

BILL ANALYSIS

H.B. 2563
By: Hancock
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There have been an increasing number of complaints concerning school board members and school district superintendents. A recent article in the Fort Worth Star Telegram highlighted complaints against school board members, filed with the Texas Education Agency by members of the Keller Independent School District. Trustees in various school districts have complained of routine violations by board members of operating procedures, of micromanagement of the district's daily operations, and of threatening district employees. In the newspaper article, a trustee stated that "we are in desperate need of some outside direction."

The purpose of this bill is to clarify the responsibilities, powers, and duties of school board trustees and district superintendents.

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

Unless otherwise specified, statutory references in the Bill Analysis are to the Education Code.

The bill adds certain provisions to the Education Code relating to the functions of the board of trustees (board) of an independent school district. The bill provides that the board, as a body corporate, shall 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. The bill further provides that unless authorized by the board, a member of the board may not, individually, act on behalf of the board, and that board 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. The bill provides that the board shall provide the superintendent an opportunity to present at a meeting an oral or written recommendation to the board on any item that is voted on by the board at the meeting, that the minutes, certified agenda, or recording, as applicable, of a regular or special meeting of the board must reflect each member's attendance at or absence from the meeting, and that the minutes or tape recording of an open meeting must be accessible to the public in accordance with Section 551.022, Government Code.

The bill provides that in addition to powers and duties under Section 11.151 or other law, the board has the following powers and duties: the board shall seek to establish working relationships with other public entities to make effective use of community resources and to serve the needs of public school students in the community, adopt a vision statement and comprehensive goals for the district and the superintendent and monitor progress toward those goals, establish performance goals for the district concerning the academic and fiscal performance indicators under Subchapters C and I, Chapter 39, respectively; and any performance indicators adopted by the district, ensure that the superintendent is accountable for achieving performance results, recognizes performance accomplishments; and takes action as necessary to meet performance goals, adopt a policy to establish a district- and campus-level planning and decision-making process as required under Section 11.251, publish an annual educational performance report as required under Section 39.053, adopt an annual budget for the district as required under Section 44.004, adopt a tax rate each fiscal year as required under Section 26.05, Tax Code, monitor district finances to ensure that the superintendent is properly

maintaining the district's financial procedures and records, ensure that district fiscal accounts are audited annually as required under Section 44.008, publish an end-of-year financial report for distribution to the community, conduct elections as required by law, by rule, adopt a process through which district personnel, students or the parents or guardians of students, and members of the public may obtain a hearing before the district administrators and the board regarding a complaint, make decisions relating to terminating the employment of district employees employed under a contract, including terminating or declining to renew an employment contract, and carry out other powers and duties as provided by this code or other law.

The bill provides that the board may issue bonds and levy, pledge, assess, and collect an annual ad valorem tax to pay the principal and interest on the bonds as authorized under Sections 45.001 and 45.003, levy, assess, and collect an annual ad valorem tax for maintenance and operation of the district as authorized under Sections 45.002 and 45.003, employ a person to assess or collect the district's taxes as authorized under Section 45.231, and enter into contracts as authorized under this code or other law and delegate contractual authority to the superintendent as appropriate.

The bill adds provisions relating to collaboration between the board and the superintendent. The bill provides that, in relation to the superintendent of the school district, the board has the powers and duties specified by Sections 11.1511(b) and (c), and that the superintendent shall, on a day-to-day basis, ensure the implementation of the policy created by the board. The bill further provides that the board of trustees and the superintendent shall work together to advocate for the high achievement of all district students, create and support connections with community organizations to provide community-wide support for the high achievement of all district students, provide educational leadership for the district, including leadership in developing the district vision statement and long-range educational plan, establish district-wide policies and annual goals that are tied directly to the district's vision statement and long-range educational plan, support the professional development of principals, teachers, and other staff; and periodically evaluate board and superintendent leadership, governance, and teamwork.

The bill adds certain provisions to the Education Code relating to employment policy. The bill provides that the board shall adopt a policy providing for the employment and duties of district personnel, and that the policy must provide that the board employs and evaluates the superintendent, and that the board has final decision-making authority regarding terminating the employment of the superintendent and other district personnel, including terminating or declining to renew an employment contract under Chapter 21, except to the extent that the board has delegated the final authority for those decisions to the superintendent with respect to district personnel who are not employed under a contract.

The bill provides that the board of trustees may accept or reject the superintendent's recommendation regarding the selection of district personnel and shall include the board's acceptance or rejection in the minutes of the board's meeting, as required under Section 551.021, Government Code, in the certified agenda or tape recording required under Section 551.103, Government Code, or in the recording required under Section 551.125 or 551.127, Government Code, as applicable.

The bill provides that if, under the employment policy, the board delegates to the superintendent the final authority to select district personnel, the superintendent is a public official for purposes of Chapter 573, Government Code, only with respect to a decision made under that delegation of authority, and each member of the board of trustees remains subject to Chapter 573, Government Code, with respect to all district employees.

The bill provides that a trustee must complete any training required by the State Board of Education, and that the minutes of the last regular meeting of the board of trustees held during a calendar year must reflect whether each trustee has met or is delinquent in meeting the training required to be completed as of the date of the meeting.

The bill adds certain duties to the duties of the superintendent, which include assuming administrative responsibility and leadership for the organization of the education programs, services, and facilities of the district, except as provided by Section 11.202, assuming administrative authority and responsibility for the employment, assignment, supervision, and

evaluation of all personnel of the district other than the superintendent, ensuring compliance with the standards for school facilities established by the commissioner under Section 46.008, assuming responsibility for the termination or suspension of an employee or the nonrenewal of an employee's term contract, managing the day-to-day operations of the district as its administrative manager, including implementing and monitoring plans, procedures, programs, and systems to achieve clearly defined and desired results in major areas of district operations, preparing and submitting to the board of trustees a proposed budget as provided by Section 44.002 and rules adopted under that section, and administering the budget, providing leadership for the attainment and, if necessary, improvement of student performance in the district based on the indicators adopted under Section 39.051 and other indicators adopted by the State Board of Education or the district's board of trustees, consulting with the district-level committee as required under Section 11.252(f), ensuring adoption of a student code of conduct as required under Section 37.001 and enforcement of that code of conduct; and adoption and enforcement of other student disciplinary rules and procedures as necessary, submitting reports as required by state or federal law, rule, or regulation, and providing leadership to ensure that the responsibilities of the board and superintendent team are carried out.

The bill adds a provision to the Education Code relating to nepotism prohibition, which provides that for purposes of all employees of each regional education service center, the executive director and each member of the board of directors are public officials subject to Chapter 573, Government Code.

EFFECTIVE DATE

September 1, 2007.