondent learned of 8-11 students being hospitalized before he was told to stop communicating with students and coaches.⁷⁷ Respondent testified that all of the students recovered and are back in athletics, with a couple now playing under football scholarships.⁷⁸ Since the incident, Respondent has learned several factors, including overexertion, sleep, nutrition, medication, drugs, alcohol, hydration, supplements, food, temperature, illness, and humidity can contribute to developing rhabdomyolysis.⁷⁹ Although he encouraged his students to hydrate properly, Respondent said he did not have control over what they ingested.⁸⁰ Nevertheless, Respondent did not dispute that the multitude of pushups performed by the students during the workout contributed to them developing rhabdomyolysis.⁸¹

According to Respondent, Rockwall ISD never provided training or written materials on rhabdomyolysis before the incident.⁸² He also reportedly never discussed it with Rockwall ISD trainers, and the District had no strength and conditioning coach on staff or at Rockwall-Heath.⁸³ Respondent stated that the UIL, which implements bylaws, practice formats, and general requirements for athletics, required coaches to complete training certifications related to player safety.⁸⁴ These

⁷⁷ Tr. at 47.

⁷⁸ Tr. at 48.

⁷⁹ Tr. at 55-57. Respondent and his counsel both emphasized that Respondent was not testifying as an expert on the condition. Tr. at 55.

⁸⁰ Tr. at 57-58.

⁸¹ Tr. at 97-98.

⁸² Tr. at 59, 63.

⁸³ Tr. at 59.

⁸⁴ Tr. at 60.

trainings covered topics like heat indices, moisture, temperature, and concussion and bruised heart protocols as of January 2023, but not rhabdomyolysis.⁸⁵ Four months after the incident with Respondent's students, Respondent said the UIL added a required training on that topic.⁸⁶ He further testified that rhabdomyolysis protocols, similar to concussion protocols, have been introduced since this incident, as was a new policy requiring coaches to turn in workouts to trainers ahead of time for their review.⁸⁷ In addition, Respondent testified that TEA requires schools to administer a physical fitness assessment during physical education classes for high schoolers called the "FitnessGram," in which students are asked to do as many pushups as they can until failure, with no limit.⁸⁸

Respondent resigned from his employment with Rockwall ISD in early March 2023.⁸⁹ Since then, he has worked in outside sales at a distribution company and said he is unable to teach with the pending investigation on his teaching certificate.⁹⁰ Child Protective Services investigated him for the incident and determined he did not commit abuse or neglect towards any student.⁹¹

⁸⁵ Tr. at 60-61.

⁸⁶ Tr. at 61-63.

⁸⁷ Tr. at 55, 78.

⁸⁸ Tr. at 87-88. Respondent did not specify which entity or entities among UIL, Rockwall ISD, Rockwall-Heath, and/or other groups implemented the new rhabdomyolysis and trainer review protocols.

⁸⁹ Tr. at 48.

⁹⁰ Tr. at 19-20, 53; Staff Ex. 1.

⁹¹ Tr. at 88-89.

B. TESTIMONY OF MS. BYRUM

Ms. Byrum is the Chief Human Resources (HR) Officer for Rockwall ISD and has worked in various positions in the HR department since 2005.⁹² She is responsible for overseeing hiring and benefits and handles District investigations.⁹³ She testified to being familiar with Rockwall ISD's policies and procedures, as well as the allegations in this case from when she was the Executive Director of HR.⁹⁴

Ms. Byrum stated that she did not perform the investigation into Respondent's January 6 practice. Due to the number of students involved, a third-party attorney was tasked with conducting the investigation and later concluded that Respondent violated District policies.⁹⁵ Based on those findings, Rockwall ISD reported Respondent to TEA for misconduct, and a separation agreement was prepared to end Respondent's employment.⁹⁶ Ms. Byrum testified that she believed Respondent "separated" his employment with Rockwall ISD in June 2023, though she had no knowledge of the details of the agreement.⁹⁷

⁹² Tr. at 101-02.

⁹³ Tr. at 102.

