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BILL RATLIFF  
STATE SENATOR  
December 2, 1993

Committee:  
EDUCATION, Chair  
FINANCE  
NATURAL RESOURCES  
-SUBCOMMITTEE ON AGRICULTURE  
LEGISLATIVE COUNCIL

DEC 07

MB

FILE # ML-23528-93

I.D.# 23528

Honorable Dan Morales, Attorney General  
State of Texas  
P. O. Box 12548  
Austin, Texas 78711-2548

Dear General Morales:

H.B. 2585 repealed many education-related committees, and authorized the Commissioner of Education to "appoint as many advisory committees, subject to confirmation by the State Board of Education ... as are necessary to advise the commissioner in carrying out the duties and mission of the Central Education Agency." §11.25(d), Education Code. Among the committees which were repealed was the Teachers' Professional Practices Commission (PPC) and related statutes, §13.202(2) and 13.203, Education Code. H.B. 2585, SECTION 19(29); Acts, 73rd Legislature -- Regular Session, Chapter 771, §19(29). The Commissioner has decided not to reconstitute the PPC at this time.

Not all of the statutes relating to the PPC were repealed. For instance, §13.210(a), Education Code, provides that the "commission shall develop and adopt a 'code of ethics and standard practices' which shall regulate and govern the conduct of members of the profession." This code of ethics was adopted by all active certified personnel pursuant to §13.210(c), Education Code.

§13.213, Education Code, provides that "(t)he commission shall be authorized to receive written complaints from any certified teacher of alleged violations by any member of the profession of any rule or provision of the code of ethics and standard practices...."

Both of the above statutes refer to the "commission" as defined in the now repealed §13.202(2), and as previously created by §13.203 which was also repealed.

§13.211 provides as follows:

A violation of any rule or provision of the code of ethics and standard practices adopted in conformity with this subchapter shall be deemed to be "unprofessional practice," which shall

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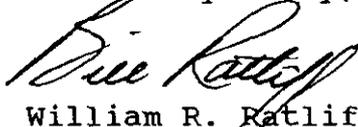
constitute grounds for suspension or revocation of the teaching certificate of the member, which grounds shall be additional to those specified in Section 13.046 of this code; or the member may be warned or reprimanded for such violation, if in the judgment of the commissioner of education the violation is not of sufficient gravity to require suspension or revocation of the teaching certificate.

Since the Code of Ethics and Standard Practices was developed by the PPC, does it still exist when the commission that created it was repealed? If it does, what are the means by which to amend the Code of Ethics and Standard Practices, if any?

Since the primary purpose of the PPC was to enforce the Code of Ethics and Standard Practices pursuant to complaints made by one certified professional against another, is there currently any mechanism by which a certified professional can make a complaint against another based on violations of the Code? Does the Commissioner of Education, pursuant to his authority to sanction teaching certificates as provided by §13.046, Education Code, have jurisdiction to consider violations of the Code of Ethics and Standard Practices brought to his attention by certified teachers? Additionally, what is the status of those claims that were pending before the PPC prior to its repeal? Finally, if the Commissioner does decide to reinstate the PPC in the future, will it retain the same statutory authority it had prior to the repeal of §13.202(2), and §13.203, and will it have jurisdiction to hear those claims that were brought to the PPC prior to the effective date of H.B. 2585?

I respectfully request that you issue an opinion on the above question. Thank you for this assistance.

Yours very truly,



William R. Ratliff  
State Senator

WRR:fb

cc: David Anderson, Legislative Council