

## **BILL ANALYSIS**

Senate Research Center  
85R82313 KKA-F

S.B. 1294  
By: Buckingham  
Education  
4/21/2017  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

While the law explicitly prohibits collective bargaining, many school districts have adopted consultation policies allowing school boards to meet and confer with educators about educational policy and employment conditions. These consulting agreements are related to the concept of collective bargaining but constructed in such a way that the input given is considered advisory rather than legally binding, and therefore does not qualify as a collective bargaining agreement by law. The school districts are not required to act on the input received from the employees and final decisions on matters discussed through the consultation process are decided by school board members.

In recent years, the Texas Legislature has emphasized the importance of addressing education challenges on the local level. This goal can only be reached if all stakeholders have the ability to be engaged in providing input on key decisions. By eliminating exclusive consultation agreements in favor of a system based on inclusivity, the state can ensure that school boards are making well-informed decisions that take into account input from all stakeholders, including parents, faculty, and various educator groups.

S.B. 1294 seeks to address this issue by prohibiting school districts from adopting policies relating to exclusive consultation agreements with employee organizations and may not limit eligibility to members of a single professional organization.

As proposed, S.B. 1294 amends current law relating to election of professional staff representatives to certain school district planning and decision-making committees.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 11.251, Education Code, by amending Subsection (e) and adding Subsection (e-1), as follows:

(e) Requires an independent school district's board of trustees (board) to adopt a procedure, consistent with Subsection (e-1) and Section 21.407(a) (relating to the prohibition of a board or a school district employee from directly or indirectly requiring or coercing any teacher to join certain organizations), rather than Section 21.407(a), for the professional staff in the district to nominate and elect the professional staff representatives who shall meet as required with the board or the board designee.

(e-1) Requires the procedure for the election of professional staff representatives to a campus-level or district-level committee under Subsection (e) to provide for appropriate and inclusive representation of the district's professional staff and prohibits the procedure from limiting eligibility for election to members of a single professional association or organization.

SECTION 2. Provides that this Act applies beginning with the 2017-2018 school year.

SECTION 3. Effective date: upon passage or September 1, 2017.