

1-1 By: Van de Putte S.B. No. 777
1-2 (In the Senate - Filed February 25, 2005; March 10, 2005,
1-3 read first time and referred to Committee on Education;
1-4 March 29, 2005, reported favorably by the following vote: Yeas 6,
1-5 Nays 0; March 29, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the powers and duties of the boards of trustees and
1-9 superintendents of independent school districts.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 11.051, Education Code, is amended by
1-12 amending Subsection (a) and adding Subsection (a-1) to read as
1-13 follows:

1-14 (a) An independent school district is governed by a board of
1-15 trustees who, as a body corporate, shall:

1-16 (1) oversee the management of the district; and

1-17 (2) ensure that the superintendent implements and
1-18 monitors plans, procedures, programs, and systems to achieve
1-19 appropriate, clearly defined, and desired results in the major
1-20 areas of district operations.

1-21 (a-1) Unless authorized by the board, a member of the board
1-22 may not, individually, act on behalf of the board. The board of
1-23 trustees may act only by majority vote of the members present at a
1-24 meeting held in compliance with Chapter 551, Government Code, at
1-25 which a quorum of the board is present and voting and at which the
1-26 superintendent or a person designated by the superintendent is
1-27 present.

1-28 SECTION 2. Subchapter C, Chapter 11, Education Code, is
1-29 amended by adding Section 11.0621 to read as follows:

1-30 Sec. 11.0621. MEETINGS. The minutes, certified agenda, or
1-31 recording, as applicable, of a regular or special meeting of the
1-32 board of trustees must reflect each member's attendance at or
1-33 absence from the meeting. The minutes or tape recording of an open
1-34 meeting must be accessible to the public in accordance with Section
1-35 551.022, Government Code.

1-36 SECTION 3. Subchapter D, Chapter 11, Education Code, is
1-37 amended by adding Sections 11.1511 and 11.1512 to read as follows:

1-38 Sec. 11.1511. SPECIFIC POWERS AND DUTIES OF BOARD. (a) In
1-39 addition to powers and duties under Section 11.151 or other law, the
1-40 board of trustees of an independent school district has the powers
1-41 and duties provided by Subsection (b).

1-42 (b) The board shall:

1-43 (1) seek to establish working relationships with other
1-44 public entities to make effective use of community resources and to
1-45 serve the needs of public school students in the community;

1-46 (2) adopt a vision statement and comprehensive goals
1-47 for the district and the superintendent and monitor progress toward
1-48 those goals;

1-49 (3) establish performance goals for the district
1-50 concerning:

1-51 (A) the academic and fiscal performance
1-52 indicators under Subchapter C, Chapter 39; and

1-53 (B) any performance indicators adopted by the
1-54 district;

1-55 (4) ensure that the superintendent:

1-56 (A) is accountable for achieving performance
1-57 results;

1-58 (B) recognizes performance accomplishments; and

1-59 (C) takes action as necessary to meet performance
1-60 goals;

1-61 (5) adopt a policy to establish a district- and
1-62 campus-level planning and decision-making process as required
1-63 under Section 11.251;

1-64 (6) publish an annual educational performance report

2-1 as required under Section 39.053;

2-2 (7) adopt an annual budget for the district as

2-3 required under Section 44.004;

2-4 (8) adopt a tax rate each fiscal year as required under

2-5 Section 26.05, Tax Code;

2-6 (9) monitor district finances to ensure that the

2-7 superintendent is properly maintaining the district's financial

2-8 procedures and records;

2-9 (10) ensure that district fiscal accounts are audited

2-10 annually as required under Section 44.008;

2-11 (11) publish an end-of-year financial report for

2-12 distribution to the community;

2-13 (12) conduct elections as required by law;

2-14 (13) by rule, adopt a process through which district

2-15 personnel, students or the parents or guardians of students, and

2-16 members of the public may obtain a hearing before the district

2-17 administrators and the board regarding a complaint; and

2-18 (14) carry out other powers and duties as provided by

2-19 this code or other law.

2-20 (c) The board may:

2-21 (1) issue bonds and levy, pledge, assess, and collect

2-22 an annual ad valorem tax to pay the principal and interest on the

2-23 bonds as authorized under Sections 45.001 and 45.003;

2-24 (2) levy, assess, and collect an annual ad valorem tax

2-25 for maintenance and operation of the district as authorized under

2-26 Sections 45.002 and 45.003;

2-27 (3) employ a person to assess or collect the district's

2-28 taxes as authorized under Section 45.231; and

2-29 (4) enter into contracts as authorized under this code

2-30 or other law and delegate contractual authority to the

2-31 superintendent as appropriate.

2-32 Sec. 11.1512. COLLABORATION BETWEEN BOARD AND

2-33 SUPERINTENDENT. (a) In relation to the superintendent of the

2-34 school district, the board of trustees of the district has the

2-35 powers and duties specified by Sections 11.151(b) and (c). The

2-36 superintendent shall, on a day-to-day basis, ensure the

2-37 implementation of the policy created by the board.

