

By: Bettencourt

S.B. No. 280

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to powers and duties of the board of trustees of an  
3 independent school district.

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

5 SECTION 1. Section 11.055, Education Code, is amended by  
6 adding Subsection (c) to read as follows:

7 (c) The board of trustees by a two-thirds vote may adopt a  
8 resolution that requires candidates for the board of trustees to  
9 provide a petition with a specified number of signatures for a place  
10 on the ballot. The number of signatures required may not exceed the  
11 number of signatures required for a candidate for a countywide  
12 office under Section 142.007, Election Code, in the county in which  
13 the district's central administrative office is located. A board  
14 that adopts a requirement under this subsection may by a two-thirds  
15 vote eliminate the requirement.

16 SECTION 2. Subchapter C, Chapter 11, Education Code, is  
17 amended by adding Sections 11.0582 and 11.0583 to read as follows:

18 Sec. 11.0582. RESIGNATION FOR CANDIDACY OF ANOTHER OFFICE.

19 (a) The board of trustees of an independent school district may by  
20 a two-thirds vote adopt a resolution requiring a member of the board  
21 of trustees to resign from the board before running for another  
22 elected office. The board of trustees shall adopt procedures for  
23 implementing this section.

24 (b) A board of trustees that adopts a requirement under this

1 section may by a two-thirds vote eliminate the requirement.

2 Sec. 11.0583. MAYORAL OR COUNTY BOARD MEMBER APPOINTEES.

3 (a) The board of trustees of an independent school district by a  
4 two-thirds vote may, subject to voter approval under Subsection  
5 (c), adopt a resolution that provides for two additional members to  
6 be appointed to the board by the following officials, as specified  
7 in the resolution:

8 (1) the mayor of the municipality where the district's  
9 central administrative office is located;

10 (2) the county judge of the county where the district's  
11 central administrative office is located; or

12 (3) the mayor and the county judge of the municipality  
13 and county described by Subdivisions (1) and (2).

14 (b) The resolution must specify the manner in which the  
15 additional members will be appointed and the terms to be served by  
16 those members.

17 (c) If the board of trustees approves a resolution as  
18 described by Subsection (a), the board shall order an election on  
19 the addition of appointed board members. A two-thirds majority of  
20 the persons voting in the election must approve the proposed  
21 addition for the addition to take effect. An election under this  
22 subsection must be held on the November uniform election date in an  
23 even-numbered year.

24 (d) A board of trustees may eliminate the additional  
25 appointed board member positions by using the same procedure as  
26 used for adding appointed board members under this section.

27 SECTION 3. Section [11.059](#), Education Code, is amended by

1 adding Subsections (e) and (f) to read as follows:

2 (e) The board of trustees by resolution may change the  
3 length of the terms of the trustees. The resolution must:

4 (1) provide for staggered terms of four years;

5 (2) specify the manner in which the transition from  
6 the length of the former term to the modified term is made; and

7 (3) determine the first regular election for trustees  
8 with which the transition to the modified term will begin.

9 (f) The board of trustees by a two-thirds vote may adopt a  
10 resolution imposing term limits for board members of at least eight  
11 years but less than 16 years. The board by a two-thirds vote may  
12 eliminate term limits previously imposed under this subsection.

13 SECTION 4. Subchapter C, Chapter 11, Education Code, is  
14 amended by adding Sections 11.0591, 11.0592, 11.0593, and 11.0594  
15 to read as follows:

16 Sec. 11.0591. REMOVAL OF MEMBER BY BOARD OF TRUSTEES. (a)  
17 The board of trustees of an independent school district by a  
18 majority vote may begin an investigation to determine if a board  
19 member has violated a legal provision or board policy.

20 (b) On completion of an investigation, the board of trustees  
21 by a two-thirds majority vote may recommend a board member be  
22 removed under the procedure provided by Section 87.018, Local  
23 Government Code.

24 (c) To conduct an investigation under this section, the  
25 board of trustees may contract with independent counsel.

26 (d) If a board member is removed under this section:

27 (1) the removed member is not eligible for election to

1 the board of trustees at the next regularly scheduled trustee  
2 election; and

3 (2) if time remains in the term of the removed member,  
4 the vacancy shall be filled at the next regularly scheduled trustee  
5 election.

6 Sec. 11.0592. RECALL BY VOTERS. If at least 15 percent of  
7 the registered voters in a single-member trustee district sign a  
8 petition to recall the board member elected from that district, the  
9 board member must, to retain a position on the board, seek  
10 reelection at the next regularly scheduled trustee election,  
11 regardless of the time remaining on the board member's term. The  
12 person elected at the election held under this section shall serve  
13 for the remainder of the board member's term.

14 Sec. 11.0593. TRUSTEE ELECTION AFTER LOW SCHOOL DISTRICT  
15 PERFORMANCE RATING. (a) If an independent school district  
16 receives an overall performance rating of D or F under Section  
17 39.054, all positions on the district's board of trustees shall be  
18 filled at the first regularly scheduled trustee election that:

19 (1) occurs after receipt of the performance rating;  
20 and

21 (2) permits compliance with applicable deadlines for a  
22 trustee election.

23 (b) After conducting a trustee election in accordance with  
24 this section, the elected trustees shall draw lots for staggered  
25 terms as provided by Section 11.059.

26 Sec. 11.0594. AWARD FOR DISTRICT PERFORMANCE. (a) If an  
27 independent school district receives a preliminary overall

1 performance rating of A under Section 39.054, the commissioner  
2 shall provide a performance grant of \$20,000 to the school  
3 district.

4 (b) The commissioner shall adopt rules to implement this  
5 section.

