

1-1 By: Hochberg (Senate Sponsor - Shapiro) H.B. No. 829  
1-2 (In the Senate - Received from the House May 4, 2009;  
1-3 May 6, 2009, read first time and referred to Committee on  
1-4 Education; May 15, 2009, reported favorably by the following vote:  
1-5 Yeas 5, Nays 0; May 15, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to appeals to the commissioner of education.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 7.057, Education Code, is amended by  
1-11 amending Subsection (b) and adding Subsection (a-1) to read as  
1-12 follows:

1-13 (a-1) A person is not required to appeal to the commissioner  
1-14 before pursuing a remedy under a law outside of Title 1 or this  
1-15 title to which Title 1 or this title makes reference or with which  
1-16 Title 1 or this title requires compliance.

1-17 (b) Except as provided by Subsection (c), the  
1-18 commissioner~~[7]~~ after due notice to the parties interested~~[7]~~  
1-19 shall, not later than the 180th day after the date an appeal under  
1-20 Subsection (a) is filed, hold a hearing and issue a decision without  
1-21 cost to the parties involved. In conducting a hearing under this  
1-22 subsection, the commissioner has the same authority relating to  
1-23 discovery and conduct of a hearing as a hearing examiner has under  
1-24 Subchapter F, Chapter 21. This section does not deprive any party  
1-25 of any legal remedy.

1-26 SECTION 2. Section 7.057(b), Education Code, as amended by  
1-27 this Act, applies only to an appeal to the commissioner of education  
1-28 filed on or after the effective date of this Act. An appeal to the  
1-29 commissioner of education filed before the effective date of this  
1-30 Act is governed by the law in effect on the date the appeal was  
1-31 filed, and that law is continued in effect for that purpose.

1-32 SECTION 3. This Act takes effect immediately if it receives  
1-33 a vote of two-thirds of all the members elected to each house, as  
1-34 provided by Section 39, Article III, Texas Constitution. If this  
1-35 Act does not receive the vote necessary for immediate effect, this  
1-36 Act takes effect September 1, 2009.

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