87R6278 ANG-D

By:  Darby H.B. No. 2519

A BILL TO BE ENTITLED

AN ACT

relating to matters regarding educators, including the composition of the State Board for Educator Certification, the board's disciplinary proceedings, and a public school teacher's notification of resignation from employment.

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

SECTION 1.  Section 21.033, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1)  At least two of the members appointed under Subsection (a)(1), (2), or (3) must be from a school district with fewer than 999 students in membership for purposes of average daily attendance.

SECTION 2.  Subchapter B, Chapter 21, Education Code, is amended by adding Sections 21.065, 21.066, and 21.067 to read as follows:

Sec. 21.065.  FINDINGS OF FACT. In adopting findings of fact in a disciplinary proceeding initiated under this chapter to suspend or revoke a certificate or permit, the board must include in the findings any available information regarding the respondent's response to the allegations on which the proceeding is based.

Sec. 21.066.  ALTERNATIVES TO SUSPENSION. Before suspending a certificate or permit issued under this subchapter, including for a reason related to contract abandonment, the board must consider requiring additional continuing education or training as an alternative to suspension.

Sec. 21.067.  NOTICE TO TEACHER REGARDING SUSPENSION OR REVOCATION OF CERTIFICATE OR PERMIT. (a) In this section, "teacher" means a superintendent, principal, supervisor, classroom teacher, school counselor, or other full-time professional employee who is required to hold a certificate issued under this subchapter.

(b)  On the suspension or revocation of a teacher's certificate or permit issued under this subchapter, the board shall promptly notify the teacher of the suspension or revocation by certified mail and, if available, e-mail. The notice must include the basis for the suspension or revocation.

SECTION 3.  Section 21.105, Education Code, is amended by amending Subsections (a) and (c) and adding Subsection (d) to read as follows:

(a)  A teacher employed under a probationary contract for the following school year may relinquish the position and leave the employment of the district at the end of a school year without penalty by filing with the board of trustees or its designee a written resignation not later than the 30th [~~45th~~] day before the first day of instruction of the following school year. A written resignation mailed by prepaid certified or registered mail to the president of the board of trustees or the board's designee at the post office address of the district is considered filed at the time of mailing.

(c)  Subject to Subsection (d), on [~~On~~] written complaint by the employing district, the State Board for Educator Certification may impose sanctions against a teacher employed under a probationary contract who:

(1)  resigns;

(2)  fails without good cause to comply with Subsection (a) or (b); and

(3)  fails to perform the contract.

(d)  If a teacher fails to timely file a written resignation as required by Subsection (a), the State Board for Educator Certification may not revoke the teacher's certificate under Subsection (c) if the teacher:

(1)  has no disciplinary history with the board; and

(2)  demonstrates that the notice of resignation given was reasonable under the circumstances.

SECTION 4.  Section 21.160, Education Code, is amended by amending Subsections (a) and (c) and adding Subsection (d) to read as follows:

(a)  A teacher employed under a continuing contract may relinquish the position and leave the employment of the district at the end of a school year without penalty by filing with the board of trustees or its designee a written resignation not later than the 30th [~~45th~~] day before the first day of instruction of the following school year. A written resignation mailed by prepaid certified or registered mail to the president of the board of trustees or the board's designee at the post office address of the district is considered filed at time of mailing.

(c)  Subject to Subsection (d), on [~~On~~] written complaint by the employing district, the State Board for Educator Certification may impose sanctions against a teacher who is employed under a continuing contract that obligates the district to employ the person for the following school year and who:

(1)  resigns;

(2)  fails without good cause to comply with Subsection (a) or (b); and

(3)  fails to perform the contract.

(d)  If a teacher fails to timely file a written resignation as required by Subsection (a), the State Board for Educator Certification may not revoke the teacher's certificate under Subsection (c) if the teacher:

(1)  has no disciplinary history with the board; and

(2)  demonstrates that the notice of resignation given was reasonable under the circumstances.

SECTION 5.  Section 21.210, Education Code, is amended by amending Subsections (a) and (c) and adding Subsection (d) to read as follows:

(a)  A teacher employed under a term contract with a school district may relinquish the teaching position and leave the employment of the district at the end of a school year without penalty by filing a written resignation with the board of trustees or the board's designee not later than the 30th [~~45th~~] day before the first day of instruction of the following school year. A written resignation mailed by prepaid certified or registered mail to the president of the board of trustees or the board's designee at the post office address of the district is considered filed at the time of mailing.

(c)  Subject to Subsection (d), on [~~On~~] written complaint by the employing district, the State Board for Educator Certification may impose sanctions against a teacher who is employed under a term contract that obligates the district to employ the person for the following school year and who:

(1)  resigns;

(2)  fails without good cause to comply with Subsection (a) or (b); and

(3)  fails to perform the contract.

(d)  If a teacher fails to timely file a written resignation as required by Subsection (a), the State Board for Educator Certification may not revoke the teacher's certificate under Subsection (c) if the teacher:

(1)  has no disciplinary history with the board; and

(2)  demonstrates that the notice of resignation given was reasonable under the circumstances.

SECTION 6.  Section 21.033(a-1), Education Code, as added by this Act, requiring that at least two members of the State Board for Educator Certification appointed under Subsection (a)(1), (2), or (3) of that section be from a school district with fewer than 999 students in membership for purposes of average daily attendance, does not affect the entitlement of members described by those subdivisions serving on the board immediately before the effective date of this Act to continue to carry out the members' duties for the remainder of the members' terms. The governor shall appoint members who meet the requirements under Section 21.033(a-1), Education Code, as added by this Act, if necessary, on the first two vacancies that occur after the effective date of this Act of a board position held by a member under Subsection (a)(1), (2), or (3) of that section.

SECTION 7.  Sections 21.065, 21.066, 21.105(d), 21.160(d), and 21.210(d), Education Code, as added by this Act, apply only to a disciplinary proceeding initiated by the State Board for Educator Certification on or after the effective date of this Act. A disciplinary proceeding commenced before the effective date of this Act is governed by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

SECTION 8.  Section 21.067, Education Code, as added by this Act, applies only to a suspension or revocation of a teacher's certificate or permit by the State Board for Educator Certification occurring on or after the effective date of this Act.

SECTION 9.  Sections 21.105(a), 21.160(a), and 21.210(a), Education Code, as amended by this Act, apply beginning with the written resignation required to be filed by a teacher who intends to leave employment with a school district at the end of the 2021-2022 school year.

SECTION 10.  This Act takes effect September 1, 2021.