6 SECTION 5. Section 11.162(c), Education Code, is amended to  
7 read as follows:

8 (c) A parent or guardian of a student assigned to attend a  
9 school at which students are required to wear school uniforms may  
10 choose for the student to be exempted from the requirement or to  
11 transfer to a school at which students are not required to wear  
12 uniforms and at which space is available if the parent or guardian  
13 provides a written statement that, as determined by the board of  
14 trustees or the board's designee, states a bona fide religious or  
15 philosophical objection to the requirement.

16 SECTION 6. Section 28.0214, Education Code, is amended to  
17 read as follows:

18 Sec. 28.0214. FINALITY OF GRADE. (a) An examination or  
19 course grade issued by a classroom teacher is final and may not be  
20 changed unless the grade is arbitrary, erroneous, or not consistent  
21 with the school district grading policy applicable to the grade, as  
22 determined by the board of trustees, or the board's designee, of the  
23 school district in which the teacher is employed.

24 (b) A determination by a school district board of trustees,  
25 or the board's designee, under Subsection (a) is not subject to  
26 appeal. This subsection does not prohibit an appeal related to a  
27 student's eligibility to participate in extracurricular activities

1 under Section 33.081.

2 SECTION 7. Sections 28.023(a), (b), (c), (c-1), (d), and  
3 (h), Education Code, are amended to read as follows:

4 (a) Using guidelines established by the State Board of  
5 Education, a school district shall develop or select for review by  
6 the district board of trustees, or the board's designee,  
7 examinations for acceleration for each primary school grade level  
8 and for credit for secondary school academic subjects. The  
9 guidelines must provide for the examinations to thoroughly test  
10 comprehension of the information presented in the applicable grade  
11 level or subject. The board of trustees or the board's designee  
12 shall approve for each subject, to the extent available, at least  
13 four examinations that satisfy State Board of Education guidelines.  
14 The examinations approved by the board of trustees or the board's  
15 designee must include:

16 (1) advanced placement examinations developed by the  
17 College Board; and

18 (2) examinations administered through the  
19 College-Level Examination Program.

20 (b) A school district shall give a student in a primary  
21 grade level credit for a grade level and advance the student one  
22 grade level on the basis of an examination for acceleration  
23 approved by the board of trustees or the board's designee under  
24 Subsection (a) if:

25 (1) the student scores in the 80th percentile or above  
26 on each section of the examination;

27 (2) a district representative recommends that the

1 student be advanced; and

2 (3) the student's parent or guardian gives written  
3 approval of the advancement.

4 (c) A school district shall give a student in grade level  
5 six or above credit for a subject on the basis of an examination for  
6 credit in the subject approved by the board of trustees or the  
7 board's designee under Subsection (a) if the student scores in the  
8 80th percentile or above on the examination or if the student  
9 achieves a score as provided by Subsection (c-1). If a student is  
10 given credit in a subject on the basis of an examination, the  
11 district shall enter the examination score on the student's  
12 transcript and the student is not required to take an end-of-course  
13 assessment instrument adopted under Section 39.023(c) for that  
14 subject.

15 (c-1) A school district shall give a student in grade level  
16 six or above credit for a subject if the student scores:

17 (1) a three or higher on an advanced placement  
18 examination approved by the board of trustees or the board's  
19 designee under Subsection (a) and developed by the College Board;  
20 or

21 (2) a scaled score of 50 or higher on an examination  
22 approved by the board of trustees or the board's designee under  
23 Subsection (a) and administered through the College-Level  
24 Examination Program.

25 (d) Each district shall administer each examination  
26 approved by the board of trustees or the board's designee under  
27 Subsection (a) not fewer than four times each year, at times to be

1 determined by the State Board of Education.

2 (h) This subsection applies only to a school district  
3 surrounded by a school district described by Section  
4 11.065(a). Notwithstanding any other provision of this section, a  
5 school district's board of trustees, or the board's designee, may  
6 establish a minimum required score for each section of an  
7 examination for acceleration or an examination for credit approved  
8 by the board or the board's designee under Subsection (a) that is  
9 higher than the minimum required scores under Subsections (b) and  
10 (c), respectively. A minimum required score established by a board  
11 of trustees or the board's designee under this subsection:

12 (1) may be no greater than a score in the 90th  
13 percentile;

14 (2) must be established before the beginning of a  
15 school year for examinations to be administered in the school year;  
16 and

17 (3) must apply for at least the entire school year.

18 SECTION 8. Sections 29.089(c) and (d), Education Code, are  
19 amended to read as follows:

20 (c) The [~~board of trustees of the~~] district shall obtain the  
21 consent of a student's parent or guardian before allowing the  
22 student to participate in the program.

23 (d) The [~~board of trustees of the~~] district may arrange for  
24 any public or nonprofit community-based organization to come to the  
25 district's schools and implement the program.

26 SECTION 9. Section 29.183, Education Code, is amended to  
27 read as follows:



1           Sec. 29.183. CAREER AND TECHNOLOGY AND OTHER EDUCATIONAL  
2 PROGRAMS. (a) A [~~The board of trustees of a~~] school district may  
3 conduct and supervise career and technology classes and other  
4 educational programs for students and for other persons of all ages  
5 and spend local maintenance funds for the cost of those classes and  
6 programs.

7           (b) In developing a career and technology program, the  
8 district [~~board of trustees~~] shall consider the state plan for  
9 career and technology education required under Section 29.182.

10          SECTION 10. Section 54.363(f), Education Code, is amended  
11 to read as follows:

12          (f) The board of trustees, or the board's designee, of a  
13 school district shall establish a plan to encourage the hiring of  
14 educational aides who show a willingness to become certified  
15 teachers.

16          SECTION 11. This Act takes effect September 1, 2019.