

By: Villarreal

H.B. No. 3505

A BILL TO BE ENTITLED

AN ACT

relating to school district governance.

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

SECTION 1. Section 11.051(a), Education Code, is amended to read as follows:

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

(1) provide policy leadership and 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.

SECTION 2. Section 11.151(d), Education Code, is amended to read as follows:

(d) The trustees shall ~~may~~ adopt rules and bylaws necessary to carry out the powers and duties provided by Subsection (b). Policies regarding district governance must be adopted by the trustees.

SECTION 3. Section 11.1511, Education Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) The board may:

(1) issue bonds and levy, pledge, assess, and collect

1 an annual ad valorem tax to pay the principal and interest on the  
2 bonds as authorized under Sections 45.001 and 45.003;

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

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

8 (4) enter into contracts as authorized under this code  
9 or other law and delegate contractual authority to the  
10 superintendent as provided by Subsection (d) [appropriate].

11 (d) The board shall adopt a policy governing permissible  
12 delegation of the board's contractual authority to the  
13 superintendent. The policy must:

14 (1) prohibit delegation to the superintendent of  
15 authority for a contract with a value that exceeds a specific amount  
16 provided by the board; and

17 (2) provide for at least a quarterly review by the  
18 board of contracts for which authority is delegated to the  
19 superintendent.

20 SECTION 4. Section 11.1512, Education Code, is amended by  
21 amending Subsection (a) and adding Subsection (a-1) to read as  
22 follows:

23 (a) In relation to the superintendent of the school  
24 district, the board of trustees of the district has the powers and  
25 duties specified by Sections 11.1511(b) and (c). The  
26 superintendent shall, on a day-to-day basis, ensure the  
27 implementation of the policies created by the board. The

1 superintendent may not implement a policy change without approval  
2 by the board.

3 (a-1) The superintendent has the exclusive responsibility  
4 of resolving constituent disputes and problems with the district.  
5 A trustee shall refer a constituent with a dispute or problem with  
6 the district to the superintendent for resolution.

7 SECTION 5. Sections 11.1513(a), (b), and (f), Education  
8 Code, are amended to read as follows:

9 (a) The board of trustees of each independent school  
10 district shall adopt a policy providing for the employment and  
11 duties of district personnel. The employment policy must provide  
12 that:

13 (1) the board employs and evaluates the  
14 superintendent;

15 (2) the superintendent has final authority regarding  
16 the selection of all personnel other than the superintendent,  
17 unless the board reserves final authority regarding that selection,  
18 in which case the superintendent has sole authority to make  
19 recommendations to the board regarding the selection of all  
20 personnel other than the superintendent [~~except that the board may~~  
21 ~~delegate final authority for those decisions to the~~  
22 ~~superintendent~~]; and

23 (3) each principal must approve each teacher or staff  
24 appointment to the principal's campus as provided by Section  
25 11.202.

26 (b) In a school district in which the board reserves final  
27 authority regarding the selection of all personnel other than the

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

11 (f) If, under the employment policy, [~~the board of trustees~~  
12 ~~delegates to~~] the superintendent has [~~the~~] final authority to  
13 select district personnel:

14 (1) the superintendent is a public official for  
15 purposes of Chapter 573, Government Code, only with respect to a  
16 decision made under that [~~delegation of~~] authority; and

17 (2) each member of the board of trustees remains  
18 subject to Chapter 573, Government Code, with respect to all  
19 district employees.

20 SECTION 6. Section 11.159, Education Code, is amended by  
21 amending Subsection (b) and adding Subsection (c) to read as  
22 follows:

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

1        (c) The State Board of Education shall ensure that the  
2 training required to be completed by a trustee under Subsection (b)  
3 includes at least six hours in team-building training each year and  
4 includes discussion of the distinction between governance and  
5 management and the evaluation of board and superintendent  
6 leadership, governance, and teamwork.

7        SECTION 7. This Act takes effect September 1, 2011.