

By: West, et al.

S.B. No. 912

A BILL TO BE ENTITLED

AN ACT

relating to temporary modification under certain circumstances of procedures authorized for the nonrenewal of public school teacher term contracts.

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

SECTION 1. Subchapter E, Chapter 21, Education Code, is amended by adding Section 21.2071 to read as follows:

Sec. 21.2071. NONRENEWAL HEARING UNDER TERM CONTRACT; REDUCTION IN PERSONNEL OR PROGRAM CHANGE. (a) Notwithstanding any other provision of this chapter, the board of trustees of a school district may hold or provide for a hearing under this section if the board orders a reduction in personnel on the basis of, as determined by the board, financial exigency or a program change.

(b) If a teacher desires a hearing after receiving notice of the proposed nonrenewal of the teacher's term contract under Section 21.206, the teacher shall notify the board of trustees of the school district in writing not later than the 30th day after the date the teacher receives the notice of the proposed nonrenewal. A hearing held by the board under this section or held by the board's designee under Subsection (d) must be held not later than the 15th day after the date the board receives the request for a hearing unless the parties agree in writing to a different date.

(c) A hearing held by the board of trustees under this section or held by the board's designee under Subsection (d) must

1 be:

2 (1) closed unless the teacher requests an open  
3 hearing; and

4 (2) conducted in accordance with rules adopted by the  
5 board.

6 (d) The board of trustees may designate an attorney licensed  
7 to practice law in this state to hold the hearing on behalf of the  
8 board, to create a hearing record for the board's consideration and  
9 action, and to recommend an action to the board. The attorney  
10 serving as the board's designee may not be employed by a school  
11 district, and neither the designee nor a law firm with which the  
12 designee is associated may be serving as an agent or representative  
13 of a school district, of a teacher in a dispute between a district  
14 and a teacher, or of an organization of school employees, school  
15 administrators, or school boards of trustees. Not later than the  
16 15th day after the completion of the hearing under this subsection,  
17 the board's designee shall provide to the board a record of the  
18 hearing and the designee's recommendation of whether the contract  
19 should be renewed or not renewed. The board shall consider the  
20 record of the hearing and the designee's recommendation at the  
21 first board meeting for which notice can be posted in compliance  
22 with Chapter 551, Government Code, following the receipt of the  
23 record and recommendation from the board's designee, unless the  
24 parties agree in writing to a different date. At the meeting, the  
25 board shall consider the hearing record and the designee's  
26 recommendation and allow each party to present an oral argument to  
27 the board. The board by written policy may limit the amount of time

1 for oral argument. The policy must provide equal time for each  
2 party. The board may obtain advice concerning legal matters from an  
3 attorney who has not been involved in the proceedings. The board  
4 may accept, reject, or modify the designee's recommendation. The  
5 board shall notify the teacher in writing of the board's decision  
6 not later than the 15th day after the date of the meeting.

7 (e) At a hearing under this section, the teacher may:

8 (1) be represented by a representative of the  
9 teacher's choice;

10 (2) hear the evidence supporting the reason for  
11 nonrenewal;

12 (3) cross-examine adverse witnesses; and

13 (4) present evidence.

14 (f) Notwithstanding any other provision of this section, in  
15 lieu of the board of trustees holding a hearing under this section  
16 or designating an attorney to hold a hearing under Subsection (d),  
17 the board may use the process established under Subchapter F.

18 (g) This section expires December 31, 2011.

19 SECTION 2. This Act takes effect immediately if it receives  
20 a vote of two-thirds of all the members elected to each house, as  
21 provided by Section 39, Article III, Texas Constitution. If this  
22 Act does not receive the vote necessary for immediate effect, this  
23 Act takes effect September 1, 2011.