

SENATE AMENDMENTS

2nd Printing

By: Darby, Huberty, Murr, Dutton, Talarico

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.

ADOPTED

MAY 26 2011

Latey Law
Secretary of the Senate

By: Darby / Zaffirini

H.B. No. 2519

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

By: 

C.S.H.B. No. 2519

A BILL TO BE ENTITLED

1 AN ACT

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 requiring a school district to
5 notify a teacher regarding the submission of certain complaints to
6 the board.

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

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

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

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

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

21 (b) Except as provided by Subsection (c), on the suspension
22 of a teacher's certificate or permit issued under this subchapter,
23 the board shall promptly notify the teacher of the suspension by
24 certified mail. The notice must include:

1 (1) the basis for the suspension; and
2 (2) information regarding the method in which the
3 teacher may respond to the suspension.

4 (c) Subsection (b) does not apply to the suspension of a
5 teacher's certificate or permit by an agreed order.

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

9 (c) Subject to Subsections (e) and (f), on [Ø] written
10 complaint by the employing district, the State Board for Educator
11 Certification may impose sanctions against a teacher employed under
12 a probationary contract who:

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

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

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

27 (e) Before imposing sanctions against a teacher under

1 Subsection (c), the State Board for Educator Certification:

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

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

6 (f) If a teacher fails to timely file a written resignation
7 as required by Subsection (a) but files a written resignation in the
8 manner provided by that subsection not later than the 30th day
9 before the first day of instruction of the following school year,
10 the State Board for Educator Certification may not suspend or
11 revoke the teacher's certificate under Subsection (c).

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

15 (c) Subject to Subsections (e) and (f), on [On] written
16 complaint by the employing district, the State Board for Educator
17 Certification may impose sanctions against a teacher who is
18 employed under a continuing contract that obligates the district to
19 employ the person for the following school year and 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 (f) If a teacher fails to timely file a written resignation
14 as required by Subsection (a) but files a written resignation in the
15 manner provided by that subsection not later than the 30th day
16 before the first day of instruction of the following school year,
17 the State Board for Educator Certification may not suspend or
18 revoke the teacher's certificate under Subsection (c).

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

22 (c) Subject to Subsections (e) and (f), on [ØA] written
23 complaint by the employing district, the State Board for Educator
24 Certification may impose sanctions against a teacher who is
25 employed under a term contract that obligates the district to
26 employ the person for the following school year and who:

27 (1) resigns;

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

3 (3) fails to perform the contract.

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

8 (1) the basis of the complaint;

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

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

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

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

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

20 (f) If a teacher fails to timely file a written resignation
21 as required by Subsection (a) but files a written resignation in the
22 manner provided by that subsection not later than the 30th day
23 before the first day of instruction of the following school year,
24 the State Board for Educator Certification may not suspend or
25 revoke the teacher's certificate under Subsection (c).

26 SECTION 6. Section 21.033(a-1), Education Code, as added by
27 this Act, requiring that at least two members of the State Board for

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

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

16 SECTION 8. (a) Sections 21.105(d), 21.160(d), and
17 21.210(d), Education Code, as added by this Act, apply only to a
18 complaint submitted to the State Board for Educator Certification
19 on or after the effective date of this Act.

20 (b) Sections 21.105(e) and (f), 21.160(e) and (f), and
21 21.210(e) and (f), Education Code, as added by this Act, apply only
22 to a disciplinary proceeding initiated by the State Board for
23 Educator Certification on or after the effective date of this Act.
24 A disciplinary proceeding commenced before the effective date of
25 this Act is governed by the law in effect immediately before that
26 date, and the former law is continued in effect for that purpose.

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

ADOPTED

MAY 26 2021

Lately Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Zaffirini*

Amend C.S.H.B. No. 2519 (senate committee printing) in SECTION 2 of the bill, in added Section 21.065(b), Education Code (page 1, lines 44 and 45), by striking "by certified mail".

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 27, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2519 by Darby (Relating to matters regarding educators, including the composition of the State Board for Educator Certification, the issuance of certain sanctions by the board, and requiring a school district to notify a teacher regarding the submission of certain complaints to the board.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

It is assumed that the costs associated with the bill's provisions relating to relating to matters regarding educators, including the composition of the State Board for Educator Certification, the issuance of certain sanctions by the board, and requiring a school district to notify a teacher regarding the submission of certain complaints to the board could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Texas Education Agency

LBB Staff: JMc, LBO, SL, AH

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 25, 2021

TO: Honorable Larry Taylor, Chair, Senate Committee on Education

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2519 by Darby (relating to matters regarding educators, including the composition of the State Board for Educator Certification, the issuance of certain sanctions by the board, and requiring a school district to notify a teacher regarding the submission of certain complaints to the board.),
Committee Report 2nd House, Substituted

No significant fiscal implication to the State is anticipated.

It is assumed that the costs associated with the bill's provisions relating to elating to matters regarding educators, including the composition of the State Board for Educator Certification, the issuance of certain sanctions by the board, and requiring a school district to notify a teacher regarding the submission of certain complaints to the board could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Texas Education Agency

LBB Staff: JMc, SL, AH

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 17, 2021

TO: Honorable Larry Taylor, Chair, Senate Committee on Education

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2519 by Darby (Relating to matters regarding educators, including the composition of the State Board for Educator Certification, the issuance of certain sanctions by the board, and a public school teacher's notification of resignation from employment.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

It is assumed that the costs associated with the bill's provisions relating to matters regarding educators, including the composition of the State Board for Educator Certification, relating to matters regarding educators, including the composition of the State Board for Educator Certification, the issuance of certain sanctions by the board, and a public school teacher 's notification of resignation from employment. could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Texas Education Agency

LBB Staff: JMc, SL, AH

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION
Revision 1

April 8, 2021

TO: Honorable Harold V. Dutton, Jr., Chair, House Committee on Public Education

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2519 by Darby (relating to matters regarding educators, including the composition of the State Board for Educator Certification, the issuance of certain sanctions by the board, and a public school teacher's notification of resignation from employment.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

It is assumed that the costs associated with the bill's provisions relating to matters regarding educators, including the composition of the State Board for Educator Certification, relating to matters regarding educators, including the composition of the State Board for Educator Certification, the issuance of certain sanctions by the board, and a public school teacher's notification of resignation from employment. could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Texas Education Agency

LBB Staff: JMc, SL, AH

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 1, 2021

TO: Honorable Harold V. Dutton, Jr., Chair, House Committee on Public Education

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2519 by Darby (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.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

It is assumed that the costs associated with the bill's provisions 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 could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Texas Education Agency

LBB Staff: JMc, SL, AH

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 22, 2021

TO: Honorable Harold V. Dutton, Jr., Chair, House Committee on Public Education

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2519 by Darby (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.), **As Introduced**

No significant fiscal implication to the State is anticipated.

It is assumed that the costs associated with the bill's provisions 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 could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Texas Education Agency

LBB Staff: JMc, SL, AH