

BILL ANALYSIS

H.B. 323
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Public Education
Committee Report (Unamended)

BACKGROUND

Under current law, the suspension of a teacher requires the same lengthy process as a contract termination. This process takes 90 days from notice to the employee to final action by the board of trustees, and the school district bears the cost of its own legal counsel, the hearing examiner, the court reporter, and outside legal counsel to advise the district after receiving the hearing examiner's recommendation. The teacher is paid during the pendency of the proceeding before the hearing examiner and the local board, and the board's final decision is subject to appeal and review by the commissioner of education. Currently, the only method of discipline for misconduct of a teacher is either suspension until the end of the year or discharge after a school board hearing. Present law does not give superintendents the adequate flexibility in handling employment issues involving teachers.

PURPOSE

The purpose of House Bill 323 is to give school districts more flexibility in dealing with teacher misconduct and to establish procedures for addressing actions of teachers that violate district policy, state, or federal law while still including appropriate appellate procedures for teachers.

RULEMAKING AUTHORITY

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

ANALYSIS

House Bill 323 amends the Education Code to authorize a school district to suspend a teacher without pay for a period of not more than 20 school days if a teacher's action or decision violates district policy, state or federal law, or conflicts with an official directive from a supervisor or other authorized district official. The bill also authorizes a school district to suspend a teacher if the superintendent determines that the suspension will serve the best interests of the district.

The bill requires the superintendent or the superintendent's designee, before suspending a teacher, to provide the teacher with written notice of the grounds for the suspension. The bill provides that a teacher may appeal a suspension to the board of trustees and that the decision of the board of trustees is final and may not be appealed.

These provisions apply beginning with the 2003-2004 school year.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

