

BILL ANALYSIS

C.S.H.B. 2952
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Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law authorizes, with certain specified exceptions, a person to appeal to the commissioner of education if the person is aggrieved by school laws of the state or by actions or decisions of any school district board of trustees that violate such school laws or a provision of a written employment contract between the school district and a school district employee, if a violation causes or would cause monetary harm to the employee. Recent legislation requires the commissioner of education to hold a hearing and issue a decision on certain of these appeals within 180 days of the date the appeal is filed, while an appeal against a school district is decided by the commissioner based on a review of the record developed at the district level under a substantial evidence standard of review. Interested parties note that, in the latter case, there is no time limit within which the commissioner must render a decision and they cite an examination of recent appeals in asserting that the time from filing an appeal to a decision on the appeal in those cases can last a number of years.

C.S.H.B. 2952 seeks to remedy this problem by setting a time limit for the issuance of decisions by the commissioner of education in certain appeals against school districts.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2952 amends the Education Code to set the deadline by which the commissioner of education is required to issue a decision in an appeal against a school district, based on a review of the record developed at the district level under a substantial evidence standard of review, at the 240th day after the date the appeal is filed. The bill authorizes the parties to the appeal to agree in writing to extend that deadline by not more than 60 days.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2952 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 7.057(c), Education	SECTION 1. Section 7.057(c), Education

83R 25537

13.117.323

Substitute Document Number: 83R 22761

Code, is amended to read as follows:

(c) In an appeal against a school district, the commissioner shall, not later than the 180th day after the date the appeal is filed, issue a decision based on a review of the record developed at the district level under a substantial evidence standard of review. A school district's disclosure of the record to the commissioner under this subsection is not an offense under Section 551.146, Government Code.

SECTION 2. The change in law made by this Act applies only to an appeal filed on or after the effective date of this Act. An appeal filed before the effective date of this Act is governed by the law in effect at the time the appeal was filed, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Code, is amended to read as follows:

(c) In an appeal against a school district, the commissioner shall, not later than the 240th day after the date the appeal is filed, issue a decision based on a review of the record developed at the district level under a substantial evidence standard of review. The parties to the appeal may agree in writing to extend, by not more than 60 days, the date by which the commissioner must issue a decision under this subsection. A school district's disclosure of the record to the commissioner under this subsection is not an offense under Section 551.146, Government Code.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.