

By: Whitmire

S.B. No. 2234

A BILL TO BE ENTITLED

AN ACT

relating to hearings under the Texas Education Code.

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

SECTION 1. Section 7.057(b), Education Code, is amended to read as follows:

(b) Except as provided by Subsection (c), the commissioner, after due notice to the parties interested, shall hold a hearing and issue a decision, within 180 days of the time the appeal was filed, 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(d), Education Code, is amended to read as follows:

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

SECTION 3. Section 21.257(c), Education Code, is amended to

1 read as follows:

2 (c) The parties may agree in writing to extend by not more  
3 than 45 days the right to a recommendation by the date prescribed by  
4 Subsection (a). If the parties and hearing examiner are unable to  
5 comply with the time limitations for a recommendation set by this  
6 Section, for good cause shown, the hearing examiner may extend by a  
7 reasonable amount of time the recommendation date as prescribed by  
8 Subsection (a) and extended by agreement of the parties. A hearing  
9 under this section may not be held on a Saturday, Sunday, or a state  
10 or federal holiday, unless all parties agree.

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