⁹⁴ Tr. at 102-03.

⁹⁵ Tr. at 106-08. As stated during the hearing, testimony regarding the result of the investigation was not offered for the truth of the matter asserted and is not considered for that purpose by the ALJ. Tr. at 107-08.

⁹⁶ Tr. at 108-09.

⁹⁷ Tr. at 104.

IV. ANALYSIS

The facts of this case are largely undisputed. The sole first-hand account of events comes from Respondent, who did not contest that the pushups performed by his students during the January 6 workout contributed to them developing rhabdomyolysis; but this does not end the inquiry. Determining whether Respondent engaged in sanctionable conduct as addressed by TEA's rules requires more than a knee-jerk reaction based on an outcome that, in hindsight, was caused at least in part by Respondent's actions. A close analysis of the applicable authorities, when considered through the lens of the preponderant evidence, demonstrates that Staff proved some, but not all, of the allegations.

A. STAFF'S ALLEGED VIOLATIONS

1. Abuse; Priority 1 Conduct; Offense that Relates Directly to the Duties and Responsibilities of the Education Profession

Staff asserts, on two bases, that Respondent's actions constituted Priority 1 conduct presenting a risk to the health, safety, or welfare of his students. To start, Staff alleges that Respondent engaged in abusive conduct by causing and/or permitting students to be in a situation in which the students sustained mental and/or emotional injury that resulted in an observable and material impairment in the students' development, learning, and/or psychological functioning.⁹⁸ Staff did not meet its burden on this first ground.

⁹⁸ See 19 Tex. Admin. Code §§ 247.1(e)(1)(A)-(B), 249.3(1)(A)-(B)).

No students testified at the hearing, and the evidence did not indicate that students reported experiencing *mental or emotional injury* from the practice. It was undisputed the students' workout was so taxing that they stopped attempting pushups and were instead planking or resting while calling out counts in unison; yet the admitted and credible evidence also suggests coaches were not berating or singling out the students, who were remaining positive, actively participating in the counting, and not voicing distress or concerns. Moreover, there was no evidence regarding the students' state of mind after the workout, when some developed rhabdomyolysis. While it is entirely possible students suffered mental or emotional ramifications from this experience, the ALJ may not speculate on the students' state of mind when the record fails to address the issue.

Next, Staff claims Respondent engaged in abusive conduct by improperly using exercise as a method of discipline and/or punishment, which resulted in some students developing a life-threatening condition. This, according to Staff, further constituted an offense that relates directly to the duties and responsibilities of the education profession under 19 Texas Administrative Code section 249.15(b)(10), which includes offenses involving any form of physical abuse. To prove abuse, Staff must demonstrate that Respondent physically injured a student resulting in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child.⁹⁹

⁹⁹ See 19 Tex. Admin. Code §§ 247.1(e)(1)(C), 249.3(1)(C)).

Respondent's students developed a serious condition and went to the hospital for treatment after performing the workout. The preponderant evidence, however, does not indicate that Respondent directly and physically injured the students himself. Instead, the record evidence indicates his actions were more removed than the abuse standard contemplates. Respondent and his coaches called for hundreds of pushups but did not order students to physically continue after they stopped using proper form, actions that may otherwise have tipped the scales in favor of an abuse finding.

The allegation by Staff that Respondent failed to provide adequate breaks for rest or water does not change the analysis. The preponderant evidence indicated that students took breaks of their own accord, without reprimand, when they could no longer do pushups, had breaks during instructional and transition portions of the practice, and were allowed to get water when needed, whether from nearby water jugs or water fountains.¹⁰⁰ This is not to say Respondent is absolved of culpability for his role, which will be addressed in other violations, only that his actions did not reach the threshold for abuse. Having failed to prove the abuse allegation, Staff's claim that Respondent committed Priority 1 conduct and an offense that relates directly to the duties and responsibilities of the education profession on the same basis must also fail.

¹⁰⁰ The evidence as to whether water cows were in the turf room on January 6 was conflicting. Regardless, the evidence indicated that water was available from other sources, and the ALJ does not find that Respondent prohibited students from taking breaks for water as needed.

