

By: Van de Putte

S.B. No. 777

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of the boards of trustees and superintendents of independent school districts.

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

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

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

(1) oversee the management of the district; and

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

(a-1) Unless authorized by the board, a member of the board may not, individually, act on behalf of the board. The board of trustees may act only by majority vote of the members present at a meeting held in compliance with Chapter 551, Government Code, at which a quorum of the board is present and voting and at which the superintendent or a person designated by the superintendent is present.

SECTION 2. Subchapter C, Chapter 11, Education Code, is amended by adding Section 11.0621 to read as follows:

Sec. 11.0621. MEETINGS. The minutes, certified agenda, or

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

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

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

12 (b) The board shall:

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

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

19 (3) establish performance goals for the district  
20 concerning:

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

23 (B) any performance indicators adopted by the  
24 district;

25 (4) ensure that the superintendent:

26 (A) is accountable for achieving performance  
27 results;

1                   (B) recognizes performance accomplishments; and  
2                   (C) takes action as necessary to meet performance  
3 goals;

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

7                   (6) publish an annual educational performance report  
8 as required under Section 39.053;

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

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

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

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

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

20                   (12) conduct elections as required by law;

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

25                   (14) carry out other powers and duties as provided by  
26 this code or other law.

27                   (c) The board may:

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

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

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

9           (4) enter into contracts as authorized under this code  
10 or other law and delegate contractual authority to the  
11 superintendent as appropriate.

12           Sec. 11.1512. COLLABORATION BETWEEN BOARD AND  
13 SUPERINTENDENT. (a) In relation to the superintendent of the  
14 school district, the board of trustees of the district has the  
15 powers and duties specified by Sections 11.151(b) and (c). The  
16 superintendent shall, on a day-to-day basis, ensure the  
17 implementation of the policy created by the board.

18           (b) The board of trustees and the superintendent shall work  
19 together to:

20           (1) advocate for the high achievement of all district  
21 students;

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

25           (3) provide educational leadership for the district,  
26 including leadership in developing the district vision statement  
27 and long-range educational plan;

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

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

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

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

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

14           (1) the board employs, evaluates, and, if appropriate,  
15 terminates the employment of the superintendent;

16           (2) the superintendent has sole authority to make  
17 recommendations to the board regarding the selection of all  
18 personnel other than the superintendent, except that the board may  
19 delegate final authority for those decisions to the superintendent;  
20 and

21           (3) [~~(2)~~] each principal must approve each teacher or  
22 staff appointment to the principal's campus as provided by Section  
23 11.202.

24           (b) The board of trustees may accept or reject the  
25 superintendent's recommendation regarding the selection of  
26 district personnel and shall include the board's acceptance or  
27 rejection in the minutes of the board's meeting, as required under

1 Section 551.021, Government Code, in the certified agenda or tape  
2 recording required under Section 551.103, Government Code, or in  
3 the recording required under Section 551.125 or 551.127, Government  
4 Code, as applicable. If the board rejects the superintendent's  
5 recommendation, the superintendent shall make alternative  
6 recommendations until the board accepts a recommendation.

7 (c) The employment policy may:

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

9 or

10 (2) delegate to the superintendent the authority to  
11 determine the terms of employment with the district.

12 SECTION 5. Section 11.159(b), Education Code, is amended to  
13 read as follows:

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

19 SECTION 6. Section 11.201(d), Education Code, is amended to  
20 read as follows:

21 (d) The duties of the superintendent include:

22 (1) assuming administrative responsibility and  
23 leadership for the planning, organization, operation, supervision,  
24 and evaluation of the education programs, services, and facilities  
25 of the district and for the annual performance appraisal of the  
26 district's staff;

27 (2) except as provided by Section 11.202, assuming

1 administrative authority and responsibility for the employment,  
2 assignment, supervision, and evaluation of all personnel of the  
3 district other than the superintendent;

4 (3) ensuring compliance with the standards for school  
5 facilities established by the commissioner under Section 46.008  
6 ~~[making recommendations regarding the selection of personnel of the~~  
7 ~~district other than the superintendent, as provided by Section~~  
8 ~~11.163]~~;

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

12 (5) managing the day-to-day operations of the district  
13 as its administrative manager, including implementing and  
14 monitoring plans, procedures, programs, and systems to achieve  
15 clearly defined and desired results in major areas of district  
16 operations;

17 (6) preparing and submitting to the board of trustees  
18 a proposed budget as provided by Section 44.002 and rules adopted  
19 under that section and administering the budget;

20 (7) preparing recommendations for policies to be  
21 adopted by the board of trustees and overseeing the implementation  
22 of adopted policies;

23 (8) developing or causing to be developed appropriate  
24 administrative regulations to implement policies established by  
25 the board of trustees;

26 (9) providing leadership for the attainment and, if  
27 necessary, improvement of student performance in the district based

1 on the indicators adopted under Section 39.051 and other indicators  
2 adopted by the State Board of Education or the district's board of  
3 trustees;

4 (10) organizing the district's central  
5 administration; ~~and~~

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

8 (12) ensuring:

9 (A) adoption of a student code of conduct as  
10 required under Section 37.001 and enforcement of that code of  
11 conduct; and

12 (B) adoption and enforcement of other student  
13 disciplinary rules and procedures as necessary;

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

16 (14) providing leadership to ensure that the  
17 responsibilities of the board and superintendent team are carried  
18 out; and

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

21 SECTION 7. This Act takes effect September 1, 2005.