

BILL ANALYSIS

Senate Research Center
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S.B. 912
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Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, a school district by law must notify a teacher in mid-April if the district intends to end the teacher's term contract. Not only are these notifications sent out around testing time, but this year school districts may not have the real numbers they need to make the best decisions about their budgets. Currently teachers only have fifteen days after a notice of nonrenewal to request a hearing in an attempt to keep their job. In a year when layoffs appear imminent, a school district would not be able to allow true due process for the number of anticipated hearings.

S.B. 912 will allow teachers thirty days to request a hearing should districts give notice of intent to not renew a contract. During this time, teachers could plan their next steps, decide whether or not to request a hearing, and school districts will have more time to get real budget numbers. S.B. 912 allows school boards to hire an independent third party should the number of hearing requests make it impossible for them to hear all of the cases, provide due process to teachers, and help the school boards manage their workloads.

As proposed, S.B. 912 amends current law relating to temporary modification under certain circumstances of procedures authorized for the nonrenewal of public school teacher term contracts.

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 Subchapter E, Chapter 21, Education Code, by adding Section 21.2071, as follows:

Sec. 21.2071. NONRENEWAL HEARING UNDER TERM CONTRACT; REDUCTION IN PERSONNEL OR PROGRAM CHANGE. (a) Authorizes the board of trustees of a school district (board), notwithstanding any other provision of this chapter, to hold or provide for a hearing under this section if the board orders a reduction in personnel on the basis of, as determined by the board, financial exigency or a program change.

(b) Requires a teacher, if the teacher desires a hearing after receiving notice of the proposed nonrenewal of the teacher's term contract under Section 21.206 (Notice of Contract Renewal or Nonrenewal), to notify the board in writing not later than the 30th day after the date the teacher receives the notice of the proposed nonrenewal. Requires that a hearing held by the board under this section or held by the board's designee under Subsection (d) be held not later than the 15th day after the date the board receives the request for a hearing unless the parties agree in writing to a different date.

(c) Requires that a hearing held by the board under this section or held by the board's designee under Subsection (d) be closed unless the teacher requests an open hearing, and conducted in accordance with rules adopted by the board.

(d) Authorizes the board to designate an attorney licensed to practice law in this state to hold the hearing on behalf of the board, to create a hearing record for the board's consideration and action, and to recommend an action to the board. Prohibits the attorney serving as the board's designee from being employed by a school district, and neither the designee nor the law firm with which the designee is associated from serving as an agent or representative of a school district, of a teacher in a dispute between a district and a teacher, or of an organization of school employees, school administrators, or school boards of trustees. Requires the board's designee, not later than the 15th day after the completion of the hearing under this subsection, to provide to the board a record of the hearing and the designee's recommendation of whether the contract should be renewed or not renewed. Requires the board to consider the record of the hearing and the designee's recommendation at the first board meeting for which notice can be posted in compliance with Chapter 551 (Open Meetings), Government Code, following the receipt of the record and recommendation from the board's designee, unless the parties agree in writing to a different date. Requires the board, at the meeting, to consider the hearing record and the designee's recommendation and allow each party to present an oral argument to the board. Authorizes the board by written policy to limit the amount of time for oral argument. Requires that the policy provide equal time for each party. Authorizes the board to obtain advice concerning legal matters from an attorney who has not been involved in the proceedings. Authorizes the board to accept, reject, or modify the designee's recommendation. Requires the board to notify the teacher in writing of the board's decision not later than the 15th day after the date of the meeting.

(e) Authorizes a teacher, at a hearing under this section, to:

- (1) be represented by a representative of the teacher's choice;
- (2) hear the evidence supporting the reason for nonrenewal;
- (3) cross-examine adverse witnesses; and
- (4) present evidence.

(f) Authorizes the board, notwithstanding any other provision of this section, in lieu of the board holding a hearing under this section or designating an attorney to hold a hearing under Subsection (d), to use the process established under Subchapter F (Hearings Before Hearing Examiners).

(g) Provides that this section expires December 31, 2011.

SECTION 2. Effective date: upon passage or September 1, 2011.