

By: Hancock

H.B. No. 2563

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the powers and duties of the boards of trustees and
3 superintendents of independent school districts and of regional
4 education service centers.

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

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

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

11 (1) oversee the management of the district; and

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

16 (a-1) Unless authorized by the board, a member of the board
17 may not, individually, act on behalf of the board. The board of
18 trustees may act only by majority vote of the members present at a
19 meeting held in compliance with Chapter 551, Government Code, at
20 which a quorum of the board is present and voting. The board shall
21 provide the superintendent an opportunity to present at a meeting
22 an oral or written recommendation to the board on any item that is
23 voted on by the board at the meeting.

24 SECTION 2. Subchapter C, Chapter 11, Education Code, is

1 amended by adding Section 11.0621 to read as follows:

2 Sec. 11.0621. MEETINGS. The minutes, certified agenda, or
3 recording, as applicable, of a regular or special meeting of the
4 board of trustees must reflect each member's attendance at or
5 absence from the meeting. The minutes or tape recording of an open
6 meeting must be accessible to the public in accordance with Section
7 551.022, Government Code.

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

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

14 (b) The board shall:

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

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

21 (3) establish performance goals for the district
22 concerning:

23 (A) the academic and fiscal performance
24 indicators under Subchapters C and I, Chapter 39, respectively; and

25 (B) any performance indicators adopted by the
26 district;

27 (4) ensure that the superintendent:

1 (A) is accountable for achieving performance
2 results;

3 (B) recognizes performance accomplishments; and

4 (C) takes action as necessary to meet performance
5 goals;

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

9 (6) publish an annual educational performance report
10 as required under Section 39.053;

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

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

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

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

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

22 (12) conduct elections as required by law;

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

27 (14) make decisions relating to terminating the

1 employment of district employees employed under a contract,
2 including terminating or not renewing an employment contract; and

3 (15) carry out other powers and duties as provided by
4 this code or other law.

5 (c) The board may:

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

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

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

14 (4) enter into contracts as authorized under this code
15 or other law and delegate contractual authority to the
16 superintendent as appropriate.

17 Sec. 11.1512. COLLABORATION BETWEEN BOARD AND
18 SUPERINTENDENT. (a) In relation to the superintendent of the
19 school district, the board of trustees of the district has the
20 powers and duties specified by Sections 11.1511(b) and (c). The
21 superintendent shall, on a day-to-day basis, ensure the
22 implementation of the policies created by the board.

23 (b) The board of trustees and the superintendent shall work
24 together to:

25 (1) advocate for the high achievement of all district
26 students;

27 (2) create and support connections with community

1 organizations to provide community-wide support for the high
2 achievement of all district students;

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

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

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

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

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

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

19 (1) the board employs and evaluates the
20 superintendent;

21 (2) the superintendent has sole authority to make
22 recommendations to the board regarding the selection of and the
23 termination or nonrenewal of the contract of all personnel other
24 than the superintendent, except that the board may delegate final
25 authority for those decisions to the superintendent; [~~and~~]

26 (3) the board has final decision-making authority
27 regarding terminating the employment of the superintendent and

1 other district personnel, including terminating or not renewing an
2 employment contract under Chapter 21, except to the extent that the
3 board has delegated the final authority for those decisions to the
4 superintendent with respect to district personnel; and

5 (4) [~~2~~] each principal must approve each teacher or
6 staff appointment to the principal's campus as provided by Section
7 11.202.

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

18 (c) The employment policy may:

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

20 (2) delegate to the superintendent the authority to
21 determine the terms of employment with the district; or

22 (3) include a provision for providing each current
23 district employee with an opportunity to participate in a process
24 for transferring to another school in or position with the
25 district.

26 (d) The employment policy must provide that not later than
27 the 10th school day before the date on which a district fills a

1 vacant position for which a certificate or license is required as
2 provided by Section 21.003, other than a position that affects the
3 safety and security of students as determined by the board of
4 trustees, the district must provide to each current district
5 employee:

6 (1) notice of the position by posting the position on:

7 (A) a bulletin board at:

8 (i) a place convenient to the public in the
9 district's central administrative office; and

10 (ii) the central administrative office of
11 each campus in the district during any time the office is open; and

12 (B) the district's Internet website, if the
13 district has a website; and

14 (2) a reasonable opportunity to apply for the
15 position.

