

BILL ANALYSIS

S.B. 168
By: Uresti
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

A public school superintendent in Texas is required to hold the appropriate certification. Interested parties note that a school board that hires a superintendent candidate who does not hold a superintendent certificate must request a waiver of the certification requirement from the commissioner of education. Often these waivers come with additional requirements, such as a requirement that the superintendent candidate complete the certification process within one year. The parties explain that current law does not specify the time frame in which a district must apply for and receive a waiver and that the commissioner's authority to rule on this issue is unclear. S.B. 168 seeks to provide clarity on this issue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 168 amends the Education Code to authorize the commissioner of education to waive the requirement for certification of a superintendent if requested by a school district in the manner provided by statutory provisions governing a waiver of or exemption from state education law or rules. The bill prohibits a person who is not certified as a superintendent from being employed by a school district as the superintendent before the person has received a waiver of certification from the commissioner. The bill authorizes the commissioner to limit the waiver of certification in any manner the commissioner determines is appropriate. The bill authorizes the designation of a person to act as a temporary or interim superintendent for a school district but prohibits the district from employing the person under a contract as superintendent unless the person has been certified or a waiver has been granted. The bill requires a school district that on the bill's effective date employs a person as superintendent who does not hold a superintendent certificate to obtain from the commissioner a temporary waiver of the certification requirement not later than October 1, 2015.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.