

BILL ANALYSIS

Senate Research Center

H.B. 1610
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Education
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, educators who are convicted of certain felonies, including felonies involving a minor, may have their teaching certificate revoked following a lengthy and costly hearing procedure. Texas statute requires that an educator is removed from campus or administrative office upon notice of the conviction, but it does not require that the individual's employment be terminated immediately. As a result, many school districts place these individuals on paid administrative leave when scheduled for termination rather than go through a costly administrative hearing process.

H.B. 1610 streamlines the process for termination of a teacher who has been convicted of a felony, received deferred adjudication for a felony offense, or violated a condition imposed by the court before the time of community supervision ended. This bill enables the school districts to suspend the employee without pay, void the employee's contract, and terminate the employee as soon as practicable.

H.B. 1610 amends current law relating to employment termination procedures applicable to a teacher who is convicted of or receives deferred adjudication for a felony.

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 21.058, Education Code, by amending Subsections (a) and (c) and adding Subsections (c-1), (c-2), and (e), as follows:

(a) Provides that the procedures described by Subsection (b) (relating to requiring State Board for Educator Certification (SBEC) after the date SBEC receives notice under of the conviction of a person who holds a certificate under this subchapter to perform certain actions) and (c) apply, rather than that this section applies, only under certain conditions.

(c) Requires a school district or open-enrollment charter school that receives notice under Subsection (b) of the revocation of a certificate issued under this subchapter to perform certain actions, including, if the person is employed under a probationary, continuing, or term contract under this chapter, to suspend the person without pay, provide the person with written notice that the person's contract is void as provided by Subsection (c-2), and terminate the employment of the person as soon as practicable rather than, as soon as practicable, terminate the employment of the person in accordance with the person's contract and with this subchapter.

(c-1) Authorizes a school district or open-enrollment charter school, if the district or school becomes aware that a person employed by the district or school under a probationary, continuing, or term contract under this chapter has been convicted of a felony offense or has received deferred adjudication for a felony offense and violated a condition imposed by the court before the expiration of the required period of community supervision, and the person is not subject to Subsection (c), to:

(1) suspend the person without pay;

(2) provide the person with written notice that the person's contract is void as provided by Subsection (c-2); and

(3) terminate the employment of the person as soon as practicable.

(c-2) Provides that a person's probationary, continuing, or term contract is void if the school district or open-enrollment charter school takes action under Subsection (c)(2)(B) (relating to providing a person with written notice that the person's contract is void) or (c-1)(2).

(e) Provides that action taken by a school district or open-enrollment charter school under Subsection (c) or (c-1) is not subject to appeal under this chapter, and provides that the notice and hearing requirements of this chapter do not apply to the action.

SECTION 2. Provides that this Act applies beginning with the 2011-2012 school year.

SECTION 3. Effective date: upon passage or September 1, 2011.