2-38 (b) The board of trustees and the superintendent shall work

2-39 together to:

2-40 (1) advocate for the high achievement of all district

2-41 students;

2-42 (2) create and support connections with community

2-43 organizations to provide community-wide support for the high

2-44 achievement of all district students;

2-45 (3) provide educational leadership for the district,

2-46 including leadership in developing the district vision statement

2-47 and long-range educational plan;

2-48 (4) establish district-wide policies and annual goals

2-49 that are tied directly to the district's vision statement and

2-50 long-range educational plan;

2-51 (5) support the professional development of

2-52 principals, teachers, and other staff; and

2-53 (6) periodically evaluate board and superintendent

2-54 leadership, governance, and teamwork.

2-55 SECTION 4. Section 11.163, Education Code, is redesignated

2-56 as Section 11.1513, Education Code, and amended to read as follows:

2-57 Sec. 11.1513 [~~11.163~~]. EMPLOYMENT POLICY. (a) The board

2-58 of trustees of each independent school district shall adopt a

2-59 policy providing for the employment and duties of district

2-60 personnel. The employment policy must provide that:

2-61 (1) the board employs, evaluates, and, if appropriate,

2-62 terminates the employment of the superintendent;

2-63 (2) the superintendent has sole authority to make

2-64 recommendations to the board regarding the selection of all

2-65 personnel other than the superintendent, except that the board may

2-66 delegate final authority for those decisions to the superintendent;

2-67 and

2-68 (3) [~~2~~] each principal must approve each teacher or

2-69 staff appointment to the principal's campus as provided by Section

3-1 11.202.

3-2 (b) The board of trustees may accept or reject the
3-3 superintendent's recommendation regarding the selection of
3-4 district personnel and shall include the board's acceptance or
3-5 rejection in the minutes of the board's meeting, as required under
3-6 Section 551.021, Government Code, in the certified agenda or tape
3-7 recording required under Section 551.103, Government Code, or in
3-8 the recording required under Section 551.125 or 551.127, Government
3-9 Code, as applicable. If the board rejects the superintendent's
3-10 recommendation, the superintendent shall make alternative
3-11 recommendations until the board accepts a recommendation.

3-12 (c) The employment policy may:

3-13 (1) specify the terms of employment with the district;
3-14 or

3-15 (2) delegate to the superintendent the authority to
3-16 determine the terms of employment with the district.

3-17 SECTION 5. Subsection (b), Section 11.159, Education Code,
3-18 is amended to read as follows:

3-19 (b) A trustee must complete any training required by the
3-20 State Board of Education. The minutes of the last regular meeting
3-21 of the board of trustees held during a calendar year must reflect
3-22 whether each trustee has met or is delinquent in meeting the
3-23 training required to be completed as of the date of the meeting.

3-24 SECTION 6. Subsection (d), Section 11.201, Education Code,
3-25 is amended to read as follows:

3-26 (d) The duties of the superintendent include:

3-27 (1) assuming administrative responsibility and
3-28 leadership for the planning, organization, operation, supervision,
3-29 and evaluation of the education programs, services, and facilities
3-30 of the district and for the annual performance appraisal of the
3-31 district's staff;

3-32 (2) except as provided by Section 11.202, assuming
3-33 administrative authority and responsibility for the employment,
3-34 assignment, supervision, and evaluation of all personnel of the
3-35 district other than the superintendent;

3-36 (3) ensuring compliance with the standards for school
3-37 facilities established by the commissioner under Section 46.008
3-38 [making recommendations regarding the selection of personnel of the
3-39 district other than the superintendent, as provided by Section
3-40 11.163];

3-41 (4) assuming responsibility for [initiating] the
3-42 termination or suspension of an employee or the nonrenewal of an
3-43 employee's term contract;

3-44 (5) managing the day-to-day operations of the district
3-45 as its administrative manager, including implementing and
3-46 monitoring plans, procedures, programs, and systems to achieve
3-47 clearly defined and desired results in major areas of district
3-48 operations;

3-49 (6) preparing and submitting to the board of trustees
3-50 a proposed budget as provided by Section 44.002 and rules adopted
3-51 under that section, and administering the budget;

3-52 (7) preparing recommendations for policies to be
3-53 adopted by the board of trustees and overseeing the implementation
3-54 of adopted policies;

3-55 (8) developing or causing to be developed appropriate
3-56 administrative regulations to implement policies established by
3-57 the board of trustees;

3-58 (9) providing leadership for the attainment and, if
3-59 necessary, improvement of student performance in the district based
3-60 on the indicators adopted under Section 39.051 and other indicators
3-61 adopted by the State Board of Education or the district's board of
3-62 trustees;

3-63 (10) organizing the district's central
3-64 administration; [and]

3-65 (11) consulting with the district-level committee as
3-66 required under Section 11.252(f);

3-67 (12) ensuring:

3-68 (A) adoption of a student code of conduct as
3-69 required under Section 37.001 and enforcement of that code of

4-1 conduct; and
4-2 (B) adoption and enforcement of other student
4-3 disciplinary rules and procedures as necessary;
4-4 (13) submitting reports as required by state or
4-5 federal law, rule, or regulation;
4-6 (14) providing leadership to ensure that the
4-7 responsibilities of the board and superintendent team are carried
4-8 out; and
4-9 (15) performing any other duties assigned by action of
4-10 the board of trustees.

4-11 SECTION 7. This Act takes effect September 1, 2005.

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