

CHAPTER 514

H.B. No. 2415

AN ACT

relating to the suspension of a public school teacher without pay.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 13.109, Education Code, is amended to read as follows:

Sec. 13.109. DISCHARGE DURING YEAR; *SUSPENSION WITHOUT PAY.* (a) Any teacher, whether employed under a probationary contract or a continuing contract, may be discharged during the school year for one or more of the following reasons, which shall constitute lawful cause for discharge:

- (1) immorality;
 - (2) conviction of any felony or other crime involving moral turpitude;
 - (3) drunkenness;
 - (4) repeated failure to comply with official directives and established school board policy;
 - (5) physical or mental incapacity preventing performance of the contract of employment;
- and
- (6) repeated and continuing neglect of duties.

(b) *A school district may suspend a teacher without pay for a reason specified in Subsection (a) of this section for a period not to extend beyond the end of the current school year:*

- (1) *pending discharge of the teacher; or*
- (2) *in lieu of discharging the teacher.*

SECTION 2. Section 13.111(a), Education Code, is amended to read as follows:

(a) Before any teacher shall be discharged during the year *or suspended without pay* for any of the causes mentioned in Section 13.109 of this code, or before any probationary

contract teacher shall be dismissed at the end of a school year before the end of the term fixed in his contract, or before any teacher holding a continuing contract shall be dismissed or returned to probationary contract status at the end of a school year for any of the reasons mentioned in Section 13.110 of this code, he shall be notified in writing by the board of trustees or under its direction of the proposed action and of the grounds assigned therefor.

SECTION 3. The heading to Section 13.113, Education Code, is amended to read as follows:

Sec. 13.113. SUSPENSION WITHOUT PAY *PENDING DISCHARGE*.

SECTION 4. Section 13.115(a), Education Code, is amended to read as follows:

(a) If the board of trustees *discharges a* [~~shall order the~~] teacher [~~discharged~~] during the school year under Section *13.109(a)* [~~13.109~~] of this code *or suspends a teacher without pay in lieu of discharge under Section 13.109(b)(2) of this code*, the teacher shall have the right to appeal such action to the commissioner of education, for review by him, provided notice of such appeal is filed with the board of trustees and a copy thereof mailed to the commissioner within 15 days after written notice of the action taken by the board of trustees shall be given to the teacher; or, the teacher may challenge the legality of such action by suit brought in the district court of any county in which such school district lies within 30 days after such notice of the action taken by the board of trustees has been given to the teacher.

SECTION 5. This Act takes effect September 1, 1993.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 4, 1993, by a non-record vote; passed by the Senate on May 24, 1993: Yeas 31, Nays 0.

Approved June 3, 1993.

Effective Sept. 1, 1993.