

1-1 By: West, et al. S.B. No. 912
1-2 (In the Senate - Filed February 24, 2011; February 28, 2011, read
1-3 first time and referred to Committee on Education; March 2, 2011,
1-4 reported favorably by the following vote: Yeas 8, Nays 0;
1-5 March 2, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to temporary modification under certain circumstances of
1-9 procedures authorized for the nonrenewal of public school teacher
1-10 term contracts.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter E, Chapter 21, Education Code, is
1-13 amended by adding Section 21.2071 to read as follows:

1-14 Sec. 21.2071. NONRENEWAL HEARING UNDER TERM CONTRACT;
1-15 REDUCTION IN PERSONNEL OR PROGRAM CHANGE. (a) Notwithstanding any
1-16 other provision of this chapter, the board of trustees of a school
1-17 district may hold or provide for a hearing under this section if the
1-18 board orders a reduction in personnel on the basis of, as determined
1-19 by the board, financial exigency or a program change.

1-20 (b) If a teacher desires a hearing after receiving notice of
1-21 the proposed nonrenewal of the teacher's term contract under
1-22 Section 21.206, the teacher shall notify the board of trustees of
1-23 the school district in writing not later than the 30th day after the
1-24 date the teacher receives the notice of the proposed nonrenewal. A
1-25 hearing held by the board under this section or held by the board's
1-26 designee under Subsection (d) must be held not later than the 15th
1-27 day after the date the board receives the request for a hearing
1-28 unless the parties agree in writing to a different date.

1-29 (c) A hearing held by the board of trustees under this
1-30 section or held by the board's designee under Subsection (d) must
1-31 be:

1-32 (1) closed unless the teacher requests an open
1-33 hearing; and

1-34 (2) conducted in accordance with rules adopted by the
1-35 board.

1-36 (d) The board of trustees may designate an attorney licensed
1-37 to practice law in this state to hold the hearing on behalf of the
1-38 board, to create a hearing record for the board's consideration and
1-39 action, and to recommend an action to the board. The attorney
1-40 serving as the board's designee may not be employed by a school
1-41 district, and neither the designee nor a law firm with which the
1-42 designee is associated may be serving as an agent or representative
1-43 of a school district, of a teacher in a dispute between a district
1-44 and a teacher, or of an organization of school employees, school
1-45 administrators, or school boards of trustees. Not later than the
1-46 15th day after the completion of the hearing under this subsection,
1-47 the board's designee shall provide to the board a record of the
1-48 hearing and the designee's recommendation of whether the contract
1-49 should be renewed or not renewed. The board shall consider the
1-50 record of the hearing and the designee's recommendation at the
1-51 first board meeting for which notice can be posted in compliance
1-52 with Chapter 551, Government Code, following the receipt of the
1-53 record and recommendation from the board's designee, unless the
1-54 parties agree in writing to a different date. At the meeting, the
1-55 board shall consider the hearing record and the designee's
1-56 recommendation and allow each party to present an oral argument to
1-57 the board. The board by written policy may limit the amount of time
1-58 for oral argument. The policy must provide equal time for each
1-59 party. The board may obtain advice concerning legal matters from an
1-60 attorney who has not been involved in the proceedings. The board
1-61 may accept, reject, or modify the designee's recommendation. The
1-62 board shall notify the teacher in writing of the board's decision
1-63 not later than the 15th day after the date of the meeting.

1-64 (e) At a hearing under this section, the teacher may:

2-1 (1) be represented by a representative of the
2-2 teacher's choice;
2-3 (2) hear the evidence supporting the reason for
2-4 nonrenewal;
2-5 (3) cross-examine adverse witnesses; and
2-6 (4) present evidence.
2-7 (f) Notwithstanding any other provision of this section, in
2-8 lieu of the board of trustees holding a hearing under this section
2-9 or designating an attorney to hold a hearing under Subsection (d),
2-10 the board may use the process established under Subchapter F.
2-11 (g) This section expires December 31, 2011.
2-12 SECTION 2. This Act takes effect immediately if it receives
2-13 a vote of two-thirds of all the members elected to each house, as
2-14 provided by Section 39, Article III, Texas Constitution. If this
2-15 Act does not receive the vote necessary for immediate effect, this
2-16 Act takes effect September 1, 2011.

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