16 (e) If, during the school year, the district must fill a
17 vacant position held by a teacher, as defined by Section 21.201, in
18 less than 10 school days, the district:

19 (1) must provide notice of the position in the manner
20 described by Subsection (d)(1) as soon as possible after the
21 vacancy occurs;

22 (2) is not required to provide the notice for 10 school
23 days before filling the position; and

24 (3) is not required to comply with Subsection (d)(2).

25 (f) If, under the employment policy, the board of trustees
26 delegates to the superintendent the final authority to select
27 district personnel:

1 (1) the superintendent is a public official for
2 purposes of Chapter 573, Government Code, only with respect to a
3 decision made under that delegation of authority; and

4 (2) each member of the board of trustees remains
5 subject to Chapter 573, Government Code, with respect to all
6 district employees.

7 (g) Subsection (f) does not apply to a school district that
8 is located:

9 (1) wholly in a county with a population of less than
10 10,000; or

11 (2) in more than one county, if the county in which the
12 largest portion of the district territory is located has a
13 population of less than 10,000.

14 (h) If before the effective date of this section, a
15 noncontract employee of the district was entitled to pursue a
16 grievance to the board relating to the termination of the employee,
17 this section may not be construed to interfere with or infringe on
18 the right of the employee to pursue such a grievance on or after the
19 effective date of this section.

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

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

27 SECTION 6. Section 11.201(d), Education Code, is amended to

1 read as follows:

2 (d) The duties of the superintendent include:

3 (1) assuming administrative responsibility and
4 leadership for the planning, organization, operation, supervision,
5 and evaluation of the education programs, services, and facilities
6 of the district and for the annual performance appraisal of the
7 district's staff;

8 (2) except as provided by Section 11.202, assuming
9 administrative authority and responsibility for the employment,
10 assignment, supervision, and evaluation of all personnel of the
11 district other than the superintendent;

12 (3) overseeing compliance with the standards for
13 school facilities established by the commissioner under Section
14 46.008 [~~making recommendations regarding the selection of~~
15 ~~personnel of the district other than the superintendent, as~~
16 ~~provided by Section 11.163~~];

17 (4) pursuing [~~initiating~~] the termination or
18 suspension of an employee or the nonrenewal of an employee's term
19 contract, if appropriate, consistent with Section 11.1513;

20 (5) managing the day-to-day operations of the district
21 as its administrative manager, including implementing and
22 monitoring plans, procedures, programs, and systems to achieve
23 clearly defined and desired results in major areas of district
24 operations;

25 (6) preparing and submitting to the board of trustees
26 a proposed budget as provided by Section 44.002 and rules adopted
27 under that section, and administering the budget;

1 (7) preparing recommendations for policies to be
2 adopted by the board of trustees and overseeing the implementation
3 of adopted policies;

4 (8) developing or causing to be developed appropriate
5 administrative regulations to implement policies established by
6 the board of trustees;

7 (9) providing leadership for the attainment and, if
8 necessary, improvement of student performance in the district based
9 on the indicators adopted under Section 39.051 and other indicators
10 adopted by the State Board of Education or the district's board of
11 trustees;

12 (10) organizing the district's central
13 administration; ~~and~~

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

16 (12) ensuring:

17 (A) adoption of a student code of conduct as
18 required under Section 37.001 and enforcement of that code of
19 conduct; and

20 (B) adoption and enforcement of other student
21 disciplinary rules and procedures as necessary;

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

24 (14) providing joint leadership with the board of
25 trustees to ensure that the responsibilities of the board and
26 superintendent team are carried out; and

27 (15) performing any other duties assigned by action of

1 the board of trustees.

2 SECTION 7. Subchapter A, Chapter 8, Education Code, is
3 amended by adding Section 8.011 to read as follows:

4 Sec. 8.011. NEPOTISM PROHIBITION. For purposes of all
5 employees of each regional education service center, the executive
6 director and each member of the board of directors are public
7 officials subject to Chapter 573, Government Code.

8 SECTION 8. This Act takes effect September 1, 2007.