

1-1 By: Darby, et al. (Senate Sponsor - Zaffirini) H.B. No. 2519
 1-2 (In the Senate - Received from the House April 21, 2021;
 1-3 May 4, 2021, read first time and referred to Committee on
 1-4 Education; May 25, 2021, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 11, Nays 0;
 1-6 May 25, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Taylor	X			
1-9 Lucio	X			
1-10 Bettencourt	X			
1-11 Hall	X			
1-12 Hughes	X			
1-13 Menéndez	X			
1-14 Paxton	X			
1-15 Perry	X			
1-16 Powell	X			
1-17 Schwertner	X			
1-18 West	X			

1-20 COMMITTEE SUBSTITUTE FOR H.B. No. 2519 By: Menéndez

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to matters regarding educators, including the composition
 1-24 of the State Board for Educator Certification, the issuance of
 1-25 certain sanctions by the board, and requiring a school district to
 1-26 notify a teacher regarding the submission of certain complaints to
 1-27 the board.

1-28 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-29 SECTION 1. Section 21.033, Education Code, is amended by
 1-30 adding Subsection (a-1) to read as follows:

1-31 (a-1) At least two of the members appointed under Subsection
 1-32 (a)(1), (2), or (3) must be from a school district eligible for an
 1-33 allotment under Section 48.101.

1-34 SECTION 2. Subchapter B, Chapter 21, Education Code, is
 1-35 amended by adding Section 21.065 to read as follows:

1-36 Sec. 21.065. NOTICE TO TEACHER REGARDING SUSPENSION OF
 1-37 CERTIFICATE OR PERMIT. (a) In this section, "teacher" means a
 1-38 superintendent, principal, supervisor, classroom teacher, school
 1-39 counselor, paraprofessional, or other full-time professional
 1-40 employee who is required to hold a certificate issued under this
 1-41 subchapter.

1-42 (b) Except as provided by Subsection (c), on the suspension
 1-43 of a teacher's certificate or permit issued under this subchapter,
 1-44 the board shall promptly notify the teacher of the suspension by
 1-45 certified mail. The notice must include:

- 1-46 (1) the basis for the suspension; and
- 1-47 (2) information regarding the method in which the
 1-48 teacher may respond to the suspension.

1-49 (c) Subsection (b) does not apply to the suspension of a
 1-50 teacher's certificate or permit by an agreed order.

1-51 SECTION 3. Section 21.105, Education Code, is amended by
 1-52 amending Subsection (c) and adding Subsections (d), (e), and (f) to
 1-53 read as follows:

1-54 (c) Subject to Subsections (e) and (f), on ~~an~~ written
 1-55 complaint by the employing district, the State Board for Educator
 1-56 Certification may impose sanctions against a teacher employed under
 1-57 a probationary contract who:

- 1-58 (1) resigns;
- 1-59 (2) fails without good cause to comply with Subsection
 1-60 (a) or (b); and

2-1 (3) fails to perform the contract.

2-2 (d) If a school district submits a complaint regarding a

2-3 teacher to the State Board for Educator Certification under

2-4 Subsection (c), the district shall promptly notify the teacher of

2-5 the complaint. The notice must include:

2-6 (1) the basis of the complaint;

2-7 (2) information regarding how the teacher may contact

2-8 the State Board for Educator Certification; and

2-9 (3) a reminder that the teacher should verify that the

2-10 teacher's mailing address on file with the State Board for Educator

2-11 Certification is current.

2-12 (e) Before imposing sanctions against a teacher under

2-13 Subsection (c), the State Board for Educator Certification:

2-14 (1) must consider any mitigating factors relevant to

2-15 the teacher's conduct; and

2-16 (2) may consider alternatives to sanctions, including

2-17 additional continuing education or training.

2-18 (f) If a teacher fails to timely file a written resignation

2-19 as required by Subsection (a) but files a written resignation in the

2-20 manner provided by that subsection not later than the 30th day

2-21 before the first day of instruction of the following school year,

2-22 the State Board for Educator Certification may not suspend or

2-23 revoke the teacher's certificate under Subsection (c).

2-24 SECTION 4. Section 21.160, Education Code, is amended by

2-25 amending Subsection (c) and adding Subsections (d), (e), and (f) to

2-26 read as follows:

2-27 (c) Subject to Subsections (e) and (f), on ~~On~~ written

2-28 complaint by the employing district, the State Board for Educator

2-29 Certification may impose sanctions against a teacher who is

2-30 employed under a continuing contract that obligates the district to

2-31 employ the person for the following school year and who:

2-32 (1) resigns;

2-33 (2) fails without good cause to comply with Subsection

2-34 (a) or (b); and

2-35 (3) fails to perform the contract.

