

By: Van de Putte

S.B. No. 777

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the powers and duties of the boards of trustees and
3 superintendents of independent school districts and of regional
4 education service centers.

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

6 SECTION 1. Section 11.051, Education Code, is amended by
7 amending Subsection (a) and adding Subsection (a-1) to read as
8 follows:

9 (a) An independent school district is governed by a board of
10 trustees who, as a body corporate, shall:

11 (1) oversee the management of the district; and

12 (2) ensure that the superintendent implements and
13 monitors plans, procedures, programs, and systems to achieve
14 appropriate, clearly defined, and desired results in the major
15 areas of district operations.

16 (a-1) Unless authorized by the board, a member of the board
17 may not, individually, act on behalf of the board. The board of
18 trustees may act only by majority vote of the members present at a
19 meeting held in compliance with Chapter 551, Government Code, at
20 which a quorum of the board is present and voting. The board shall
21 provide an opportunity at the meeting for the superintendent to
22 present an oral or written recommendation to the board on any item
23 that is voted on by the board at the meeting.

24 SECTION 2. Subchapter C, Chapter 11, Education Code, is

1 amended by adding Section 11.0621 to read as follows:

2 Sec. 11.0621. MEETINGS. The minutes, certified agenda, or
3 recording, as applicable, of a regular or special meeting of the
4 board of trustees must reflect each member's attendance at or
5 absence from the meeting. The minutes or tape recording of an open
6 meeting must be accessible to the public in accordance with Section
7 551.022, Government Code.

8 SECTION 3. Subchapter D, Chapter 11, Education Code, is
9 amended by adding Sections 11.1511 and 11.1512 to read as follows:

10 Sec. 11.1511. SPECIFIC POWERS AND DUTIES OF BOARD. (a) In
11 addition to powers and duties under Section 11.151 or other law, the
12 board of trustees of an independent school district has the powers
13 and duties provided by Subsection (b).

14 (b) The board shall:

15 (1) seek to establish working relationships with other
16 public entities to make effective use of community resources and to
17 serve the needs of public school students in the community;

18 (2) adopt a vision statement and comprehensive goals
19 for the district and the superintendent and monitor progress toward
20 those goals;

21 (3) establish performance goals for the district
22 concerning:

23 (A) the academic and fiscal performance
24 indicators under Subchapter C, Chapter 39; and

25 (B) any performance indicators adopted by the
26 district;

27 (4) ensure that the superintendent:

1 (A) is accountable for achieving performance
2 results;

3 (B) recognizes performance accomplishments; and

4 (C) takes action as necessary to meet performance
5 goals;

6 (5) adopt a policy to establish a district- and
7 campus-level planning and decision-making process as required
8 under Section 11.251;

9 (6) publish an annual educational performance report
10 as required under Section 39.053;

11 (7) adopt an annual budget for the district as
12 required under Section 44.004;

13 (8) adopt a tax rate each fiscal year as required under
14 Section 26.05, Tax Code;

15 (9) monitor district finances to ensure that the
16 superintendent is properly maintaining the district's financial
17 procedures and records;

18 (10) ensure that district fiscal accounts are audited
19 annually as required under Section 44.008;

20 (11) publish an end-of-year financial report for
21 distribution to the community;

22 (12) conduct elections as required by law;

23 (13) by rule, adopt a process through which district
24 personnel, students or the parents or guardians of students, and
25 members of the public may obtain a hearing before the district
26 administrators and the board regarding a complaint;

27 (14) make decisions relating to terminating the

1 employment of district employees employed under a contract,
2 including terminating or declining to renew an employment contract;
3 and

4 (15) carry out other powers and duties as provided by
5 this code or other law.

6 (c) The board may:

7 (1) issue bonds and levy, pledge, assess, and collect
8 an annual ad valorem tax to pay the principal and interest on the
9 bonds as authorized under Sections 45.001 and 45.003;

10 (2) levy, assess, and collect an annual ad valorem tax
11 for maintenance and operation of the district as authorized under
12 Sections 45.002 and 45.003;

13 (3) employ a person to assess or collect the district's
14 taxes as authorized under Section 45.231; and

15 (4) enter into contracts as authorized under this code
16 or other law and delegate contractual authority to the
17 superintendent as appropriate.

18 Sec. 11.1512. COLLABORATION BETWEEN BOARD AND
19 SUPERINTENDENT. (a) In relation to the superintendent of the
20 school district, the board of trustees of the district has the
21 powers and duties specified by Sections 11.151(b) and (c). The
22 superintendent shall, on a day-to-day basis, ensure the
23 implementation of the policy created by the board.

24 (b) The board of trustees and the superintendent shall work
25 together to:

26 (1) advocate for the high achievement of all district
27 students;

1 (2) create and support connections with community
2 organizations to provide community-wide support for the high
3 achievement of all district students;

4 (3) provide educational leadership for the district,
5 including leadership in developing the district vision statement
6 and long-range educational plan;

7 (4) establish district-wide policies and annual goals
8 that are tied directly to the district's vision statement and
9 long-range educational plan;

10 (5) support the professional development of
11 principals, teachers, and other staff; and

12 (6) periodically evaluate board and superintendent
13 leadership, governance, and teamwork.

