

1-1 By: Gonzales of Williamson, Madden H.B. No. 1610  
1-2 (Senate Sponsor - Patrick)  
1-3 (In the Senate - Received from the House May 6, 2011;  
1-4 May 9, 2011, read first time and referred to Committee on  
1-5 Education; May 20, 2011, reported adversely, with favorable  
1-6 Committee Substitute by the following vote: Yeas 7, Nays 1;  
1-7 May 20, 2011, sent to printer.)

1-8 COMMITTEE SUBSTITUTE FOR H.B. No. 1610 By: Patrick

1-9 A BILL TO BE ENTITLED  
1-10 AN ACT

1-11 relating to employment termination procedures applicable to a  
1-12 teacher who is convicted of or receives deferred adjudication for a  
1-13 felony.

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

1-15 SECTION 1. Section 21.058, Education Code, is amended by  
1-16 amending Subsections (a) and (c) and adding Subsections (c-1),  
1-17 (c-2), and (e) to read as follows:

1-18 (a) The procedures described by Subsections (b) and (c)  
1-19 apply [~~This section applies~~] only:

1-20 (1) to conviction of a felony offense under Title 5,  
1-21 Penal Code, or an offense on conviction of which a defendant is  
1-22 required to register as a sex offender under Chapter 62, Code of  
1-23 Criminal Procedure; and

1-24 (2) if the victim of the offense is under 18 years of  
1-25 age.

1-26 (c) A school district or open-enrollment charter school  
1-27 that receives notice under Subsection (b) of the revocation of a  
1-28 certificate issued under this subchapter shall:

1-29 (1) immediately remove the person whose certificate  
1-30 has been revoked from campus or from an administrative office, as  
1-31 applicable, to prevent the person from having any contact with a  
1-32 student; and

1-33 (2) if the person is employed under a probationary,  
1-34 continuing, or term contract under this chapter:

1-35 (A) suspend the person without pay;

1-36 (B) provide the person with written notice that  
1-37 the person's contract is void as provided by Subsection (c-2); and

1-38 (C) [as soon as practicable,] terminate the  
1-39 employment of the person as soon as practicable [~~in accordance with~~  
1-40 the person's contract and with this subchapter].

1-41 (c-1) If a school district or open-enrollment charter  
1-42 school becomes aware that a person employed by the district or  
1-43 school under a probationary, continuing, or term contract under  
1-44 this chapter has been convicted of or received deferred  
1-45 adjudication for a felony offense, and the person is not subject to  
1-46 Subsection (c), the district or school may:

1-47 (1) suspend the person without pay;

1-48 (2) provide the person with written notice that the  
1-49 person's contract is void as provided by Subsection (c-2); and

1-50 (3) terminate the employment of the person as soon as  
1-51 practicable.

1-52 (c-2) A person's probationary, continuing, or term contract  
1-53 is void if the school district or open-enrollment charter school  
1-54 takes action under Subsection (c)(2)(B) or (c-1)(2).

1-55 (e) Action taken by a school district or open-enrollment  
1-56 charter school under Subsection (c) or (c-1) is not subject to  
1-57 appeal under this chapter, and the notice and hearing requirements  
1-58 of this chapter do not apply to the action.

1-59 SECTION 2. This Act applies beginning with the 2011-2012  
1-60 school year.

1-61 SECTION 3. This Act takes effect immediately if it receives  
1-62 a vote of two-thirds of all the members elected to each house, as  
1-63 provided by Section 39, Article III, Texas Constitution. If this

2-1 Act does not receive the vote necessary for immediate effect, this  
2-2 Act takes effect September 1, 2011.

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