

BILL ANALYSIS

C.S.H.B. 95
By: McClendon
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In 2001, Senate Bill 108 provided that public schools could not start before the week in which August 21st falls. The bill also provided that school districts could apply for a waiver from this requirement and set forth the general procedure for waiver notice and hearing. Experience with the waiver process indicates the need for several improvements to the procedures. C.S.H.B. 95 sets forth more specific provisions for notice of a hearing on a waiver and amends provisions relating to hearing procedures.

RULEMAKING AUTHORITY

It is the committee's opinion that the bill does not expressly grant any additional rulemaking authority to a state officer, department, agency or institution.

ANALYSIS

C.S.H.B. 95 amends the Education Code to require a school district, intending to apply under Section 7.056 for a waiver, to publish notice in a newspaper at least 60 days and no later than seven days before the date the district submits the application for the waiver. The bill requires that such notice contain an address to submit comments on the waiver request.

The bill requires that the public hearing cannot be held earlier than 16 months before the proposed school start date and that each witness at the hearing fill out a witness card with their name, address and position on the waiver. The bill requires the district to submit a summary of the correspondence of the waiver in the waiver request to the Texas Education Agency. The bill requires that such correspondence be received by school district within 30 days after the hearing. The bill requires the summary indicate the number of witnesses supporting and opposing the waiver. The bill provides that a school district may not require, prohibit or coerce employees or students to testify for or against a proposed waiver.

The bill requires the district to submit the application for waiver at least 120 days before the proposed school start date. The bill provides that the waiver is automatically granted unless the commissioner denies the waiver within 60 days after receipt of the request. The bill provides that the procedures for waiver application may be waived if there is a threat to the health, safety or welfare of the students or staff.

These changes take effect beginning with the 2004-2005 school year.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 95 modifies the original by altering the requirements of the newspaper notice and scheduling requirements for public hearings and deleting provisions relating to the burden of proof on waiver requests.