2. Standard 3.2: Intentionally, Knowingly, or Recklessly Treating Students in a Manner that Adversely Affects or Endangers Their Learning, Health, or Safety; and

Standard 3.5: Intentionally, Knowingly, or Recklessly Engaging in Physical Mistreatment, Neglect, or Abuse of a Student or Minor

The next cluster of Staff's claims asserts that Respondent intentionally, knowingly, or recklessly: 1) treated students in a manner that endangered their learning, health, or safety under Code of Ethics Standard 3.2; and 2) engaged in physical mistreatment, neglect, or abuse of a student under Code of Ethics Standard 3.5. Consequently, the ALJ must assess Respondent's mental culpability against the allegations that he treated students in a manner that adversely affected or endangered their learning, health, or safety, and that he engaged in neglect.¹⁰¹

An educator acts intentionally when it is his "conscious objective or desire to engage in the conduct or cause the result."¹⁰² An educator acts knowingly, meanwhile, when he is aware of the nature of the conduct or that the surrounding circumstances exist, or when he is aware that the conduct is reasonably certain to cause the result.¹⁰³ Here, the preponderant evidence did not prove that Respondent acted intentionally or knowingly.

¹⁰¹ The ALJ does not further analyze the abuse allegation under this prong, as it was already determined abuse does not apply, nor the physical mistreatment prong, as there are no allegations Respondent touched the students. *See* 19 Tex. Admin. Code § 249.3(38) (requiring unreasonable or offensive touching for physical mistreatment).

¹⁰² 19 Tex. Admin. Code § 247.1(e)(10).

¹⁰³ 19 Tex. Admin. Code § 247.1(e)(11).

Respondent adamantly testified he did not know what rhabdomyolysis was and had never heard of it before this incident through his education, required trainings, or otherwise. Although Staff intimated this was improbable given Respondent's degree in Exercise and Sports Studies and extensive experience as both a football player and coach, Staff presented no evidence contravening Respondent's statements, and the ALJ found Respondent's testimony credible on this point. The record contains no discussion whatsoever regarding the prevalence of the condition or whether it is included in Exercise Science curriculums generally (let alone Respondent's undergraduate curriculum). Moreover, the evidence showed Respondent took some measures to address the students' physical comfort during the practice, such as having open doors to let the winter air in, turning on the fans, and allowing students to get water and to stop performing pushups when they were no longer able. Considering Respondent's credible testimony, the preponderant evidence does not establish that he acted with any conscious desire to bring about, or awareness of, the potential result based on the circumstances.

Whether Respondent acted recklessly is a much closer question. An educator is reckless when he is aware of, but consciously disregards, a substantial and unjustifiable risk that the circumstances surrounding his conduct exist or that the result will occur.¹⁰⁴ In addition to claiming that he knew nothing of rhabdomyolysis, Respondent noted that no one present—trainers, Officer Sturgeon, or other coaches—expressed concern as the practice progressed. He further argued that students are asked to do as many pushups as possible until failure, without a cap,

¹⁰⁴ 19 Tex. Admin. Code §§ 247.1(e)(15), 249.3(42).

during TEA Fitnessgram assessments, presumably suggesting it was not improper to push students to failure at the January 6 practice. It's also true that, while students were called on to perform 350-400 pushups over a little more than an hour, they were not forced to continue after stopping of their own volition, nor do we know how many pushups they executed.

On the other hand, Respondent was responsible for developing, executing, and overseeing the workout program, as well as stopping before students overexerted themselves beyond a safe threshold. The picture that emerges from the preponderant evidence is that of an educator who was so consumed in his quest for greatness and unity forged in fire that he failed to adequately consider the risks posed to his students by unfettered exercise. Even crediting Respondent's testimony, the fact remains that at least five percent of his students¹⁰⁵ developed rhabdomyolysis—something Respondent never experienced or observed over decades of playing and coaching football—after completing his workout the very first time. Moreover, it is not credible to claim that Respondent was unaware his students could be injured by overexerting themselves or straining beyond their physical ability.

