

By: Hochberg

H.B. No. 829

A BILL TO BE ENTITLED

AN ACT

relating to appeals to the commissioner of education.

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

SECTION 1. Section 7.057, Education Code, is amended by amending Subsection (b) and adding Subsection (a-1) to read as follows:

(a-1) A person is not required to appeal to the commissioner before pursuing a remedy under a law outside of Title 1 or this title to which Title 1 or this title makes reference or with which Title 1 or this title requires compliance.

(b) Except as provided by Subsection (c), the commissioner~~[7]~~ after due notice to the parties interested~~[7]~~ shall, not later than the 180th day after the date an appeal under Subsection (a) is filed, hold a hearing and issue a decision without cost to the parties involved. In conducting a hearing under this subsection, the commissioner has the same authority relating to discovery and conduct of a hearing as a hearing examiner has under Subchapter F, Chapter 21. This section does not deprive any party of any legal remedy.

SECTION 2. Section 7.057(b), Education Code, as amended by this Act, applies only to an appeal to the commissioner of education filed on or after the effective date of this Act. An appeal to the commissioner of education filed before the effective date of this Act is governed by the law in effect on the date the appeal was

1 filed, and that law is continued in effect for that purpose.

2 SECTION 3. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2009.