



## Public Comments on Proposed State Board for Educator Certification Amendments to 19 TAC 249

November 22, 2021

The Association of Texas Professional Educators (ATPE) respectfully submits the following comments in support of amendments proposed by the State Board for Educator Certification (SBEC) to administrative rules found in 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines, and Subchapter E, Post-Hearing Matters.

The proposed rules implement new statutory requirements established by House Bill (HB) 2519 of the 87th Legislature, as well as other changes that arose from ATPE and other stakeholders' input during the July 22, 2021, SBEC work session that included both administrator and teacher perspectives. The changes ultimately proposed were a compromise between teacher and administrator concerns that focused on balancing school district and educator needs regarding educator contracts and expanding SBEC's ability to consider educators' individual circumstances. Contract abandonment occurs when an educator resigns without permission or "good cause" within 45 days before the first instructional day of the upcoming school year. If the district files a complaint with SBEC against the educator and no good cause is determined, SBEC has the decision-making authority to sanction the educator's certificate. Under HB 2519, SBEC must consider any "mitigating factors" relevant to the educator and can apply these to reduce a sanction to zero at the board's discretion.

**ATPE appreciates and supports the proposed changes to the good cause criteria and mitigating factors for contract abandonment. We respect the professionalism of educators, understand the factors that influence an educator's difficult decision to leave a job, and appreciate the need for SBEC to have appropriate discretion in addressing contract abandonment cases.**

Proposed 249.17(d)(1)(D) appropriately expands the criteria for good cause that could allow educators to resign penalty-free. Under the proposed rule, educators could be released from their contracts through written permission from school administrators. We believe this is a positive change that codifies a practice already used by many districts.

Proposed 249.17(d)(2)(c)(G)-(J) allow SBEC the opportunity to consider four additional mitigating factors to reduce the sanction for contract abandonment. These updates respect the professional flexibility educators deserve to advance their careers, such as a change in certificate class (e.g., a teacher who becomes a counselor) or an advancement to a higher level of authority within the principal class of certificate. The proposal also considers the personal lives of educators by including as mitigating factors a change in campus assignment that adversely impacts the educator's family needs or health condition and circumstances in which an educator's working conditions reasonably pose an immediate threat of physical harm.

---

*The Association of Texas Professional Educators (ATPE) has been a strong voice for Texas educators since 1980. It is the leading educators' association in Texas with approximately 100,000 members statewide. With its strong collaborative philosophy, ATPE speaks for classroom teachers, administrators, future, retired, and para-educators and works to create better opportunities for the more than 5 million public schoolchildren of Texas.*

Notably, at their October 2021 meeting, SBEC members approved a change to the proposed rules that moved the reduction in an educator's base pay out of the criteria for "good cause," treating it instead as a less-binding "mitigating factor" that the board could consider in a contract abandonment case. It is important for educator retention and mental health that we not make educators choose between their families, their own health, and the careers to which they have dedicated so much.

**ATPE urges SBEC to adopt the proposed language as it reflects a long-term conversation among stakeholders and is an agreeable compromise that meets the needs of districts and educators alike.** ATPE appreciates the opportunity to provide feedback during this process and invites board members and Texas Education Agency staff to contact ATPE Governmental Relations at (800) 777-2873 or [government@atpe.org](mailto:government@atpe.org) for any additional information.