

1-1 By: Wentworth S.B. No. 386
1-2 (In the Senate - Filed February 8, 2005; February 15, 2005,
1-3 read first time and referred to Committee on Education;
1-4 April 20, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 20, 2005,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 386 By: Zaffirini

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the ability of public school employees to communicate
1-11 with members of a school district board of trustees.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 11.163, Education Code, is amended by
1-14 adding Subsection (d) to read as follows:

1-15 (d) The employment policy may not restrict the ability of a
1-16 school district employee to communicate directly with a member of
1-17 the board of trustees regarding a matter relating to the operation
1-18 of the district, except that the policy may prohibit:

1-19 (1) communication during:

1-20 (A) the employee's regular working hours at the
1-21 district; or

1-22 (B) the operating hours of a district campus; and

1-23 (2) ex parte communication relating to:

1-24 (A) a hearing under Subchapter E or F, Chapter
1-25 21; and

1-26 (B) another appeal or hearing in which ex parte
1-27 communication would be inappropriate pending a final decision by a
1-28 school district board of trustees.

1-29 SECTION 2. This Act takes effect immediately if it receives
1-30 a vote of two-thirds of all the members elected to each house, as
1-31 provided by Section 39, Article III, Texas Constitution. If this
1-32 Act does not receive the vote necessary for immediate effect, this
1-33 Act takes effect September 1, 2005.

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