

1-1 By: Eissler, et al. (Senate Sponsor - Williams) H.B. No. 1022
1-2 (In the Senate - Received from the House April 9, 2003;
1-3 April 14, 2003, read first time and referred to Committee on
1-4 Education; April 28, 2003, reported favorably, as amended, by the
1-5 following vote: Yeas 9, Nays 0; April 28, 2003, sent to printer.)

1-6 COMMITTEE AMENDMENT NO. 1 By: Williams

1-7 Amend H.B. No. 1022, in Section 21.0031, by adding Subsection (e):
1-8 (e) This section does not apply to certified teachers
1-9 assigned to teach a subject for which they are not certified.

1-10 A BILL TO BE ENTITLED
1-11 AN ACT

1-12 relating to employment status and contract entitlements of public
1-13 school educators who fail to obtain appropriate certification.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Subchapter A, Chapter 21, Education Code, is
1-16 amended by adding Section 21.0031 to read as follows:

1-17 Sec. 21.0031. FAILURE TO OBTAIN CERTIFICATION; CONTRACT
1-18 VOID. (a) An employee's probationary, continuing, or term
1-19 contract under this chapter is void if the employee:

1-20 (1) does not hold a certificate or permit issued by the
1-21 State Board for Educator Certification; or

1-22 (2) fails to fulfill the requirements necessary to
1-23 extend the employee's temporary or emergency certificate or permit.

1-24 (b) On the date on which an employee's contract is void
1-25 under Subsection (a):

1-26 (1) a school district may:

1-27 (A) terminate the employee;

1-28 (B) suspend the employee with or without pay; or

1-29 (C) retain the employee for the remainder of the
1-30 school year on an at-will employment basis in a position other than
1-31 classroom teacher at the employee's existing rate of pay or at a
1-32 reduced rate; and

1-33 (2) the employee is not entitled to the minimum salary
1-34 prescribed by Section 21.402.

1-35 (c) A school district's decision under Subsection (b) is not
1-36 subject to appeal under this chapter, and Sections 21.206 and
1-37 21.207 do not apply to the decision.

1-38 (d) This section does not affect the rights and remedies of
1-39 a party in an at-will employment relationship.

1-40 SECTION 2. This Act takes effect September 1, 2003, and
1-41 applies only to a contract entered into by a school district and an
1-42 educator on or after that date.

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