

By: Zaffirini

S.B. No. 1238

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 board's
4 disciplinary proceedings, 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 with fewer than
11 999 students in membership for purposes of average daily
12 attendance.

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

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

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

1 alternative to suspension.

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

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

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

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

26 (c) Subject to Subsection (d), on [~~On~~] written complaint by
27 the employing district, the State Board for Educator Certification

1 may impose sanctions against a teacher employed under a
2 probationary contract 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 teacher fails to timely file a written resignation
8 as required by Subsection (a), the State Board for Educator
9 Certification may not revoke the teacher's certificate under
10 Subsection (c) if the teacher:

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

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

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

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

26 (c) Subject to Subsection (d), on [~~On~~] written complaint by
27 the employing district, the State Board for Educator Certification

1 may impose sanctions against a teacher who is employed under a
2 continuing contract that obligates the district to employ the
3 person for the following school year and who:

4 (1) resigns;

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

7 (3) fails to perform the contract.

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

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

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

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

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

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

6 (1) resigns;

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

9 (3) fails to perform the contract.

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

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

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

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

1 vacancies that occur after the effective date of this Act of a board
2 position held by a member under Subsection (a)(1), (2), or (3) of
3 that section.

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

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

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

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