

BILL ANALYSIS

C.S.H.B. 1022
By: Eissler
Public Education
Committee Report (Substituted)

BACKGROUND

Some educators who serve for at time under temporary, emergency, or provisional certificates or permits issued by the State Board of Educator Certification (SBEC) fail to meet the requirements to obtain full certification. To terminate a contractual employee for lack of certification, districts are compelled to provide expensive termination or nonrenewal procedures, including the independent hearing examiner process. The process of removing a teacher that lacks certification is imperative in light of the emphasis on teacher credentials under the No Child Left Behind Act.

PURPOSE

C.S.H.B. 1022 provides that an educator's failure to acquire full certification voids the educator's employment contract without any need for a termination or nonrenewal hearing, effective on the date the temporary certification or permit lapses.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency or institution.

ANALYSIS

C.S.H.B. 1022 amends the Education Code, by providing that an employee's probationary, continuing, or term contract is void if the employee does not hold a valid certificate or permit issued by the State Board for Educator Certification (Section 21.0031).

The bill authorizes a school district to terminate, suspend with or without pay, or retain such an employee on an at-will employment basis, in a position other than a classroom teacher, at the existing or reduced rate of pay and that such a decision by a school district is not subject to appeal. The bill stipulates that the employee is not entitled to the minimum salary prescribed by Section 21.402, Education Code.

The bill provides that the section on failure to obtain certification does not affect the rights and remedies of a party in an at-will employment relationship. Sections 21.206 and 21.207, Education Code do not apply if the board of trustees chooses to not renew a teacher's contract in accordance with Section 21.0031.

This Act applies only to a contract entered into by a school district and an educator on or after September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B 1022 modifies the original version by stipulating that a school district may retain an educator, that fails to acquire full certification, on an at-will employment basis, in a position other than a classroom teacher. C.S.H.B 1022 modifies the original version by stipulating that provisions relating to nonrenewal of contract (Section 21.206) and teacher hearings (Section 21.207) do not apply if the board of trustees chooses to not renew a teacher's contract in accordance with Section 21.0031.

EFFECTIVE DATE

September 1, 2003.