

By: Wentworth

S.B. No. 387

A BILL TO BE ENTITLED

AN ACT

relating to school district employment policies.

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

SECTION 1. Section 11.163, Education Code, is amended by amending Subsection (c) and adding Subsections (d) and (e) to read as follows:

(c) The employment policy may:

(1) specify the terms of employment with the district;

~~[or]~~

(2) delegate to the superintendent the authority to determine the terms of employment with the district; or

(3) include a provision for providing each current district employee with an opportunity to participate in a process for transferring to another school in or position with the district.

(d) The employment policy must provide that not later than the 10th school day before the date on which a district fills a vacant position, other than a position that affects the safety and security of students as determined by the board of trustees, the district must provide to each current district employee to whom Section 21.003 applies:

(1) notice of the position by:

(A) posting the position on a bulletin board at a place convenient to the public in the district's central

1 administrative office;

2 (B) posting the position on the district's
3 Internet website, if the district has a website; and

4 (C) publishing the position in a newspaper of
5 general circulation in the district; and

6 (2) a reasonable opportunity to apply for the
7 position.

8 (e) If, during the school year, the district must fill a
9 vacant position held by a teacher, as defined by Section 21.201, in
10 less than 10 school days, the district:

11 (1) must provide notice of the position in the manner
12 described by Subsection (d)(1) as soon as possible after the
13 vacancy occurs;

14 (2) is not required to provide the notice for 10 school
15 days before filling the position; and

16 (3) is not required to comply with Subsection (d)(2).

17 SECTION 2. This Act applies beginning with the 2005-2006
18 school year.

19 SECTION 3. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2005.