

- SUBJECT:** Permitting the immediate termination of a teacher convicted of a felony
- COMMITTEE:** Public Education — committee substitute recommended
- VOTE:** 7 ayes — Eissler, Hochberg, Aycock, Huberty, Shelton, Strama, Weber
1 nay — Dutton
3 absent — Allen, Guillen, T. Smith
- WITNESSES:** For — David Hodgins; Cheryl Mehl (*Registered, but did not testify*: Amy Beneski, Texas Association School Administrators; Melva Cardenas, Texas Association of School Personnel Administrators; Maria Garza Brown)
Against — Portia Bosse, Texas State Teachers Association; Jennifer Canaday, Association of Texas Professional Educators (*Registered, but did not testify*: Ted Melina Raab, Texas American Federation of Teachers)
- BACKGROUND:** Education Code, sec. 21.058 governs the revocation of an individual's teaching certificate and termination of employment based on a felony conviction for crimes against persons under Title 5, including assaultive offenses, kidnapping, and criminal homicide, or a conviction that requires the individual to register as a sex offender when the victim of the offense is under 18 years of age.
- The State Board of Educator Certification must revoke the certificate and provide to the person and to any school district or open-enrollment charter school employing the person written notice of the revocation and the basis for the revocation.
- A school district or open-enrollment charter school that receives notice of the revocation of a certificate must immediately remove the person from campus or from an administrative office. The school district must, as soon as practicable, terminate the employment of the person in accordance with the person's contract. A person whose certificate is revoked may reapply for a certificate in accordance with board rules.

DIGEST: Under CSHB 1610, a school district could suspend without pay or terminate a teacher employed under a probationary, term, or continuing contract if the person were convicted of or received deferred adjudication for a felony offense. Action taken by the school district or open-enrollment charter school would not be subject to appeal.

The bill would apply beginning with the 2011-2012 school year.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2011.

**SUPPORTERS
SAY:**

CSHB 1610 would permit a school district or charter school to avoid the expensive termination process for teachers involved in certain felony offenses, which can take between 90 and 120 days. Current law permits immediate termination only of a teacher convicted of a violent crime or a crime against a minor and leaves out crimes that destroy public trust, such as theft, burglary, and embezzlement. It is critical that a district or charter school have the ability to terminate immediately individuals convicted of other felonies in order to protect the integrity of the school district.

Teachers still would have the full protection of due process of the law. For the school district to be able to terminate a teacher under the bill, the teacher would have been through the entire legal process and have been convicted of the crime or received deferred adjudication. At that point, the school district would not change the legal findings of the judicial system, but would be able to remove quickly teachers who had broken the trust of the public.

**OPPONENTS
SAY:**

This bill would revoke a teaching certificate for any felony, which could punish some teachers needlessly for mistakes made in their younger years. The current system works and should be maintained.

The bill would take away a teacher's right to due process by prohibiting an appeal. If a school district or charter school was wrong to terminate a teacher, the teacher would have no recourse to challenge the decision.