

By: Mowery

H.B. No. 607

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the structure, powers, and duties of the State Board of
3 Education, the commissioner of education, and the Texas Education
4 Agency.

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

6 SECTION 1. Subchapter A, Chapter 7, Education Code, is
7 amended by adding Section 7.0021 to read as follows:

8 Sec. 7.0021. STRUCTURE OF ADMINISTRATION. The board has
9 primary responsibility for adopting educational policies and
10 administering and directing public education in this state. The
11 commissioner is the executive officer with responsibility for
12 carrying out the board's policies and directions. The board may
13 overturn a decision of the commissioner or of the agency as the
14 board determines necessary.

15 SECTION 2. Section 7.055(a), Education Code, is amended to
16 read as follows:

17 (a) Subject to oversight by the board, the [~~The~~]
18 commissioner has the powers and duties provided by Subsection (b).

19 SECTION 3. Section 7.102(b), Education Code, is amended to
20 read as follows:

21 (b) The board has the powers and duties necessary to
22 administer and direct public education in this state, including the
23 powers and duties provided by Subsection (c). The board shall carry
24 [~~which shall be carried~~] out its powers and duties with the advice

1 and assistance of the commissioner.

2 SECTION 4. Section 7.102(c), Education Code, is amended by
3 adding Subdivision (35) to read as follows:

4 (35) The board may employ a reasonable number of staff
5 in carrying out its powers and duties under this section.

6 SECTION 5. Sections 7.104(a) and (b), Education Code, are
7 amended to read as follows:

8 (a) At each general election immediately following a
9 decennial reapportionment of congressional districts, one member
10 shall be elected to the board from each congressional district.
11 Except as provided by Subsection (b), members of the board serve
12 staggered terms of four years with the terms of one-half of the
13 [eight] members, or as near to one-half as possible, expiring on
14 January 1 of one odd-numbered year and the terms of one-half of the
15 [seven] members, or as near to one-half as possible, expiring on
16 January 1 of the next odd-numbered year.

17 (b) One-half of the [Seven] members of the board elected at
18 each general election following a decennial reapportionment of
19 congressional districts, or as near to one-half as possible, shall
20 serve two-year terms and one-half of the [eight] members, or as near
21 to one-half as possible, shall serve four-year terms. Members shall
22 draw lots to determine who serves which terms.

23 SECTION 6. Section 7.106, Education Code, is amended to
24 read as follows:

25 Sec. 7.106. MEETINGS. The board shall hold four meetings a
26 year in Austin, Texas, on dates determined by the presiding officer
27 [chair] and may hold other meetings as may be called by the

1 presiding officer [~~chair~~].

2 SECTION 7. Sections 7.107(b) and (c), Education Code, are
3 amended to read as follows:

4 (b) At the board's first regular meeting after the election
5 and qualification of new members, the board shall organize, adopt
6 rules of procedure, and elect by separate votes a presiding
7 officer, an assistant presiding officer, [~~vice-chair~~] and a
8 secretary.

9 (c) A person who serves two consecutive terms as presiding
10 officer [~~chair~~] is ineligible to again serve as presiding officer
11 [~~chair~~] until four years have elapsed since the expiration of the
12 second term.

13 SECTION 8. Sections 7.051, 7.052, 7.053, 7.101(a), and
14 7.107(a), Education Code, are repealed.

15 SECTION 9. (a) Except as otherwise provided by this Act,
16 this Act takes effect September 1, 2003.

17 (b) Sections 5, 6, 7, 8, and 10 of this Act take effect
18 December 5, 2003, but only if the constitutional amendment proposed
19 by the 78th Legislature, Regular Session, 2003, relating to the
20 structure, powers, and duties of the State Board of Education, is
21 approved by the voters. If that amendment is not approved by the
22 voters, Sections 5, 6, 7, 8, and 10 of this Act have no effect.

23 SECTION 10. (a) Members of the State Board of Education
24 elected under Section 7.101, Education Code, or appointed under
25 Section 7.104, Education Code, as those sections existed before
26 amendment by this Act, continue to serve until their successors are
27 elected and qualify for office. The successors shall be elected at

1 the general election in 2004 for state and county officers. The
2 presiding officer of the newly elected board shall call the first
3 meeting as soon as possible after a quorum of the newly elected
4 board members have qualified for office.

5 (b) Of the members of the first board elected under this
6 Act, 15 members serve two-year terms and 15 members serve four-year
7 terms. The members shall draw lots to determine the length of their
8 terms.

9 (c) Rules of the State Board of Education that are in effect
10 on the date of the first meeting of the State Board of Education
11 elected under this Act remain in effect until superseded by rules
12 adopted by the State Board of Education elected under this Act.