

AN ACT

relating to employment status and contract entitlements of public school educators who fail to obtain appropriate certification.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 21, Education Code, is amended by adding Section 21.0031 to read as follows:

Sec. 21.0031. FAILURE TO OBTAIN CERTIFICATION; CONTRACT VOID. (a) An employee's probationary, continuing, or term contract under this chapter is void if the employee:

(1) does not hold a certificate or permit issued by the State Board for Educator Certification; or

(2) fails to fulfill the requirements necessary to extend the employee's temporary or emergency certificate or permit.

(b) After an employee receives notice that the employee's contract is void under Subsection (a):

(1) a school district may:

(A) terminate the employee;

(B) suspend the employee with or without pay; or

(C) retain the employee for the remainder of the school year on an at-will employment basis in a position other than classroom teacher at the employee's existing rate of pay or at a reduced rate; and

(2) the employee is not entitled to the minimum salary prescribed by Section 21.402.

1 (c) A school district's decision under Subsection (b) is not
2 subject to appeal under this chapter, and the notice and hearing
3 requirements of this chapter do not apply to the decision.

4 (d) This section does not affect the rights and remedies of
5 a party in an at-will employment relationship.

6 (e) This section does not apply to a certified teacher
7 assigned to teach a subject for which the teacher is not certified.

8 SECTION 2. This Act takes effect September 1, 2003, and
9 applies only to a contract entered into by a school district and an
10 educator on or after that date.

President of the Senate

Speaker of the House

I certify that H.B. No. 1022 was passed by the House on April 8, 2003, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1022 was passed by the Senate on May 9, 2003, by a viva-voce vote.

Secretary of the Senate

APPROVED: _____

Date

Governor