

BILL ANALYSIS

C.S.H.B. 1610
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Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties observe that, currently, teachers who are convicted of certain felonies involving a minor may have their teaching certificate revoked following a lengthy and costly procedure. Interested parties contend that these teachers are required to be terminated as soon as practicable, but there is concern that these individuals are usually placed on paid administrative leave when scheduled for termination.

C.S.H.B. 1610 seeks to streamline the process by which a school district terminates the employment of a teacher who has been convicted of a felony.

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. 1610 amends the Education Code to require a school district or open-enrollment charter school that receives notice from the State Board for Educator Certification of the revocation of a teaching certification held by a person employed by the district or school under a probationary, continuing, or term contract for conviction of a felony offense against a person under 18 years of age or an offense requiring registration as a sex offender to suspend the person without pay, provide the person with written notice that the person's contract is void, and terminate the person's employment, as soon as practicable, in addition to immediately removing the person from campus or from an administrative office, as applicable, to prevent the person from having any contact with a student. The bill removes language specifying that the person be terminated in accordance with the person's contract and with statutory provisions relating to the certification of educators. The bill authorizes a district or charter school that becomes aware that a person employed by the district or school under a probationary, continuing, or term teaching contract has been convicted of or received deferred adjudication for a felony offense, other than an offense against a person under 18 years of age or an offense requiring registration as a sex offender, to suspend the person without pay, provide the person with written notice that the person's contract is void, and terminate the employment of the person as soon as practicable. The bill establishes that such actions taken by a district or charter school are not subject to appeal under statutory provisions relating to educators and exempts the actions from the notice and hearing requirements under those same provisions.

C.S.H.B. 1610 voids a person's probationary, continuing, or term teaching contract if the district or charter school provides notice that such a person's contract is void under the bill's provisions. The bill makes its provisions applicable beginning with the 2011-2012 school year and makes nonsubstantive and conforming changes.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1610 contains provisions not included in the original requiring a school district or open-enrollment charter school that receives notice from the State Board for Educator Certification of the revocation of a certification held by a person employed by the district or school under a probationary, continuing, or term contract for conviction of a felony offense against a person under 18 years of age or an offense requiring registration as a sex offender to suspend the person without pay, provide the person with written notice that the person's contract is void, and terminate the person's employment, as soon as practicable. The substitute contains a provision not included in the original removing language specifying that the person be terminated in accordance with the person's contract and with statutory provisions relating to the certification of educators.

C.S.H.B. 1610 differs from the original by authorizing, rather than requiring, as in the original, a school district or charter school that becomes aware that a person employed by the district or school under a probationary, continuing, or term teaching contract has been convicted of or received deferred adjudication for a felony, other than an offense against a person under 18 years of age or an offense requiring registration as a sex offender, to suspend the person without pay, provide the person with written notice that the person's contract is void, and, as soon as practicable, terminate the person's employment.

C.S.H.B. 1610 differs from the original by voiding a person's probationary, continuing, or term teaching contract if the district or charter school provides notice that such a person's contract is void under the bill's provisions, whereas the original voids such a contract if the person is convicted of a felony. The substitute contains a provision not included in the original establishing that action taken by a charter school relating to the termination of a person employed by the school under a probationary, continuing, or term contract who has been convicted of a felony is not subject to appeal under statutory provisions relating to educators and exempting the action from the notice and hearing requirements under those same provisions. The substitute differs from the original in nonsubstantive ways.