

By: Wentworth S.B. No. 387
(In the Senate - Filed February 8, 2005; February 15, 2005,
read first time and referred to Committee on Education;
March 21, 2005, reported adversely, with favorable Committee
Substitute by the following vote: Yeas 6, Nays 0; March 21, 2005,
sent to printer.)

COMMITTEE SUBSTITUTE FOR S.B. No. 387 By: West

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 for which a certificate or license is required as
provided by Section 21.003, 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:

(1) notice of the position by posting the position on:

(A) a bulletin board at:

(i) a place convenient to the public in the
district's central administrative office; and

(ii) the central administrative office of
each campus in the district during any time the office is open; and

(B) the district's Internet website, if the
district has a website; and

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

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

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

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

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

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

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

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