

SUBJECT: Extending deadline for teacher resignations in advance of the school year

COMMITTEE: Public Education — committee substitute recommended

VOTE: 12 ayes — Dutton, Lozano, Allen, Allison, K. Bell, Bernal, Buckley, Huberty, K. King, Meza, Talarico, VanDeaver

0 nays

1 absent — M. González

WITNESSES: For — Laura Kravitz, Texas State Teachers Association; (*Registered, but did not testify*: Andrea Chevalier, Association of Texas Professional Educators; Dena Donaldson, Texas AFT; Pamela McPeters, Texas Classroom Teachers Association; Thomas Parkinson)

Against — (*Registered, but did not testify*: Grover Campbell, TASB; Barry Haenisch, Texas Association of Community Schools; Amy Beneski, Texas Association of School Administrators)

On — (*Registered, but did not testify*: Laura Moriaty and David Rodriguez, Texas Education Agency)

BACKGROUND: Education Code sec. 21.033 establishes the State Board for Educator Certification as a 15-member board that includes four teachers, two school administrators, one school counselor, and four citizens. Three of the four citizen members must not have been employed by a school district or an educator preparation program in an institution of higher education in the five years preceding appointment and the fourth citizen member must not have been employed by a district or educator preparation program.

DIGEST: CSHB 2519 would change the composition of the 15-member State Board for Educator Certification (SBEC) to include representatives of small and mid-size districts. The bill would revise the deadline for teachers under contract with a school district to resign without penalty before the start of a school year and change SBEC requirements to notify a teacher regarding

a complaint or suspension.

Board composition. The bill would require at least two of the seven public school employee members of SBEC to be from a district eligible for the small and mid-sized district allotment. Public school employee members serving on the board immediately before CSHB 2519 became effective would continue carrying out their duties for the remainder of their terms. The governor would have to appoint members who meet the bill's requirements, if necessary, on the first two vacancies that occurred after the effective date of the bill.

Resignations. CSHB 2519 would change the deadline for a teacher employed under a probationary, continuing, or term contract to resign without penalty from not later than the 45th day before the first day of instruction of the following school year to the 30th day. The deadline change would apply beginning with the resignation of a teacher who intended to leave a district's employment at the end of the 2021-2022 school year.

Complaints and sanctions. If a school district submitted a complaint regarding a teacher under a probationary, continuing, or term contract who resigned or failed to comply with the resignation deadline or failed to perform the contract, the district would be required to promptly notify the teacher of the complaint. The notice would have to include the basis of the complaint, information regarding how the teacher could contact SBEC, and a reminder that the teacher should verify that the teacher's current address is on file with the agency.

Before imposing sanctions against a teacher who resigned, SBEC would have to consider any mitigating factors relevant to the teacher's conduct and could consider alternatives to sanctions, including additional continuing education or training.

Notice of suspension. The bill would require SBEC to promptly notify a teacher of a suspension of the teacher's certificate or permit by certified mail. A "teacher" would be defined as a superintendent, principal,

supervisor, classroom teacher, school counselor, paraprofessional, or other full-time professional employee who is required to hold a certificate. The notice would have to include the basis for the suspension and information regarding the method in which the teacher could respond to the suspension.

The bill's notice requirements would apply only to a complaint or a suspension that occurred on or after the effective date. Its requirement for SBEC to consider mitigating factors would apply only to a disciplinary proceeding initiated by SBEC on or after the effective date.

The bill would take effect September 1, 2021.

**SUPPORTERS
SAY:**

CSHB 2519 would address concerns that some teachers are being wrongly sanctioned for abandoning their contracts when they resign too close to the start of a school year or miss a notification that a district had complained about their resignation date. The bill would give teachers an extra 15 days to submit their resignations before school begins and ensure they received notice if a district filed a complaint with the State Board for Educator Certification (SBEC) over the timing of a resignation.

At a time when too many teachers are leaving the profession because of the COVID-19 pandemic, the bill would prevent SBEC from punishing qualified and respected teachers for minor administrative errors. In some cases, teachers have moved and missed receiving notification of a complaint or suspension related to their resignation date. This has resulted in a default judgment that bans them from working for a Texas public school for one year. Unable to work in their chosen profession, some educators have found a new line of work and never returned to teaching.

The bill also would ensure that SBEC considers the circumstances or mitigating factors of each case and can issue a more positive response such as mandatory training or professional education. This would distinguish administrative mistakes from more serious offenses for which a teacher's certification could be suspended or revoked.

A two-week resignation notice is standard practice in the business world. The bill's requirement for a 30-day notice would provide sufficient time in most cases for a district to replace a departing educator.

**CRITICS
SAY:**

CSHB 2519 could make it more difficult for school districts to ensure that each classroom has a teacher when school starts in August. It has been a requirement since 1995 that teachers resign no later than 45 days before the start of the school year. Shortening that time to 30 days fails to take into account that teachers generally must report for duty two weeks in advance of classes starting. District leaders would have insufficient time to post notice and interview candidates. It could be particularly difficult to replace teachers in certain subjects or in a rural school district because of shortages of qualified teachers in those areas.