

House Bill 2519
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 eligible for an allotment under Section 48.101.

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

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

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

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

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

(a) A teacher employed under a probationary contract for the following school year may relinquish the position and leave

SENATE VERSION (IE)

SECTION 1. Same as House version.

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

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

(b) Except as provided by Subsection (c), on the suspension of a teacher's certificate or permit issued under this subchapter, the board shall promptly notify the teacher of the suspension. The notice must include: [FA1]

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

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

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

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

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

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

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

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(c) Subject to Subsections (e) and (f), 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 school district submits a complaint regarding a teacher to the State Board for Educator Certification under Subsection (c), the district shall promptly notify the teacher of the complaint. The notice must include:

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

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

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

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

SECTION 4. Section 21.160, Education Code, is amended by amending Subsections (a) and (c) and adding Subsections (d) and (e) 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 (e), 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 school district submits a complaint regarding a

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

(c) Subject to Subsections (e) and (f), 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 school district submits a complaint regarding a

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teacher to the State Board for Educator Certification under Subsection (c), the district shall promptly notify the teacher of the complaint. The notice must include:

- (1) the basis of the complaint;
 - (2) information regarding how the teacher may contact the State Board for Educator Certification; and
 - (3) a reminder that the teacher should verify that the teacher's mailing address on file with the State Board for Educator Certification is current.
- (e) Before imposing sanctions against a teacher under Subsection (c), the State Board for Educator Certification:
- (1) must consider any mitigating factors relevant to the teacher's conduct; and
 - (2) may consider alternatives to sanctions, including additional continuing education or training.

SECTION 5. Section 21.210, Education Code, is amended by amending Subsections (a) and (c) and adding Subsections (d) and (e) 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

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teacher to the State Board for Educator Certification under Subsection (c), the district shall promptly notify the teacher of the complaint. The notice must include:

- (1) the basis of the complaint;
 - (2) information regarding how the teacher may contact the State Board for Educator Certification; and
 - (3) a reminder that the teacher should verify that the teacher's mailing address on file with the State Board for Educator Certification is current.
- (e) Before imposing sanctions against a teacher under Subsection (c), the State Board for Educator Certification:
- (1) must consider any mitigating factors relevant to the teacher's conduct; and
 - (2) may consider alternatives to sanctions, including additional continuing education or training.
- (f) If a teacher fails to timely file a written resignation as required by Subsection (a) but files a written resignation in the manner provided by that subsection not later than the 30th day before the first day of instruction of the following school year, the State Board for Educator Certification may not suspend or revoke the teacher's certificate under Subsection (c).

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

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

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

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

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

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(c) Subject to Subsections (e) and (f), 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 school district submits a complaint regarding a teacher to the State Board for Educator Certification under Subsection (c), the district shall promptly notify the teacher of the complaint. The notice must include:

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

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

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

(f) If a teacher fails to timely file a written resignation as required by Subsection (a) but files a written resignation in the

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manner provided by that subsection not later than the 30th day before the first day of instruction of the following school year, the State Board for Educator Certification may not suspend or revoke the teacher's certificate under Subsection (c).

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 eligible for an allotment under Section 48.101, 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 6. Same as House version.

SECTION 7. Section 21.065, Education Code, as added by this Act, applies only to a suspension 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 7. Same as House version.

SECTION 8. (a) 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

SECTION 8.

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district at the end of the 2021-2022 school year.

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

(c) Sections 21.105(e), 21.160(e), and 21.210(e), 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 9. This Act takes effect September 1, 2021.

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

(b) Sections 21.105(e) and (f), 21.160(e) and (f), and 21.210(e) and (f), 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 9. Same as House version.

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