Regardless of whether they completed all 400 pushups, the evidence indicates students were prompted and encouraged to try, such that they did more pushups than they could safely perform. There was no evidence indicating coaches *told* the students they could stop at any time. Respondent, moreover, never considered

¹⁰⁵ Respondent testified that 125-150 players were at the practice, and that 8-11 players were hospitalized for rhabdomyolysis. The percentage of affected players rises to 8.8 percent if the lowest number of attendees and highest number of impacted players are used for the calculation.

whether the pushups were becoming excessive or what number students could safely do given their ability, prior training, and condition after returning from break. Ultimately, the number of called-for pushups was limited solely by the students' conformity to commands and *the duration of the class*—not considerations for safety or wellness of the students. It was unreasonable and reckless to expect the students, rather than their educator and coach, to discern when such physical activity has gone too far and should cease to prevent injury, especially in the face of Respondent's encouragement and prompts.

Taken together, the preponderant evidence demonstrated Respondent recklessly engaged in neglect, as he was aware of, but disregarded, a substantial and unjustifiable risk to his students, and placed his students in a situation where they would be exposed to that risk. Respondent's reckless treatment of the students, further, adversely affected and endangered their learning, health, or safety. Staff met its burden to prove Respondent violated Code of Ethics Standards 3.2 and 3.5.

3. Standard 1.7: Violation of Local School Board Policies

Staff alleges that Respondent violated Rockwall ISD's Student Discipline policies by applying aversive techniques to students but failed to prove this claim. Although Ms. Byrum testified that a third-party attorney who investigated the incident concluded Respondent violated Rockwall ISD policies, this testimony was vague, did not identify any of the policies at issue, and was not offered for the truth of the matter asserted. Evidence that Respondent received an email from Athletic Director Reeves telling him not to use corporal measures in developing training programs, likewise, was insufficient to meet Staff's burden because the preponderant

evidence did not show the email constituted a written school board policy as contemplated in 19 Texas Administrative Code section 247.2(1)(G). As a result, the ALJ does not further analyze Staff's contention that Respondent violated those instructions here.

4. Standard 1.10: Violation of Requirement to be of Good Moral Character and Worthy to Instruct and Supervise the Youth of this State

Although Staff proved that Respondent's conduct is sanctionable, the ALJ concludes Staff failed to prove Respondent lacks good moral character required by educators under SBEC rules and is unworthy to instruct or supervise the youth of this state under Code of Ethics Standard 1.10. The evidence did not preponderate towards a finding that Respondent generally lacks the patterns of personal, academic, and occupational behaviors that indicate honesty, accountability, trustworthiness, reliability, and integrity.¹⁰⁶ If anything, the evidence showed the opposite.

Respondent immediately took action to locate and get treatment for all affected students after learning some had been hospitalized, was forthright with administration and at the hearing, and did nothing to hide his actions during the process. He also had a long career as a coach and teacher, without incident, prior to the January 6 practice. Respondent acted recklessly on the day in question, but it was the first day of attempting the new workout, and there is no evidence of a pattern of recklessness or disregard for his students' welfare more generally.

¹⁰⁶ See 19 Tex. Admin. Code § 247.1(e)(9).

Respondent's actions, while subjecting him to sanction, do not prove an absence of good moral character.

Similarly, this single incident does not establish an absence of necessary moral, mental, and psychological qualities that would make Respondent unworthy to instruct or supervise youth of the state.¹⁰⁷ Although it is a rebuttable presumption that an educator who violates written directives from school administrators regarding the educator's behavior toward a student is unworthy to instruct or supervise,¹⁰⁸ the ALJ does not find sufficient evidence that Respondent violated a written directive from Athletic Director Reeves. The directive, which was generally described as an instruction not to use corporal or punitive measures in developing programs, was addressed only fleetingly and was not admitted in its written form into evidence. In addition, the example cited in the directive concerning students that received third-degree burns after doing bear crawls on turf in the summer for missing practice differs significantly from these facts. Finally, the evidence indicated that Respondent's program used pushups as a corrective conditioning and team-building exercise—albeit in excess and beyond safe practice—not as corporal or punitive measures. And, to the extent any presumption would apply, the ALJ finds it is overcome by evidence indicating Respondent holds the necessary qualities that would make him worthy to instruct or supervise youth of the state, as addressed above. Staff did not establish that Respondent violated Standard 1.10 of the Educator's Code of Ethics or related rules.

