

## **BILL ANALYSIS**

S.B. 1799  
By: Watson  
Public Education  
Committee Report (Unamended)

### **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 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.

S.B. 1799 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**

S.B. 1799 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.