

Presented:

29th Annual School Law Conference

February 27-28, 2014
AT&T Conference Center
Austin, TX

**Scandal in a Small Town
The Teacher's Perspective**

Julie A. Leahy

Scandal in a Small Town The Teacher's Perspective

Introduction

Teachers are expected to be role models and to demonstrate good judgment, both in their professional lives and in their off-duty conduct. When this does not occur, adverse employment action, certificate sanction and even criminal consequences can result. In this paper, we will look at three instances where teachers were accused of (or actually engaged in) scandalous conduct and how the allegations impacted the lives and careers of those involved.

Case Number 1 The Innocent Teacher

TEA v. Julianne Felicia Booth, Dkt. No. 701-12-6659.EC (SOAH PFD, May, 2013)

A former student accused his teacher of having engaged in a sexual relationship with him. A complaint was filed with the State Board for Educator Certification (SBEC), which sought to revoke her teaching certificate.

The student in question was also living with the family during the time that the alleged abuse occurred. He alleged that the abuse began when he started visiting the family home in 2002 with petting and “making out” and escalated to intercourse in April 2003 during an overnight orchestra trip to San Antonio. He testified that the initial acts of abuse occurred in the teacher’s home while he was visiting. Finally, he alleged that they engaged in numerous sexual encounters at the teacher’s home following that initial incident.

The evidence at hearing established the following:

- the teacher and her family did not move into their home until Halloween of 2003 and the student did not begin to live with them until January of 2004, which was inconsistent with the student’s testimony;
- testimony regarding the incident that took place during the overnight trip was not credible due to security procedures that had been put into place;
- all rooms contained three students, with boys and girls on different floors;

- chaperones placed duct tape over the door jamb of all student rooms that would be broken if the doors were opened;
- all teachers and chaperones took turns patrolling the hallways throughout the evening.

The student alleged that he spent approximately three hours with the teacher in her room that evening. However, various witnesses, including the Assistant Principal and other teachers, testified that they saw the teacher patrolling the hallways during this time. They also testified that they never saw the student out of his room and that the tape over his door was undisturbed. The student was not able to produce testimony from any of his roommates that would indicate that he left his room during the evening.

During the time period following the alleged initial sexual encounter, there were never any rumors or suspicions by any family members or friends that an inappropriate relationship might be going on. The student asked the teacher and his family to adopt him, but they declined to do so. They ultimately asked him to leave the home for failure to obey house rules, including not keeping curfew, underage drinking, and driving a car belonging to someone else when he did not have a drivers' license. He was ultimately involved in an automobile accident and did not tell the owner. The Administrative Law Judge found that the student's testimony was "awkward, vague and full of contradictions." She determined that the allegations were not credible. The case was dismissed and the teacher retained her teaching certificate.

Applicable Law

This case was filed with SBEC, who alleged that the teacher had engaged in conduct that indicated that her teaching certificate was subject to revocation. SBEC has the authority to impose sanctions on the teaching credentials of an educator based upon a finding that a person is "unworthy to instruct or supervise the youth of the state." 19 Tex. Admin. Code (TAC) § 249.15(c)(12). This standard has been held to be an acceptable measure of educator conduct by Texas courts and has also been incorporated into SBEC's Disciplinary Policy Guidelines. *See Marrs v. Matthews*, 270 S.W. 586 (1925). SBEC also sought the revocation of the teacher's

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Scandal in a Small Town: The Teacher's Perspective

Also available as part of the eCourse

[Employment Issues on Campus: Federal and State Employment Law Update; Use of Criminal History; ADA and FMLA; plus On-the-Job Injuries](#)

First appeared as part of the conference materials for the
29th Annual School Law Conference session

"School Scandals: Daytime Friends and Nighttime Lovers"