

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1359
By: West
Education
4-10-97
Committee Report (Substituted)

DIGEST

Currently, the commissioner of education is required to appoint a hearing officer to determine timeliness in matters relating to teachers requesting a hearing regarding the teacher's proposed termination. Because there may be a lack of clarity in the law regarding the timeliness in which the commissioner may rule on a teacher's hearing, some local school districts may spend unnecessary fees in order for a teacher's case to receive a hearing. This bill sets forth provisions for the request of an independent hearing examiner.

PURPOSE

As proposed, C.S.S.B. 1359 sets forth provisions for the request of an independent hearing examiner.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the commissioner of education in SECTION 1 (Section 21.253, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 21.253, Education Code, to require a copy of the written notice of proposed action to be included with the written request for appointment of an independent hearing examiner. Requires the commissioner of education (commissioner) to adopt rules for determining whether a teacher is entitled to a hearing conducted under this subchapter. Provides that a jurisdictional determination by the commissioner is appealable.

SECTION 2. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 21.253, Education Code, to require a copy of the written notice of proposed action to be included with the written request for appointment of an independent hearing examiner. Requires the commissioner to adopt rules for determining whether a teacher is entitled to a hearing conducted under this subchapter. Provides that a jurisdictional determination by the commissioner is appealable. Deletes a proposed provision authorizing the commissioner to exercise final jurisdiction involving disputes relating to timeliness of teacher appeals.

SECTION 2.

Redesignates the emergency clause from proposed SECTION 3. Deletes proposed SECTION 2, providing that the Act applies beginning with the 1997-1998 school year.