

By: Farias

H.B. No. 2463

A BILL TO BE ENTITLED

1 AN ACT

2 relating to appeals to the commissioner of education and to
3 recommendations by hearing examiners concerning public school
4 teacher employment decisions.

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

6 SECTION 1. Sections 7.057(b) and (d), Education Code, are
7 amended to read as follows:

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

16 (d) A person aggrieved by an action of the agency or
17 decision of the commissioner may appeal to a district court in
18 Travis County. An appeal must be made by serving the commissioner
19 with citation issued and served in the manner provided by law for
20 civil suits. The petition must state the action or decision from
21 which the appeal is taken. At trial, the court shall conduct a de
22 novo review and determine all issues of law and fact, except as
23 provided by Section 33.081(g).

24 SECTION 2. Section 21.257, Education Code, is amended by

1 adding Subsection (c-1) to read as follows:

2 (c-1) Notwithstanding Subsections (a) and (c), if the
3 hearing examiner or parties are unable to comply with the time
4 requirements under this section for a recommendation under
5 Subsection (a), the hearing examiner may, for good cause shown,
6 postpone by a reasonable period the date on which a recommendation
7 is required.

8 SECTION 3. (a) Sections 7.057(b) and (d), Education Code,
9 as amended by this Act, apply only to an appeal filed with the
10 commissioner of education on or after the effective date of this
11 Act.

12 (b) Section 21.257(c-1), Education Code, as added by this
13 Act, applies only to a hearing before a hearing examiner held on or
14 after the effective date of this Act.

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