¹⁰⁷ 19 Tex. Admin. Code § 249.3(60).

¹⁰⁸ 19 Tex. Admin. Code § 249.3(60).

B. SANCTION

Disciplinary sanctions against an educator can range from an inscribed or non-inscribed reprimand to the suspension or revocation of the educator's certificate.¹⁰⁹ Generally, the Board may consider a variety of factors in making a disciplinary decision.¹¹⁰ Notwithstanding these general factors, the Board's rules require permanent revocation or denial if it is determined that the educator intentionally, knowingly, or recklessly caused bodily injury to a student or minor.¹¹¹

The ALJ finds the permanent revocation rule applies to these circumstances, where Respondent's reckless decision to call for hundreds of pushups from his students, and failure to consider the potential harm that could result from the students' overexertion, resulted in students experiencing bodily injury. As stated previously, this was an isolated incident in Respondent's otherwise commendable career; however, the Board's rules make no exception or consideration for additional factors, nor do they give the ALJ discretion in recommending the sanction. Consequently, Respondent's certificate must be revoked based on the injury recklessly caused to the students.

V. FINDINGS OF FACT

1. John Harrell (Respondent) holds a Texas Educator Certificate issued by the Texas State Board for Educator Certification (SBEC), with a Standard

¹⁰⁹ 19 Tex. Admin. Code § 249.15(a).

¹¹⁰ 19 Tex. Admin. Code § 249.17(c).

¹¹¹ 19 Tex. Admin. Code § 249.17(i)(7).

Certificate in Social Studies for Grades 8-12, which was in full force and effect at all times relevant to this case.

2. Respondent holds a Bachelor of Science degree in Exercise and Sports Studies and a Master of Education degree from Tarleton State University. He played football from middle school through college.
3. Respondent was a college football coach for eight years before he began working as a teacher or coach in Texas for various school districts in 2013.
4. In January 2022, Respondent was teaching at Rockwall-Heath High School in Rockwall, Texas, when he accepted a position as the school's head football coach and campus sports coordinator.
5. Following a disappointing 2022 football season, Respondent developed an off-season 2023 training program for his students that incorporated bootcamp- and military-style drills.
6. The off-season program required the full class to perform a set of 16 pushups for each negative interaction with coaches and peers, and for failing to follow or implement warm-up line instructions. Respondent chose the number 16 because it represented the number of games needed to win a state championship, and there was no cap on the number of pushups that could be called for in any given workout.
7. The first workout under Respondent's off-season training program was held on January 6, 2023. It was the first workout conducted at school after the students returned from a two-week winter break.
8. The January 6 workout lasted approximately an hour and was composed of 125-150 junior varsity, varsity, and freshman students.
9. The workout was held in an indoor turf room with the doors open, fans on, and an outside temperature of 45-55 degrees Fahrenheit.
10. During the workout, Respondent and his coaches called for 23 sets of 16 pushups, with some restarts to sets, when students failed to follow instructions, failed to count, or bickered amongst themselves or with coaches.

In total, students were asked to perform somewhere between 350-400 pushups.

