

By: Davis of Harris

H.B. No. 769

A BILL TO BE ENTITLED

AN ACT

relating to the termination of the contract of a superintendent of a school district based on malfeasance.

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

SECTION 1. Subchapter E, Chapter 11, Education Code, is amended by adding Section 11.2011 to read as follows:

Sec. 11.2011. MALFEASANCE BY SUPERINTENDENT. (a) In this section:

(1) "Malfeasance" means intentional misconduct or the knowingly improper performance of any act, duty, or responsibility, including unethical or criminal conduct.

(2) "Severance payment" has the meaning assigned by Section 11.201.

(b) If a superintendent is terminated by the board of trustees of the school district based on malfeasance, resigns from the position of superintendent to avoid being terminated based on malfeasance, or is terminated or resigns in lieu of termination while under investigation for malfeasance, the board of trustees must receive approval from the commissioner for any severance payment to the superintendent. The board of trustees must include in a request for approval of a severance payment:

(1) the school district fund from which the severance payment would be paid, provided that Foundation School Program funds received from the state may not be used; and

1 (2) the manner in which the funds would be used if the
2 district did not make the severance payment.

3 (c) The commissioner may not approve a severance payment to
4 a superintendent under Subsection (b) if less than 51 percent of the
5 superintendent's contract is completed.

6 (d) The commissioner may adopt rules as necessary to
7 administer this section.

8 (e) If a severance payment was made before September 1,
9 2019, to a superintendent who was terminated or resigned based on
10 malfeasance or the investigation of malfeasance, the district
11 shall:

12 (1) report the severance payment to the commissioner
13 not later than January 1, 2020; and

14 (2) provide details regarding the manner in which the
15 funds would have been used by the school district if the severance
16 payment had not occurred.

17 (f) Subsection (e) and this subsection expire September 1,
18 2020.

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