

## **BILL ANALYSIS**

Senate Research Center  
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C.S.H.B. 2519  
By: Darby et al. (Zaffirini)  
Education  
5/21/2021  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The State Board for Educator Certification (SBEC) oversees all aspects of the preparation, certification, and standards of conduct of public school educators, including sanctioning educators who fail to comply with state law or other administrative procedures. There have been calls to update and clarify SBEC policies for disciplinary proceedings, which ultimately can lead to career-ending consequences for offenses that amount to minor administrative matters, such as method of resignation. Considering the importance of these proceedings and the potential consequences stemming from them, it is critical that impacted educators receive proper notice and explanation of complaints filed against them and understand how they may respond. What's more, it has been argued that SBEC would benefit from greater rural district representation in its membership.

H.B. 2519 would provide that at least two members of the board must be from rural school districts. The bill also would make several changes to SBEC's disciplinary proceedings statute, including requiring the board, in its findings of fact in a proceeding, to include any available information regarding the respondent's response to the allegations; directing SBEC to consider alternatives to suspension, such as continuing education or training, in its deliberations; mandating prompt notification, by certified mail and email, of an educator whose certificate or permit is suspended or revoked; reducing the timeframe within which a teacher may resign prior to a school year without consequence from 45 to 30 days; and, for educators with no prior disciplinary history with SBEC, establishing that failure to file a written resignation timely is not grounds for revocation of a certificate or permit, providing the educator can demonstrate the notice given was reasonable under the circumstances.

These changes would create a fairer and more reasonable disciplinary process for Texas educators while preserving the state's ability to remove true wrongdoers from the profession.

(Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 2519 amends current law 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.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 21.033, Education Code, by adding Subsection (a-1), as follows:

(a-1) Requires that at least two of the members appointed under Subsection (a)(1), (2), or (3) (relating to SBEC is composed of 15 members: one member is required to be a public school counselor) be from a school district eligible for an allotment under Section 48.101 (Small and Mid-Sized District Allotment).

SECTION 2. Amends Subchapter B, Chapter 21, Education Code, by adding Section 21.065, as follows:

Sec. 21.065. NOTICE TO TEACHER REGARDING SUSPENSION OF CERTIFICATE OR PERMIT. (a) Defines "teacher" for Section 21.065.

(b) Requires the State Board for Educator Certification (SBEC), except as provided by Subsection (c), on the suspension of a teacher's certificate or permit issued under Subchapter B (Certification of Educators), to promptly notify the teacher of the suspension by certified mail. Requires that the notice include:

(1) the basis for the suspension; and

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

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

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

(c) Authorizes SBEC, subject to Subsections (e) and (f), on written complaint by the employing district, to impose sanctions against a teacher employed under a probationary contract who:

(1) resigns;

(2) fails without good cause to comply with Subsection (a) (relating to authorizing a teacher employed to 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 in a certain amount of time) or (b) (relating to authorizing a teacher employed to resign, with the consent of the board of trustees or the board's designee, at any other time); and

(3) fails to perform the contract.

(d) Requires the district, if a school district submits a complaint regarding a teacher to SBEC under Subsection (c), to promptly notify the teacher of the complaint. Requires that the notice include:

(1) the basis of the complaint;

(2) information regarding how the teacher may contact SBEC; and

(3) a reminder that the teacher should verify that the teacher's mailing address on file with SBEC is current.

(e) Provides that SBEC, before imposing sanctions against a teacher under Subsection (c):

(1) is required to consider any mitigating factors relevant to the teacher's conduct; and

(2) is authorized to consider alternatives to sanctions, including additional continuing education or training.

(f) Prohibits SBEC, 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, from suspending or revoking the teacher's certificate under Subsection (c).

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

(c) Authorizes SBEC, subject to Subsections (e) and (f), on written complaint by the employing district, to impose sanctions against a teacher 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) (relating to authorizing a teacher employed to 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 in a certain amount of time) or (b) (relating to authorizing a teacher employed to resign, with the consent of the board of trustees or the board's designee, at any other time); and

(3) fails to perform the contract.

(d) Requires the district, if a school district submits a complaint regarding a teacher to SBEC under Subsection (c), to promptly notify the teacher of the complaint. Requires that the notice include:

(1) the basis of the complaint;

(2) information regarding how the teacher may contact SBEC; and

(3) a reminder that the teacher should verify that the teacher's mailing address on file with SBEC is current.

(e) Provides that SBEC, before imposing sanctions against a teacher under Subsection (c):

(1) is required to consider any mitigating factors relevant to the teacher's conduct; and

(2) is authorized to consider alternatives to sanctions, including additional continuing education or training.

(f) Prohibits SBEC, 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, from suspending or revoking the teacher's certificate under Subsection (c).

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

(c) Authorizes SBEC, subject to Subsections (e) and (f), on written complaint by the employing district, to 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) (relating to authorizing a teacher employed to 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 in a certain amount of time) or (b) (relating to authorizing a teacher employed to resign, with the consent of the board of trustees or the board's designee, at any other time); and

(3) fails to perform the contract.

(d) Requires the district, if a school district submits a complaint regarding a teacher to SBEC under Subsection (c), to promptly notify the teacher of the complaint. Requires that the notice include:

(1) the basis of the complaint;

(2) information regarding how the teacher may contact SBEC; and

(3) a reminder that the teacher should verify that the teacher's mailing address on file with SBEC is current.

(e) Provides that SBEC, before imposing sanctions against a teacher under Subsection (c):

(1) is required to consider any mitigating factors relevant to the teacher's conduct; and

(2) is authorized to consider alternatives to sanctions, including additional continuing education or training.

(f) Prohibits SBEC, 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, from suspending or revoking the teacher's certificate under Subsection (c).

SECTION 6. Provides that Section 21.033(a-1), Education Code, as added by this Act, requiring that at least two members of SBEC 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 SBEC immediately before the effective date of this Act to continue to carry out the members' duties for the remainder of the members' terms. Requires the governor to 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 SBEC position held by a member under Subsection (a)(1), (2), or (3) of that section.

SECTION 7. Makes application of Section 21.065, Education Code, as added by this Act, prospective.

SECTION 8. (a) Provides that 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 SBEC on or after the effective date of this Act.

(b) Provides that 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 SBEC on or after the effective date of this Act. Provides that 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. Effective date: September 1, 2021.