

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1799
By: Watson
Education
4/23/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under Section 7.057 (Appeals) of the Education Code, a school district employee who has a grievance against the action of a school district may file an appeal with the commissioner of education (commissioner).

H.B. 829, 81st Legislature, Regular Session, 2009, added a requirement that certain appeals—those governed by Section 7.057(b)—must be decided by the commissioner within 180 days from the time the appeal is filed. Appeals under Section 7.057(b) involve school district detachment and annexation. However, there is not a similar timeline appeals under Section 7.057(c) regarding most school district employee grievances.

C.S.S.B. 1799 adds a time limit to appeals under Section 7.057(c). This subsection does not pertain to cases regarding educator contract non-renewal or termination, which are governed by timelines in Chapter 21 (Educators) of the Education Code.

C.S.S.B. 1799 amends current law relating to the period of time allowed for issuance of decisions by the commissioner of education in certain appeals against school districts.

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 Section 7.057(c), Education Code, as follows:

(c) Requires the commissioner of education (commissioner), in an appeal against a school district, to, not later than the 240th day after the date the appeal is filed, issue a decision based on a review of the record developed at the district level under a substantial evidence standard of review. Authorizes the parties to the appeal to agree in writing to extend, by not more than 60 days, the date by which the commissioner is required to issue a decision under this subsection.

SECTION 2. Provides that the change in law made by this Act applies only to an appeal filed on or after the effective date of this Act. Provides that an appeal filed before the effective date of this Act is governed by the law in effect at the time the appeal was filed, and the former law is continued in effect for that purpose.

SECTION 3. Effective date: upon passage or September 1, 2013.