BILL ANALYSIS

Senate Research Center

H.B. 1022
By: Eissler (Williams)
Education
4/24/2003
Committee Report (Amended)

DIGEST AND PURPOSE

Currently, some educators who serve under a temporary, emergency, or provisional certification or permit issued by the State Board for Educator Certification (SBEC) fail to meet the full certification requirements. In order to terminate a contractual employee for lack of full certification, school districts are obligated to follow expensive termination or nonrenewal procedures, including the independent hearing examiner process. 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

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 21, Education Code, by adding Section 21.0031, as follows:

> Sec. 21.0031. FAILURE TO OBTAIN CERTIFICATION; CONTRACT VOID (a) Provides that an employee's probationary, continuing, or term contract under this chapter is void if the employee fails to meet certain requirements.
>
> > (b) Authorizes a school district, on the date on which an employee's contract is void under Subsection (a), to take certain actions.
> >
> > (c) Provides that a school district's decision under Subsection (b) is not subject to appeal under this chapter, and Sections 21.206 and 21.207 do not apply to the decision.
> >
> > (d) Establishes that this section does not affect the rights and remedies of a party in an at-will employment relationship.

SECTION 2. Effective date: September 1, 2003.
Makes application of this Act prospective.

LIST OF COMMITTEE AMENDMENTS

COMMITTEE AMENDMENT NO. 1:

Amends H.B. 1022 in Section 21.0031 by adding Subsection (e). "This section does not apply to certified teachers assigned to teach a subject for which they are not certified."