

By: Darby, Huberty, Murr, Dutton, Talarico

H.B. No. 2519

Substitute the following for H.B. No. 2519:

By: Dutton

C.S.H.B. No. 2519

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to matters regarding educators, including the composition  
3 of the State Board for Educator Certification, the issuance of  
4 certain sanctions by the board, and a public school teacher's  
5 notification of resignation from employment.

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

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

9 (a-1) At least two of the members appointed under Subsection  
10 (a)(1), (2), or (3) must be from a school district eligible for an  
11 allotment under Section 48.101.

12 SECTION 2. Subchapter B, Chapter 21, Education Code, is  
13 amended by adding Section 21.065 to read as follows:

14 Sec. 21.065. NOTICE TO TEACHER REGARDING SUSPENSION OF  
15 CERTIFICATE OR PERMIT. (a) In this section, "teacher" means a  
16 superintendent, principal, supervisor, classroom teacher, school  
17 counselor, paraprofessional, or other full-time professional  
18 employee who is required to hold a certificate issued under this  
19 subchapter.

20 (b) On the suspension of a teacher's certificate or permit  
21 issued under this subchapter, the board shall promptly notify the  
22 teacher of the suspension by certified mail. The notice must  
23 include:

24 (1) the basis for the suspension; and

1           (2) information regarding the method in which the  
2 teacher may respond to the suspension.

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

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

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

20                   (1) resigns;

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

23                   (3) fails to perform the contract.

24           (d) If a school district submits a complaint regarding a  
25 teacher to the State Board for Educator Certification under  
26 Subsection (c), the district shall promptly notify the teacher of  
27 the complaint. The notice must include:

1           (1) the basis of the complaint;

2           (2) information regarding how the teacher may contact  
3 the State Board for Educator Certification; and

4           (3) a reminder that the teacher should verify that the  
5 teacher's mailing address on file with the State Board for Educator  
6 Certification is current.

7           (e) Before imposing sanctions against a teacher under  
8 Subsection (c), the State Board for Educator Certification:

9           (1) must consider any mitigating factors relevant to  
10 the teacher's conduct; and

11           (2) may consider alternatives to sanctions, including  
12 additional continuing education or training.

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

16           (a) A teacher employed under a continuing contract may  
17 relinquish the position and leave the employment of the district at  
18 the end of a school year without penalty by filing with the board of  
19 trustees or its designee a written resignation not later than the  
20 30th [~~45th~~] day before the first day of instruction of the following  
21 school year. A written resignation mailed by prepaid certified or  
22 registered mail to the president of the board of trustees or the  
23 board's designee at the post office address of the district is  
24 considered filed at time of mailing.

25           (c) Subject to Subsection (e), on [~~On~~] written complaint by  
26 the employing district, the State Board for Educator Certification  
27 may impose sanctions against a teacher who is employed under a

1 continuing contract that obligates the district to employ the  
2 person for the following school year and who:

- 3 (1) resigns;
- 4 (2) fails without good cause to comply with Subsection  
5 (a) or (b); and
- 6 (3) fails to perform the contract.

7 (d) If a school district submits a complaint regarding a  
8 teacher to the State Board for Educator Certification under  
9 Subsection (c), the district shall promptly notify the teacher of  
10 the complaint. The notice must include:

- 11 (1) the basis of the complaint;
- 12 (2) information regarding how the teacher may contact  
13 the State Board for Educator Certification; and
- 14 (3) a reminder that the teacher should verify that the  
15 teacher's mailing address on file with the State Board for Educator  
16 Certification is current.

17 (e) Before imposing sanctions against a teacher under  
18 Subsection (c), the State Board for Educator Certification:

- 19 (1) must consider any mitigating factors relevant to  
20 the teacher's conduct; and
- 21 (2) may consider alternatives to sanctions, including  
22 additional continuing education or training.

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

26 (a) A teacher employed under a term contract with a school  
27 district may relinquish the teaching position and leave the

1 employment of the district at the end of a school year without  
2 penalty by filing a written resignation with the board of trustees  
3 or the board's designee not later than the 30th [~~45th~~] day before  
4 the first day of instruction of the following school year. A written  
5 resignation mailed by prepaid certified or registered mail to the  
6 president of the board of trustees or the board's designee at the  
7 post office address of the district is considered filed at the time  
8 of mailing.

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

- 14 (1) resigns;
- 15 (2) fails without good cause to comply with Subsection  
16 (a) or (b); and
- 17 (3) fails to perform the contract.

18 (d) If a school district submits a complaint regarding a  
19 teacher to the State Board for Educator Certification under  
20 Subsection (c), the district shall promptly notify the teacher of  
21 the complaint. The notice must include:

- 22 (1) the basis of the complaint;
- 23 (2) information regarding how the teacher may contact  
24 the State Board for Educator Certification; and
- 25 (3) a reminder that the teacher should verify that the  
26 teacher's mailing address on file with the State Board for Educator  
27 Certification is current.

1       (e) Before imposing sanctions against a teacher under  
2 Subsection (c), the State Board for Educator Certification:

3           (1) must consider any mitigating factors relevant to  
4 the teacher's conduct; and

5           (2) may consider alternatives to sanctions, including  
6 additional continuing education or training.

7       SECTION 6. Section 21.033(a-1), Education Code, as added by  
8 this Act, requiring that at least two members of the State Board for  
9 Educator Certification appointed under Subsection (a)(1), (2), or  
10 (3) of that section be from a school district eligible for an  
11 allotment under Section 48.101, does not affect the entitlement of  
12 members described by those subdivisions serving on the board  
13 immediately before the effective date of this Act to continue to  
14 carry out the members' duties for the remainder of the members'  
15 terms. The governor shall appoint members who meet the  
16 requirements under Section 21.033(a-1), Education Code, as added by  
17 this Act, if necessary, on the first two vacancies that occur after  
18 the effective date of this Act of a board position held by a member  
19 under Subsection (a)(1), (2), or (3) of that section.

20       SECTION 7. Section 21.065, Education Code, as added by this  
21 Act, applies only to a suspension of a teacher's certificate or  
22 permit by the State Board for Educator Certification occurring on  
23 or after the effective date of this Act.

24       SECTION 8. (a) Sections 21.105(a), 21.160(a), and  
25 21.210(a), Education Code, as amended by this Act, apply beginning  
26 with the written resignation required to be filed by a teacher who  
27 intends to leave employment with a school district at the end of the

1 2021-2022 school year.

2 (b) Sections 21.105(d), 21.160(d), and 21.210(d), Education  
3 Code, as added by this Act, apply only to a complaint submitted to  
4 the State Board for Educator Certification on or after the  
5 effective date of this Act.

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

13 SECTION 9. This Act takes effect September 1, 2021.