

By: Huberty

H.B. No. 2236

A BILL TO BE ENTITLED

AN ACT

relating to notice concerning termination, renewal, nonrenewal,
and other action regarding certain teacher contracts.

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

SECTION 1. Section 21.103(a), Education Code, is amended to
read as follows:

(a) The board of trustees of a school district may terminate
the employment of a teacher employed under a probationary contract
at the end of the contract period if in the board's judgment the
best interests of the district will be served by terminating the
employment. The board of trustees must give notice of its decision
to terminate the employment to the teacher not later than the ~~[45th~~
~~day before the]~~ last day of instruction required under the
contract. The notice may be given personally to the teacher, sent
by e-mail to the teacher's district-provided e-mail address, or
mailed by regular mail or prepaid certified mail or by an express
delivery service to the teacher's address of record with the
district. Notice that is sent by e-mail or mailed in accordance
with this subsection is considered given at the time of sending or
mailing. The board's decision is final and may not be appealed.

SECTION 2. Section 21.158(a), Education Code, is amended to
read as follows:

(a) Before a teacher employed under a continuing contract
may be discharged, suspended without pay, or released because of a

1 necessary reduction of personnel, the board of trustees must notify
2 the teacher in writing of the proposed action and the grounds for
3 the action. The notice may be given personally to the teacher, sent
4 by e-mail to the teacher's district-provided e-mail address, or
5 mailed by regular mail or prepaid certified mail or by an express
6 delivery service to the teacher's address of record with the
7 district. Notice that is sent by e-mail or mailed in accordance
8 with this subsection is considered given at the time of sending or
9 mailing.

10 SECTION 3. Section 21.159, Education Code, is amended by
11 amending Subsection (a) and adding Subsection (d) to read as
12 follows:

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

17 (d) The notice required under Subsection (c)(2) may be given
18 personally to the teacher, sent by e-mail to the teacher's
19 district-provided e-mail address, or mailed by regular mail or
20 prepaid certified mail or by an express delivery service to the
21 teacher's address of record with the district. Notice that is sent
22 by e-mail or mailed in accordance with this subsection is
23 considered given at the time of sending or mailing.

24 SECTION 4. Section 21.206(a), Education Code, is amended to
25 read as follows:

26 (a) Not later than the [~~45th day before the~~] last day of
27 instruction in a school year, the board of trustees shall notify in

1 writing each teacher whose contract is about to expire whether the
2 board proposes to renew or not renew the contract. The notice may
3 be given personally to the teacher, sent by e-mail to the teacher's
4 district-provided e-mail address, or mailed by regular mail or
5 prepaid certified mail or by an express delivery service to the
6 teacher's address of record with the district. Notice that is sent
7 by e-mail or mailed in accordance with this subsection is
8 considered given at the time of sending or mailing.

9 SECTION 5. Section 21.207(a), Education Code, is amended to
10 read as follows:

11 (a) If the teacher desires a hearing after receiving notice
12 of the proposed nonrenewal, the teacher shall notify the board of
13 trustees in writing not later than the 15th day after the date [~~the~~
14 ~~teacher receives the~~] notice of the proposed action is given under
15 Section 21.206. The board shall provide for a hearing to be held
16 not later than the 15th day after the date the board receives the
17 request for a hearing unless the parties agree in writing to a
18 different date. The hearing must be closed unless the teacher
19 requests an open hearing.

20 SECTION 6. Section 21.208, Education Code, is amended by
21 amending Subsection (a) and adding Subsection (c) to read as
22 follows:

23 (a) If the teacher does not request a hearing, the board of
24 trustees shall:

25 (1) take the appropriate action to renew or not renew
26 the teacher's contract; and

27 (2) notify the teacher in writing of that action not

1 later than the 30th day after the date the notice of proposed
2 nonrenewal was given [~~sent~~] to the teacher.

3 (c) The notice required under Subsection (a)(2) or (b)(2)
4 may be given personally to the teacher, sent by e-mail to the
5 teacher's district-provided e-mail address, or mailed by regular
6 mail or prepaid certified mail or by an express delivery service to
7 the teacher's address of record with the district. Notice that is
8 sent by e-mail or mailed in accordance with this subsection is
9 considered given at the time of sending or mailing.

10 SECTION 7. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2011.