

BILL ANALYSIS

C.S.H.B. 2519
By: Darby
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There have been calls to update and clarify certain State Board for Educator Certification (SBEC) policies for disciplinary proceedings, which may have disproportionately harsh results for cases involving minor administrative matters, such as the method of resignation. These policies need improvement to ensure that certified educators are provided sufficient notice and explanation of complaints or suspensions and are informed of how they may respond. Additionally, with the growth of rural areas in Texas, which account for over half of the number of public school districts, representation of rural members on the SBEC would benefit the state. C.S.H.B. 2519 seeks to address these issues by providing for the notification of educators regarding district complaints and SBEC sanctions and by extending the annual resignation deadline. The bill also provides for the appointment of SBEC members from small and mid-sized districts.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2519 amends the Education Code to require at least two of the seven members of the State Board for Educator Certification (SBEC) who are public school district employees to be teachers, administrators, or counselors, as applicable, from a district eligible for a small or mid-sized district allotment. The bill requires the governor, if necessary, to appoint board members who meet this requirement on the first two applicable vacancies that occur after the bill's effective date.

C.S.H.B. 2519 requires the SBEC to promptly notify a teacher by certified mail of any suspension of the teacher's certificate or permit. The notice must include the basis for the suspension and information regarding the method in which the teacher may respond to the suspension.

C.S.H.B. 2519 requires a district that submits a complaint to the SBEC regarding a teacher under a probationary, continuing, or term contract who resigns outside the permitted statutory period without consent of the district board and fails to perform the contract to promptly notify the teacher of the complaint. The notice must include the basis of the complaint, information on how the teacher may contact the SBEC, and a reminder to verify the teacher's current mailing address on file with the SBEC. The bill requires the SBEC, before imposing sanctions based on

the complaint, to consider any mitigating factors relevant to the teacher's conduct and authorizes the SBEC to consider alternatives to sanctions. The bill changes the deadline by which a teacher employed under a probationary, continuing, or term contract may resign without penalty from the 45th day before the first day of instruction of the following school year to the 30th day before that date. The deadline change applies beginning with the resignation of a teacher who intends to leave a district's employment at the end of the 2021-2022 school year.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2519 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the specified employment district for the two SBEC board members whose qualifications are revised by the bill from a district with fewer than 999 students to a district eligible for a small or mid-sized district allotment.

Regarding SBEC disciplinary proceedings against a teacher for any reason, the substitute makes the following changes:

- does not include references to the revocation of a teacher's certificate or permit;
- does not include a requirement that the SBEC consider requiring additional continuing education or training as an alternative to suspension of a teacher's certificate or permit; and
- does not include a requirement for the findings of fact in a disciplinary proceeding to include information regarding the respondent's response to allegations; but
- includes a requirement for a notice of suspension of a certificate or permit to include information regarding the method in which a teacher may respond to the suspension.

Regarding district complaints and SBEC disciplinary proceedings relating to the time or manner of a teacher's resignation, the substitute makes the following changes:

- includes requirements for a district to notify a teacher of a complaint submitted to the SBEC and requirements for the content of the notice; and
- includes a requirement that the SBEC consider relevant mitigating factors before imposing sanctions and an authorization for the SBEC to consider alternatives to sanctions; but
- does not include provisions prohibiting the SBEC from revoking the certificate of a teacher who fails to timely file a written resignation under certain circumstances.