

BILL ANALYSIS

C.S.H.B. 362
By: Eissler
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

School district employees can be a valuable resource to school board members. Better public policy can be made when trustees can communicate directly with those who are in the schools, implementing the policies. However, numerous instances have been reported where school employees were actively discouraged, if not prohibited, from speaking directly to their school board members about the operation of their school. Whether framed as a need to follow "the chain of command" or a more absolute prohibition, these employees are being denied the right to address issues with their elected representatives.

Trustees need to know what is happening in the schools they govern, and the flow of information should not be arbitrarily restricted. CSHB 362 protects this important communication by prohibiting employment policies that restrict the ability of a school district employee to communicate directly with a member of the school board on matters relating to the operation of the school district, exception that the bill does allow certain inappropriate ex parte communications to be prohibited.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

This bill provides that the employment policy of a school district may not restrict the ability of a school district employee to communicate directly with a member of the board of trustees regarding a matter relating to the operation of the district, except that the policy may prohibit ex parte communication relating to a hearing under Subchapter E or F, of Chapter 21; Education Code, and another appeal or hearing in which ex parte communication would be inappropriate pending a final decision by a school district board of trustees.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original bill would have allowed a school district to prohibit such communication during the employee's regular working hours at the district or the operating hours of a district campus. The substitute bill does not include this provision.