87R22147 MWC-F

By:  VanDeaver H.B. No. 3862

Substitute the following for H.B. No. 3862:

By:  Dutton C.S.H.B. No. 3862

A BILL TO BE ENTITLED

AN ACT

relating to a recommendation for the removal of a member of the board of trustees of a school district by other members of the board.

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

SECTION 1.  Subchapter C, Chapter 11, Education Code, is amended by adding Section 11.067 to read as follows:

Sec. 11.067.  RECOMMENDATION FOR REMOVAL OF MEMBER FROM BOARD OF TRUSTEES. (a) The board of trustees of a school district may adopt by a three-fourths vote a resolution of censure against a member of the board. A member may be censured based on a finding by the board that the member:

(1)  intentionally misused district funds;

(2)  repeatedly refused to act in accordance with the laws, regulations, or policies applicable to the district;

(3)  intentionally disclosed confidential information regarding a student;

(4)  used the member's office in an attempt to influence an employee of the district for the benefit of a student related to the member;

(5)  intentionally failed to complete any training required by the State Board of Education or the commissioner;

(6)  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

(7)  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.

(b)  On the adoption of a resolution of censure under Subsection (a), the board of trustees shall 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 Section 87.015, Local Government Code. The board member may be removed from office under the procedure provided by Section 87.018, Local Government Code.

SECTION 2.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.