

By: Gonzales of Williamson, Madden

H.B. No. 1610

A BILL TO BE ENTITLED

1 AN ACT

2 relating to employment termination procedures applicable to a
3 teacher who is convicted of or receives deferred adjudication for a
4 felony.

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

6 SECTION 1. Section 21.058, Education Code, is amended by
7 amending Subsections (a) and (c) and adding Subsections (c-1),
8 (c-2), and (e) to read as follows:

9 (a) The procedures described by Subsections (b) and (c)
10 apply [~~This section applies~~] only:

11 (1) to conviction of a felony offense under Title 5,
12 Penal Code, or an offense on conviction of which a defendant is
13 required to register as a sex offender under Chapter 62, Code of
14 Criminal Procedure; and

15 (2) if the victim of the offense is under 18 years of
16 age.

17 (c) A school district or open-enrollment charter school
18 that receives notice under Subsection (b) of the revocation of a
19 certificate issued under this subchapter shall:

20 (1) immediately remove the person whose certificate
21 has been revoked from campus or from an administrative office, as
22 applicable, to prevent the person from having any contact with a
23 student; and

24 (2) if the person is employed under a probationary,

1 continuing, or term contract under this chapter:

2 (A) suspend the person without pay;

3 (B) provide the person with written notice that
4 the person's contract is void as provided by Subsection (c-2); and

5 (C) [~~as soon as practicable,~~] terminate the
6 employment of the person as soon as practicable [~~in accordance with~~
7 ~~the person's contract and with this subchapter].~~

8 (c-1) If a school district or open-enrollment charter
9 school becomes aware that a person employed by the district or
10 school under a probationary, continuing, or term contract under
11 this chapter has been convicted of a felony offense or has received
12 deferred adjudication for a felony offense and violated a condition
13 imposed by the court before the expiration of the required period of
14 community supervision, and the person is not subject to Subsection
15 (c), the district or school may:

16 (1) suspend the person without pay;

17 (2) provide the person with written notice that the
18 person's contract is void as provided by Subsection (c-2); and

19 (3) terminate the employment of the person as soon as
20 practicable.

21 (c-2) A person's probationary, continuing, or term contract
22 is void if the school district or open-enrollment charter school
23 takes action under Subsection (c)(2)(B) or (c-1)(2).

24 (e) Action taken by a school district or open-enrollment
25 charter school under Subsection (c) or (c-1) is not subject to
26 appeal under this chapter, and the notice and hearing requirements
27 of this chapter do not apply to the action.

1 SECTION 2. This Act applies beginning with the 2011-2012
2 school year.

3 SECTION 3. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2011.