

By: West, et al.

S.B. No. 912

A BILL TO BE ENTITLED

AN ACT

1
2 relating to temporary modification under certain circumstances of
3 procedures authorized for the nonrenewal of public school teacher
4 term contracts.

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

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

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

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

23 (c) A hearing held by the board under this section or held by
24 the board's designee under Subsection (d) must be:

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

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

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

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

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

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

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

11 (3) cross-examine adverse witnesses; and

12 (4) present evidence.

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

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

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