11. By the end of the workout, some students were planking on their knees or resting instead of doing pushups. Respondent and his coaches did not require the students to go all the way down and up for a true pushup or maintain perfect form, but to count out the numbers of pushups in unison.
12. Respondent did not take official or preplanned water breaks during the practice but made it known to his students they could step out to get water as needed. Students had unofficial breaks between sets, when coaches were giving them instructions or transitioning between drills.
13. Respondent asked the students to perform an unsafe number of pushups that was beyond their physical ability.
14. Respondent was aware of, but consciously disregarded, a substantial and unjustifiable risk that doing too many pushups or overexertion could result in physical injury.
15. The morning of January 9, 2023, Respondent learned that two students from his practice were in the hospital with rhabdomyolysis, a serious condition that can cause kidney issues.
16. Respondent did not know what rhabdomyolysis was and had never heard the word before, despite his education and his experience coaching and playing football.
17. Respondent and his coaches contacted and located students who had been at the January 6 practice to check on their condition. He sent some students, including one so sore he could not lift his arms, to the trainer and/or hospital. Respondent did not hold the off-season workout on January 9 and visited his students in the hospital to check on them.
18. On January 10, 2025, Respondent was placed on administrative leave.
19. At least 8-11 of Respondent's students from the practice were hospitalized before Respondent was told to stop communicating with his students and fellow coaches. All the students eventually recovered.

20. Several factors, including overexertion, sleep, nutrition, medication, drugs, alcohol, hydration, supplements, food, temperature, illness, and humidity can contribute to developing rhabdomyolysis.
21. The multitude of pushups performed by the students during the January 6 workout contributed to them developing rhabdomyolysis.
22. Respondent resigned from his employment with Rockwall ISD in early March 2023.
23. Respondent recklessly treated students in a manner that adversely affected or endangered their learning, health, or safety.
24. Respondent recklessly engaged in neglect of a student or minor.
25. Respondent has no history of similar conduct before or since this incident.
26. Acting as SBEC's certification and enforcement staff, staff (Staff) of the Texas Education Agency (TEA) referred the matter to the State Office of Administrative Hearings (SOAH) on July 29, 2024. The hearing on the merits was scheduled to convene on January 23, 2025, via Zoom videoconferencing.
27. On July 30, 2024, Staff sent a Notice of Hearing to Respondent.
28. The hearing was rescheduled due to Respondent's motions for continuance and, pursuant to an order issued on May 15, 2025, scheduled to convene from September 30-October 2, 2025, via Zoom videoconferencing.
29. On September 30, 2025, Administrative Law Judge (ALJ) Shelly M. Doggett convened the hearing on the merits. Attorney Trevin R. Ware represented Staff, and attorney Karl Tiger Hanner represented Respondent, who also appeared.
30. The Notice of Hearing, in conjunction with orders issued by SOAH ALJs, contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short, plain statement of the factual matters asserted or an attachment that

incorporated by reference the factual matters asserted in the complaint or petition filed with the state agency.

31. The record closed on November 7, 2025, after the hearing transcript and admitted exhibits were filed with SOAH.

VI. CONCLUSIONS OF LAW

1. SBEC has jurisdiction over this matter. Tex. Educ. Code ch. 21; 19 Tex. Admin Code § 249.15.
2. SOAH has jurisdiction over the hearing in this proceeding, including the authority to issue a proposal for decision with proposed findings of fact and conclusions of law. Tex. Gov't Code ch. 2003; 19 Tex. Admin. Code § 249.18.
3. Proper and timely notice of the hearing was provided to Respondent. Tex. Gov't Code §§ 2001.051.-052.
4. SBEC may impose discipline against Respondent based on grounds that include, as relevant under Staff's pleadings, violating the Texas Educators' Code of Ethics (Code of Ethics), being "unworthy to instruct or to supervise the youth of this state," committing an offense that is considered to relate directly to the duties and responsibilities of the education profession, and committing an act that constitutes Priority 1 conduct. 19 Tex. Admin. Code §§ 249.14(k)(1)(D), .15(b)(2), (3), (9), (10).
5. As relevant under Staff's pleadings, an educator violates the Code of Ethics by:
 - a. failing to comply with state regulations, written local school board policies, and other state and federal laws, 19 Tex. Admin. Code § 247.2(1)(G);
 - b. failing to be of good moral character and be worthy to instruct or supervise the youth of this state, 19 Tex. Admin. Code § 247.2(1)(J);
 - c. intentionally, knowingly, or recklessly treating a student or minor in a manner that adversely affects or endangers the learning, physical health,

mental health, or safety of the student or minor, 19 Tex. Admin. Code § 247.2(3)(B); and

