

AN ACT

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

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

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

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

(1) oversee the management of the district; and

(2) 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.

(a-1) Unless authorized by the board, a member of the board may not, individually, act on behalf of the board. The board of trustees 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 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.

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 from 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 to which  
2 Chapter 21 applies, including terminating or not renewing an  
3 employment contract to which that chapter applies; and

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

6 (c) The board may:

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

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

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

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

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

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

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

1           (2) create and support connections with community  
2 organizations to provide community-wide support for the high  
3 achievement of all district students;

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

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

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

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

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

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

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

22           (2) the superintendent has sole authority to make  
23 recommendations to the board regarding the selection of all  
24 personnel other than the superintendent, except that the board may  
25 delegate final authority for those decisions to the superintendent;  
26 and

27           (3) [~~(2)~~] each principal must approve each teacher or

1 staff appointment to the principal's campus as provided by Section  
2 11.202.

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

13 (c) The employment policy may:

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

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

17 (3) include a provision for providing each current  
18 district employee with an opportunity to participate in a process  
19 for transferring to another school in or position with the  
20 district.

21 (d) The employment policy must provide that not later than  
22 the 10th school day before the date on which a district fills a  
23 vacant position for which a certificate or license is required as  
24 provided by Section 21.003, other than a position that affects the  
25 safety and security of students as determined by the board of  
26 trustees, the district must provide to each current district  
27 employee:

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

2 (A) a bulletin board at:

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

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

7 (B) the district's Internet website, if the  
8 district has a website; and

9 (2) a reasonable opportunity to apply for the  
10 position.

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

14 (1) must provide notice of the position in the manner  
15 described by Subsection (d)(1) as soon as possible after the  
16 vacancy occurs;

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

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

20 (f) If, under the employment policy, the board of trustees  
21 delegates to the superintendent the final authority to select  
22 district personnel:

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

26 (2) each member of the board of trustees remains  
27 subject to Chapter 573, Government Code, with respect to all

1 district employees.

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

4 (1) wholly in a county with a population of less than  
5 35,000; or

6 (2) in more than one county, if the county in which the  
7 largest portion of the district territory is located has a  
8 population of less than 35,000.

9 (h) For purposes of Subsection (f), a person hired by a  
10 school district before September 1, 2007, is considered to have  
11 been in continuous employment as provided by Section 573.062(a),  
12 Government Code, and is not prohibited from continuing employment  
13 with the district subject to the restrictions of Section  
14 573.062(b), Government Code.

15 (i) The employment policy must provide each school district  
16 employee with the right to present grievances to the district board  
17 of trustees.

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

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

25 SECTION 6. Section 11.201(d), Education Code, is amended to  
26 read as follows:

27 (d) The duties of the superintendent include:



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

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

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

15           (4) initiating the termination or suspension of an  
16 employee or the nonrenewal of an employee's term contract;

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

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

25           (7) preparing recommendations for policies to be  
26 adopted by the board of trustees and overseeing the implementation  
27 of adopted policies;

1           (8) developing or causing to be developed appropriate  
2 administrative regulations to implement policies established by  
3 the board of trustees;

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

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

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

13           (12) ensuring:

14                   (A) adoption of a student code of conduct as  
15 required under Section 37.001 and enforcement of that code of  
16 conduct; and

17                   (B) adoption and enforcement of other student  
18 disciplinary rules and procedures as necessary;

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

21           (14) providing joint leadership with the board of  
22 trustees to ensure that the responsibilities of the board and  
23 superintendent team are carried out; and

24           (15) performing any other duties assigned by action of  
25 the board of trustees.

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

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

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

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2563 was passed by the House on May 10, 2007, by the following vote: Yeas 137, Nays 4, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2563 on May 25, 2007, by the following vote: Yeas 132, Nays 0, 2 present, not voting; and that the House adopted H.C.R. No. 284 authorizing certain corrections in H.B. No. 2563 on May 28, 2007, by a non-record vote.

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Chief Clerk of the House

I certify that H.B. No. 2563 was passed by the Senate, with amendments, on May 22, 2007, by the following vote: Yeas 31, Nays 0; and that the Senate adopted H.C.R. No. 284 authorizing certain corrections in H.B. No. 2563 on May 28, 2007, by a viva-voce vote.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor