

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

1 AN ACT

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

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

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

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

13 (1) intentionally misused district funds;

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

16 (3) intentionally disclosed confidential information  
17 regarding a student;

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

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

23 (6) failed to recuse the member's self from a vote on  
24 or deliberation of a matter in which the member has an identifiable

1 conflict of interest; or

2 (7) repeatedly engaged or attempted to engage in a  
3 duty related to district personnel or students that the board has  
4 expressly delegated to the district's superintendent.

5 (b) On the adoption of a resolution of censure under  
6 Subsection (a), the board of trustees shall file a written petition  
7 for removal of the board member in the district court of the county  
8 in which the member resides in accordance with Section 87.015,  
9 Local Government Code. The board member may be removed from office  
10 under the procedure provided by Section 87.018, Local Government  
11 Code.

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