

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 declining to renew an employment contract;  
3 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 policy 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) the board has final decision-making authority

1 regarding terminating the employment of the superintendent and  
2 other district personnel, including terminating or declining to  
3 renew an employment contract under Chapter 21, except to the extent  
4 that the board has delegated the final authority for those  
5 decisions to the superintendent with respect to district personnel  
6 who are not employed under a contract; and

7           (4) [~~2~~] each principal must approve each teacher or  
8 staff appointment to the principal's campus as provided by Section  
9 11.202.

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

20           (c) The employment policy may:

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

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

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

1 (d) The employment policy must provide that not later than  
2 the 10th school day before the date on which a district fills a  
3 vacant position for which a certificate or license is required as  
4 provided by Section 21.003, other than a position that affects the  
5 safety and security of students as determined by the board of  
6 trustees, the district must provide to each current district  
7 employee:

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

9 (A) a bulletin board at:

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

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

14 (B) the district's Internet website, if the  
15 district has a website; and

16 (2) a reasonable opportunity to apply for the  
17 position.

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

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

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

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

27 (f) If, under the employment policy, the board of trustees

1 delegates to the superintendent the final authority to select  
2 district personnel:

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

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

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

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

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

18 (d) The duties of the superintendent include:

19 (1) assuming administrative responsibility and  
20 leadership for the planning, organization, operation, supervision,  
21 and evaluation of the education programs, services, and facilities  
22 of the district and for the annual performance appraisal of the  
23 district's staff;

24 (2) except as provided by Section 11.202, assuming  
25 administrative authority and responsibility for the employment,  
26 assignment, supervision, and evaluation of all personnel of the  
27 district other than the superintendent;



1           (3) ensuring compliance with the standards for school  
2 facilities established by the commissioner under Section 46.008  
3 ~~[making recommendations regarding the selection of personnel of the~~  
4 ~~district other than the superintendent, as provided by Section~~  
5 ~~11.163]~~;

6           (4) assuming responsibility for ~~[initiating]~~ the  
7 termination or suspension of an employee or the nonrenewal of an  
8 employee's term contract;

9           (5) managing the day-to-day operations of the district  
10 as its administrative manager, including implementing and  
11 monitoring plans, procedures, programs, and systems to achieve  
12 clearly defined and desired results in major areas of district  
13 operations;

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

17           (7) preparing recommendations for policies to be  
18 adopted by the board of trustees and overseeing the implementation  
19 of adopted policies;

20           (8) developing or causing to be developed appropriate  
21 administrative regulations to implement policies established by  
22 the board of trustees;

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

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

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

5           (12) ensuring:

6                 (A) adoption of a student code of conduct as  
7 required under Section 37.001 and enforcement of that code of  
8 conduct; and

9                 (B) adoption and enforcement of other student  
10 disciplinary rules and procedures as necessary;

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

13           (14) providing leadership to ensure that the  
14 responsibilities of the board and superintendent team are carried  
15 out; and

16           (15) performing any other duties assigned by action of  
17 the board of trustees.

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

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

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