- d. intentionally, knowingly, or recklessly engaging in physical mistreatment, neglect, or abuse of a student or minor, 19 Tex. Admin. Code § 247.2(3)(E).
6. Child abuse is sanctionable Priority 1 conduct. 19 Tex. Admin. Code § 249.15(b)(9)(D).
7. Offenses involving any form of physical abuse are acts that would constitute an offense, without regard to whether there has been a criminal conviction, that is considered to relate directly to the duties and responsibilities of the education profession. 19 Tex. Admin. Code § 249.15(b)(10)(B).
8. “Abuse” includes, as relevant to this case, (1) “mental or emotional injury to a student or minor that results in an observable and material impairment in the student’s or minor’s development, learning, or psychological functioning,” (2) “causing or permitting a student or minor to be in a situation in which the student or minor sustains a mental or emotional injury that results in an observable and material impairment in the student’s or minor’s development, learning, or psychological functioning,” and (3) “physical injury that results in substantial harm to a student or minor, or the genuine threat of substantial harm from physical injury to the student or minor, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline.” 19 Tex. Admin. Code §§ 247.1(e)(1)(A)-(C), 249.3(1)(A)-(C).
9. “Neglect” includes “placing or leaving of a student or minor in a situation where the student or minor would be exposed to a substantial risk of physical or mental harm.” 19 Tex. Admin. Code § 249.3(32).
10. “Endanger” is defined as “[e]xposure of a student or minor to unjustified risk of injury or to injury that jeopardizes the physical health or safety of the student or minor without regard to whether there has been an actual injury to the student or minor.” 19 Tex. Admin. Code §§ 247.1(e)(8), 249.3(19).
11. An educator acts “intentionally,” or “with intent,” with respect to the nature of their conduct or to a result of their conduct when it is their “conscious

objective or desire to engage in the conduct or cause the result.” 19 Tex. Admin. Code § 247.1(e)(10).

12. An educator acts “knowingly,” or “with knowledge,” with respect to the nature of their conduct or to circumstances surrounding their conduct when they are “aware of the nature of the conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of his or her conduct when he or she is aware that the conduct is reasonably certain to cause the result.” 19 Tex. Admin. Code § 247.1(e)(11).
13. An educator acts “recklessly,” or is “reckless,” with respect to circumstances surrounding their conduct or the results of their conduct when he or she is “aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or that the result will occur.” 19 Tex. Admin. Code §§ 247.1(e)(15), 249.3(42).
14. “Good moral character” is defined as the “virtues of a person as evidenced by patterns of personal, academic, and occupational behaviors that, in the judgment of the [SBEC], indicate honesty, accountability, trustworthiness, reliability, and integrity.” 19 Tex. Admin. Code §§ 247.1(e)(9); 249.3(23). Lack of “good moral character” may be evidenced by, but is not necessarily limited to, commission of crimes directly related to the duties and responsibilities of the education profession. 19 Tex. Admin. Code §§ 247.1(e)(9); 249.3(23).
15. “Unworthy to instruct or to supervise the youth of this state” is defined as the “[a]bsence of those moral, mental, and psychological qualities that are required to enable an educator to render the service essential to the accomplishment of the goals and mission of [SBEC] policy and [the Code of Ethics].” 19 Tex. Admin. Code §§ 249.3(60); *see also* 19 Tex. Admin. Code § 247.1(23) (defining “worthy to instruct or to supervise the youth of this state” as the affirmative “[p]resence of those moral, mental, and psychological qualities that are required to enable an educator to render the service essential to the accomplishment of the goals and mission of the [SBEC] and the [Code of Ethics]”).
16. Upon proof of one or more disciplinary grounds, SBEC may: (1) place restrictions on the renewal or holding of a certificate, either indefinitely or for a set term; (2) issue an inscribed or non-inscribed reprimand; (3) suspend a

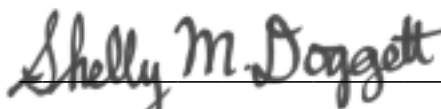
certificate for a set term or issue a probated suspension for a set term; (4) revoke or cancel a certificate without opportunity for reapplication for a set term or permanently; or (5) impose any conditions or restrictions upon a certificate that SBEC deems necessary to facilitate the rehabilitation and professional development of the educator or to protect students, parents of students, school personnel, or school officials. 19 Tex. Admin. Code § 249.15(a).

17. The SBEC must permanently revoke the teaching certificate of any educator if, after a contested case hearing, it is determined that the educator intentionally, knowingly, or recklessly caused bodily injury to a student or minor when the conduct of the educator was not immune from disciplinary proceedings by Texas Education Code section 22.0512. 19 Tex. Admin. Code § 249.17(i)(7); *see also* Tex. Educ. Code § 22.0512 (providing that a school district employee may not be subject to disciplinary proceedings for the employee's use of physical force against a student to the extent it was justified under section 9.62 of the Texas Penal Code).
18. Because Respondent is not alleged to have used physical force against a student, Texas Education Code section 22.0512 does not apply. *See* 19 Tex. Admin. Code § 249.17(i)(7).
19. Staff bears the burden of proving its asserted grounds for discipline and the circumstances to justify the discipline it would impose. 1 Tex. Admin. Code § 155.427.
20. The standard of proof is by a preponderance of the evidence. *See Granek v. Tex. State Bd. of Med. Exam'rs*, 172 S.W.3d 761, 777 (Tex. App.—Austin 2005, no pet.); *Sw. Pub. Servs. Co. v. Pub. Util. Comm'n of Tex.*, 962 S.W.2d 207, 213-14 (Tex. App.—Austin 1998, pet. denied).
21. Staff did not meet its burden to prove that Respondent abused his students. 19 Tex. Admin. Code §§ 247.1(e)(1)(A)-(C), 249.3(1)(A)-(C).
22. Staff did not meet its burden to prove that Respondent committed an offense that relates directly to the duties and responsibilities of the education profession. 19 Tex. Admin. Code §§ 249.15(b)(10), .16(c)(2).

23. Staff did not meet its burden to prove that Respondent committed Priority 1 conduct. 19 Tex. Admin. Code §§ 249.14(k)(1)(D), .15(b)(9)(D).
24. Staff did not meet its burden to prove that Respondent violated written local school board policies. 19 Tex. Admin. Code § 247.2(1)(G).
25. Staff did not meet its burden to prove that Respondent lacks good moral character and is unworthy to instruct or supervise the youth of this state. 19 Tex. Admin. Code §§ 247.2(1)(J), 249.15(b)(2).
26. Staff met its burden to prove that Respondent intentionally, knowingly, or recklessly treated a student or minor in a manner that adversely affected or endangered the learning, physical health, mental health, or safety of the student or minor. 19 Tex. Admin. Code § 247.2(3)(B).
27. Staff met its burden to prove that Respondent intentionally, knowingly, or recklessly engaged in neglect of a student or minor. 19 Tex. Admin. Code § 247.2(3)(E).
28. Respondent's violation of the Code of Ethics subjects him to discipline. 19 Tex. Admin. Code § 249.15(b)(3).
29. Because Respondent intentionally, knowingly, or recklessly caused bodily injury to a student or minor when his conduct was not immune, his certificate must be permanently revoked. 19 Tex. Admin. Code § 249.17(i)(7).

SIGNED JANUARY 5, 2026

ALJ Signature:



Shelly M. Doggett

Presiding Administrative Law Judge

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 109649580

Filing Code Description: Proposal for Decision

Filing Description: PROPOSAL FOR DECISION

Status as of 1/5/2026 12:46 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Tiger Hanner		tigerhanner@gmail.com	1/5/2026 12:19:37 PM	SENT
Trevin Ware		Trevin.Ware@tea.texas.gov	1/5/2026 12:19:37 PM	SENT
Anna Amaro		anna.amaro@tea.texas.gov	1/5/2026 12:19:37 PM	SENT