14 SECTION 4. Section 11.163, Education Code, is redesignated
15 as Section 11.1513, Education Code, and amended to read as follows:

16 Sec. 11.1513 [~~11.163~~]. EMPLOYMENT POLICY. (a) The board
17 of trustees of each independent school district shall adopt a
18 policy providing for the employment and duties of district
19 personnel. The employment policy must provide that:

20 (1) the board employs and evaluates the
21 superintendent;

22 (2) the superintendent has sole authority to make
23 recommendations to the board regarding the selection of all
24 personnel other than the superintendent, except that the board may
25 delegate final authority for those decisions to the superintendent;
26 [~~and~~]

27 (3) the board has final decision-making authority

1 regarding terminating the employment of district personnel,
2 including the superintendent, including terminating or declining
3 to renew an employment contract under Chapter 21, except to the
4 extent that the board has delegated the final authority for those
5 decisions to the superintendent with respect to district personnel
6 who are not employed under a contract; and

7 (4) [~~(2)~~] each principal must approve each teacher or
8 staff appointment to the principal's campus as provided by Section
9 11.202.

10 (b) The board of trustees may accept or reject the
11 superintendent's recommendation regarding the selection of
12 district personnel and shall include the board's acceptance or
13 rejection in the minutes of the board's meeting, as required under
14 Section 551.021, Government Code, in the certified agenda or tape
15 recording required under Section 551.103, Government Code, or in
16 the recording required under Section 551.125 or 551.127, Government
17 Code, as applicable. If the board rejects the superintendent's
18 recommendation, the superintendent shall make alternative
19 recommendations until the board accepts a recommendation.

20 (c) The employment policy may:

21 (1) specify the terms of employment with the district;
22 or

23 (2) delegate to the superintendent the authority to
24 determine the terms of employment with the district.

25 (d) If, under the employment policy, the board of trustees
26 delegates to the superintendent the final authority to select
27 district personnel:

1 (1) the superintendent is a public official for
2 purposes of Chapter 573, Government Code, only with respect to a
3 decision made pursuant to that delegation of authority; and

4 (2) each member of the board of trustees remains
5 subject to Chapter 573, Government Code, with respect to all
6 district employees.

7 SECTION 5. Subsection (b), Section 11.159, Education Code,
8 is amended to read as follows:

9 (b) A trustee must complete any training required by the
10 State Board of Education. The minutes of the last regular meeting
11 of the board of trustees held during a calendar year must reflect
12 whether each trustee has met or is delinquent in meeting the
13 training required to be completed as of the date of the meeting.

14 SECTION 6. Subsection (d), Section 11.201, Education Code,
15 is amended to read as follows:

16 (d) The duties of the superintendent include:

17 (1) assuming administrative responsibility and
18 leadership for the planning, organization, operation, supervision,
19 and evaluation of the education programs, services, and facilities
20 of the district and for the annual performance appraisal of the
21 district's staff;

22 (2) except as provided by Section 11.202, assuming
23 administrative authority and responsibility for the employment,
24 assignment, supervision, and evaluation of all personnel of the
25 district other than the superintendent;

26 (3) ensuring compliance with the standards for school
27 facilities established by the commissioner under Section 46.008

1 ~~[making recommendations regarding the selection of personnel of the~~
2 ~~district other than the superintendent, as provided by Section~~
3 ~~11.163];~~

4 (4) assuming responsibility for ~~[initiating]~~ the
5 termination or suspension of an employee or the nonrenewal of an
6 employee's term contract;

7 (5) managing the day-to-day operations of the district
8 as its administrative manager, including implementing and
9 monitoring plans, procedures, programs, and systems to achieve
10 clearly defined and desired results in major areas of district
11 operations;

12 (6) preparing and submitting to the board of trustees
13 a proposed budget as provided by Section 44.002 and rules adopted
14 under that section, and administering the budget;

15 (7) preparing recommendations for policies to be
16 adopted by the board of trustees and overseeing the implementation
17 of adopted policies;

18 (8) developing or causing to be developed appropriate
19 administrative regulations to implement policies established by
20 the board of trustees;

21 (9) providing leadership for the attainment and, if
22 necessary, improvement of student performance in the district based
23 on the indicators adopted under Section 39.051 and other indicators
24 adopted by the State Board of Education or the district's board of
25 trustees;

26 (10) organizing the district's central
27 administration; ~~[and]~~

1 (11) consulting with the district-level committee as
2 required under Section 11.252(f);

3 (12) ensuring:

4 (A) adoption of a student code of conduct as
5 required under Section 37.001 and enforcement of that code of
6 conduct; and

7 (B) adoption and enforcement of other student
8 disciplinary rules and procedures as necessary;

9 (13) submitting reports as required by state or
10 federal law, rule, or regulation;

11 (14) providing leadership to ensure that the
12 responsibilities of the board and superintendent team are carried
13 out; and

14 (15) performing any other duties assigned by action of
15 the board of trustees.

16 SECTION 7. Subchapter A, Chapter 8, Education Code, is
17 amended by adding Section 8.011 to read as follows:

18 Sec. 8.011. NEPOTISM PROHIBITION. For purposes of all
19 employees of each regional education service center, the executive
20 director and each member of the board of directors are public
21 officials subject to Chapter 573, Government Code.

22 SECTION 8. This Act takes effect September 1, 2005.