

BILL ANALYSIS

C.S.H.B. 3862
By: VanDeaver
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Thousands of Texans volunteer their time and talents each year serving the public and Texas students as elected school board members. While the majority of these volunteers work passionately toward doing the right thing for the students, parents, teachers, and taxpayers, it has been reported that in a small number of cases, school board members who have demonstrated a lack of dedication to the best interests of students and the school district are reelected to their positions and may disrupt board and district operations, which can eventually adversely affect students in classrooms. C.S.H.B. 3862 seeks to address this issue by authorizing a board of trustees of a public school district to adopt a resolution of censure against a board member under specified circumstances and providing for the authority to remove the member.

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

C.S.H.B. 3862 amends the Education Code to authorize the board of trustees of a public school district to adopt by a three-fourths vote a resolution of censure against a board member based on a finding by the board that the member did the following:

- intentionally misused district funds;
- repeatedly refused to act in accordance with the laws, regulations, or policies applicable to the district;
- intentionally disclosed confidential information regarding a student;
- used the member's office in an attempt to influence a district employee for the benefit of a student related to the member;
- intentionally failed to complete any training required by the State Board of Education or the commissioner of education;
- failed to recuse the member's self from a vote on or deliberation of a matter in which the member has an identifiable conflict of interest; or
- repeatedly engaged or attempted to engage in a duty related to district personnel or students that the board has expressly delegated to the district's superintendent.

The bill requires the board, on adoption of a resolution of censure, to file a written petition for removal of the board member in the district court of the county in which the member resides in accordance with Local Government Code provisions relating to the removal of a county officer from office and authorizes the removal of the member from office under the trial procedure provided by those provisions.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3862 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include a specification that a board member may be removed from office as a result of the board passing a resolution of censure and that this authorization is in addition to the general grounds for removal of county officers from office provided by the Local Government Code. However, the substitute includes a requirement not in the original that the board, on adoption of that resolution, file a written petition for removal of the member in the applicable district court in accordance with specified Local Government Code provisions regarding removal of county officers from office. Additionally, whereas the original subjected that removal to Local Government Code provisions regarding removal of county officers from office, the substitute authorizes the removal under the trial procedure provided by those provisions.

The substitute includes a specification not in the original that a board member's failure to complete certain training that is grounds for removal is an intentional failure to complete any required training, rather than a failure to complete hourly training requirements, as in the original.