

BILL ANALYSIS

Senate Research Center

S.B. 135
By: Wentworth
Education
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Public school employees remain citizens and constituents of the elected officials who represent them, including school board members. Numerous incidents of public school employees being actively discouraged, if not prohibited from, directly speaking with their elected school board members regarding matters relating to the operation of the public schools have been reported. Whether framed as a need for employees to follow the "chain of command" or a more direct instruction, these employees are being effectively denied the constitutional right to address issues with their elected representatives. Further, as policymakers, school board members are losing the value of the perspective of those who actually implement the policies they make. Better decisions come from informed leadership.

Although the First Amendment to the United States Constitution protects the right of employees to address matters of public concern with their elected officials, asserting this right may require federal litigation and its attendant legal fees. Taxpayer dollars can be better spent by avoiding the need to assert these rights in a legal forum and specifying that public school employees may directly communicate with elected trustees regarding matters relating to the operation of the district so that there is no confusion.

S.B. 135 prohibits a school district employment policy from restricting communication between a school district employee and a member of the board of trustees regarding matters related to the operation of the district. The bill sets forth certain types of communication that may be prohibited.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 11.163, Education Code, by adding Subsection (f), to prohibit a school district's employment policy from restricting the ability of school district employees to communicate directly with a board of trustees member regarding the operation of the district. Sets forth the type of communication that the policy is authorized to prohibit.

SECTION 2. Effective date: upon passage or September 1, 2007.