

By: Davis of Harris, Bell of Kaufman,
Calanni

H.B. No. 769

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the termination of the contract of a superintendent of a
3 school district based on malfeasance.

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

5 SECTION 1. Section [11.201\(c\)](#), Education Code, is amended to
6 read as follows:

7 (c) For purposes of this subsection, "severance payment"
8 means any amount paid by the board of trustees of an independent
9 school district to or in behalf of a superintendent on early
10 termination of the superintendent's contract that exceeds the
11 amount earned by the superintendent under the contract as of the
12 date of termination, including any amount that exceeds the amount
13 of earned standard salary and benefits that is paid as a condition
14 of early termination of the contract. The board of trustees that
15 makes a severance payment to a superintendent shall report the
16 terms of the severance payment to the commissioner. The
17 commissioner shall reduce the district's Foundation School Program
18 funds by any amount that the amount of the severance payment to the
19 superintendent exceeds an amount equal to one year's salary and
20 benefits under the superintendent's terminated contract. The board
21 of trustees may not make any severance payment if the
22 superintendent's contract was terminated for cause under Section
23 [21.211](#) or not renewed for cause or if the superintendent resigned in
24 lieu of termination or nonrenewal for cause. The commissioner may

1 adopt rules as necessary to administer this subsection.

2 SECTION 2. This Act takes effect September 1, 2019.