2-36 (d) If a school district submits a complaint regarding a

2-37 teacher to the State Board for Educator Certification under

2-38 Subsection (c), the district shall promptly notify the teacher of

2-39 the complaint. The notice must include:

2-40 (1) the basis of the complaint;

2-41 (2) information regarding how the teacher may contact

2-42 the State Board for Educator Certification; and

2-43 (3) a reminder that the teacher should verify that the

2-44 teacher's mailing address on file with the State Board for Educator

2-45 Certification is current.

2-46 (e) Before imposing sanctions against a teacher under

2-47 Subsection (c), the State Board for Educator Certification:

2-48 (1) must consider any mitigating factors relevant to

2-49 the teacher's conduct; and

2-50 (2) may consider alternatives to sanctions, including

2-51 additional continuing education or training.

2-52 (f) If a teacher fails to timely file a written resignation

2-53 as required by Subsection (a) but files a written resignation in the

2-54 manner provided by that subsection not later than the 30th day

2-55 before the first day of instruction of the following school year,

2-56 the State Board for Educator Certification may not suspend or

2-57 revoke the teacher's certificate under Subsection (c).

2-58 SECTION 5. Section 21.210, Education Code, is amended by

2-59 amending Subsection (c) and adding Subsections (d), (e), and (f) to

2-60 read as follows:

2-61 (c) Subject to Subsections (e) and (f), on ~~On~~ written

2-62 complaint by the employing district, the State Board for Educator

2-63 Certification may impose sanctions against a teacher who is

2-64 employed under a term contract that obligates the district to

2-65 employ the person for the following school year and who:

2-66 (1) resigns;

2-67 (2) fails without good cause to comply with Subsection

2-68 (a) or (b); and

2-69 (3) fails to perform the contract.

3-1 (d) If a school district submits a complaint regarding a
3-2 teacher to the State Board for Educator Certification under
3-3 Subsection (c), the district shall promptly notify the teacher of
3-4 the complaint. The notice must include:

- 3-5 (1) the basis of the complaint;
- 3-6 (2) information regarding how the teacher may contact
3-7 the State Board for Educator Certification; and
- 3-8 (3) a reminder that the teacher should verify that the
3-9 teacher's mailing address on file with the State Board for Educator
3-10 Certification is current.

3-11 (e) Before imposing sanctions against a teacher under
3-12 Subsection (c), the State Board for Educator Certification:

- 3-13 (1) must consider any mitigating factors relevant to
3-14 the teacher's conduct; and
- 3-15 (2) may consider alternatives to sanctions, including
3-16 additional continuing education or training.

3-17 (f) If a teacher fails to timely file a written resignation
3-18 as required by Subsection (a) but files a written resignation in the
3-19 manner provided by that subsection not later than the 30th day
3-20 before the first day of instruction of the following school year,
3-21 the State Board for Educator Certification may not suspend or
3-22 revoke the teacher's certificate under Subsection (c).

3-23 SECTION 6. Section 21.033(a-1), Education Code, as added by
3-24 this Act, requiring that at least two members of the State Board for
3-25 Educator Certification appointed under Subsection (a)(1), (2), or
3-26 (3) of that section be from a school district eligible for an
3-27 allotment under Section 48.101, does not affect the entitlement of
3-28 members described by those subdivisions serving on the board
3-29 immediately before the effective date of this Act to continue to
3-30 carry out the members' duties for the remainder of the members'
3-31 terms. The governor shall appoint members who meet the
3-32 requirements under Section 21.033(a-1), Education Code, as added by
3-33 this Act, if necessary, on the first two vacancies that occur after
3-34 the effective date of this Act of a board position held by a member
3-35 under Subsection (a)(1), (2), or (3) of that section.

3-36 SECTION 7. Section 21.065, Education Code, as added by this
3-37 Act, applies only to a suspension of a teacher's certificate or
3-38 permit by the State Board for Educator Certification occurring on
3-39 or after the effective date of this Act.

3-40 SECTION 8. (a) Sections 21.105(d), 21.160(d), and
3-41 21.210(d), Education Code, as added by this Act, apply only to a
3-42 complaint submitted to the State Board for Educator Certification
3-43 on or after the effective date of this Act.

3-44 (b) Sections 21.105(e) and (f), 21.160(e) and (f), and
3-45 21.210(e) and (f), Education Code, as added by this Act, apply only
3-46 to a disciplinary proceeding initiated by the State Board for
3-47 Educator Certification on or after the effective date of this Act.
3-48 A disciplinary proceeding commenced before the effective date of
3-49 this Act is governed by the law in effect immediately before that
3-50 date, and the former law is continued in effect for that purpose.

3-51 SECTION 9. This Act takes effect September 1, 2021.

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