

By: Grusendorf

H.B. No. 323

A BILL TO BE ENTITLED

AN ACT

relating to the suspension without pay of public school teachers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 21.104, Education Code, is amended by amending Subsection (b) and adding Subsections (c) and (d) to read as follows:

(b) A school district may suspend a teacher without pay for a period of not more than 20 school days:

(1) for any action or decision by the teacher that:

(A) violates district policy;

(B) violates state or federal law; or

(C) conflicts with an official directive from a supervisor or other authorized district official; or

(2) if the superintendent determines that the suspension will serve the best interests of the district.

(c) Before suspending a teacher under Subsection (b), the superintendent or the superintendent's designee must provide the teacher with written notice of the grounds for the suspension. If the teacher desires to respond, the teacher must provide a response to the superintendent or the superintendent's designee, as applicable, not later than the third business day after the date the teacher receives the written notice. The teacher may appeal the suspension to the board of trustees in the manner provided by district policy for other employee complaints and grievances. The

1 decision of the board of trustees is final and may not be appealed.

2 (d) In lieu of discharge, a school district may suspend a
3 teacher without pay for good cause as specified by Subsection (a)
4 for a period of more than 20 school days, not to extend beyond the
5 end of the current school year.

6 SECTION 2. Section 21.156, Education Code, is amended by
7 amending Subsection (b) and adding Subsections (c) and (d) to read
8 as follows:

9 (b) A school district may suspend a teacher without pay for
10 a period of not more than 20 school days:

11 (1) for any action or decision by the teacher that:

12 (A) violates district policy;

13 (B) violates state or federal law; or

14 (C) conflicts with an official directive from a
15 supervisor or other authorized district official; or

16 (2) if the superintendent determines that the
17 suspension will serve the best interests of the district.

18 (c) Before suspending a teacher under Subsection (b), the
19 superintendent or the superintendent's designee must provide the
20 teacher with written notice of the grounds for the suspension. If
21 the teacher desires to respond, the teacher must provide a response
22 to the superintendent or the superintendent's designee, as
23 applicable, not later than the third business day after the date the
24 teacher receives the written notice. The teacher may appeal the
25 suspension to the board of trustees in the manner provided by
26 district policy for other employee complaints and grievances. The
27 decision of the board of trustees is final and may not be appealed.

1 (d) In lieu of discharge, a school district may suspend a
2 teacher without pay for good cause as specified by Subsection (a)
3 for a period of more than 20 school days, not to extend beyond the
4 end of the current school year.

5 SECTION 3. Section 21.158(a), Education Code, is amended to
6 read as follows:

7 (a) Before a teacher employed under a continuing contract
8 may be discharged, suspended without pay under Section 21.156(d),
9 or released because of a necessary reduction of personnel, the
10 board of trustees must notify the teacher in writing of the proposed
11 action and the grounds for the action.

12 SECTION 4. Section 21.159(a), Education Code, is amended to
13 read as follows:

14 (a) If the teacher desires to protest the proposed action
15 under Section 21.156(a) or (d) [~~21.156~~] or 21.157, the teacher must
16 notify the board of trustees in writing not later than the 10th day
17 after the date the teacher receives the notice under Section
18 21.158.

19 SECTION 5. Section 21.211, Education Code, is amended by
20 amending Subsections (b) and (c) and adding Subsections (d) and (e)
21 to read as follows:

22 (b) A school district may suspend a teacher, other than a
23 superintendent, without pay for a period of not more than 20 school
24 days:

25 (1) for any action or decision by the teacher that:

26 (A) violates district policy;

27 (B) violates state or federal law; or

1 (C) conflicts with an official directive from a
2 supervisor or other authorized district official; or

3 (2) if the superintendent determines that the
4 suspension will serve the best interests of the district.

5 (c) Before suspending a teacher under Subsection (b), the
6 superintendent or the superintendent's designee must provide the
7 teacher with written notice of the grounds for the suspension. If
8 the teacher desires to respond, the teacher must provide a response
9 to the superintendent or the superintendent's designee, as
10 applicable, not later than the third business day after the date the
11 teacher receives the written notice. The teacher may appeal the
12 suspension to the board of trustees in the manner provided by
13 district policy for other employee complaints and grievances. The
14 decision of the board of trustees is final and may not be appealed.

15 (d) For a good cause, as determined by the board, the board
16 of trustees may suspend a teacher, other than a superintendent,
17 without pay [~~for a period not to extend beyond the end of the school~~
18 year]:

19 (1) pending discharge of the teacher, for a period not
20 to extend beyond the end of the current school year; or

21 (2) in lieu of terminating the teacher, for a period of
22 more than 20 school days, not to extend beyond the end of the
23 current school year.

24 (e) [(e)] A teacher who is not discharged after being
25 suspended without pay pending discharge is entitled to back pay for
26 the period of suspension.

27 SECTION 6. Section 21.251, Education Code, is amended to

1 read as follows:

2 Sec. 21.251. APPLICABILITY. (a) This subchapter applies
3 if a teacher requests a hearing after receiving notice of the
4 proposed decision to:

5 (1) terminate the teacher's continuing contract at any
6 time;

7 (2) terminate the teacher's probationary or term
8 contract before the end of the contract period; or

9 (3) suspend the teacher without pay under Section
10 21.104(d), 21.156(d), or 21.211(d).

11 (b) This subchapter does not apply to:

12 (1) a decision to terminate a teacher's employment at
13 the end of a probationary contract; [~~or~~]

14 (2) a decision not to renew a teacher's term contract,
15 unless the board of trustees of the employing district has decided
16 to use the process prescribed by this subchapter for that purpose;
17 or

18 (3) a decision to suspend a teacher without pay under
19 Section 21.104(b), 21.156(b), or 21.211(b).

20 SECTION 7. This Act applies beginning with the 2003-2004
21 school year.

22 SECTION 8. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2003.