

BILL ANALYSIS

Senate Research Center
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S.B. 777
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AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, much of Texas' public school governance law is not specific as to the state's expectations of the roles and responsibilities of school boards and superintendents. The lack of specificity of the school governance law does not provide school boards and superintendents with the support they need to prevent governance problems before they may occur. Subchapter C of the Education Code addresses the boards of trustees of independent school districts. It contains many provisions, but does not describe in one place the major duties and responsibilities of the board of trustees. Significant responsibilities required to be carried out by a board of trustees are scattered throughout various parts of state law.

As proposed, S.B. 777 creates Subchapter D, Section 11.1511, which details the major responsibilities of a school board of trustees in a way that parallels the major responsibilities of the superintendent laid out in Subchapter E, Section 11.201(d), Education Code. It clarifies the relationship between the board of trustees and superintendents in carrying out the governance and management functions of the school district.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 11.051, Education Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Requires an independent school district governed by a board of trustees (board) to ensure that the superintendent implements and monitors plans, procedures, programs, and systems to achieve appropriate clearly defined and desired results in the major areas of district operations.

(a-1) Prohibits an individual member from acting on behalf of the board, unless authorized by the board. Authorizes the board to act only by majority vote of the members present at the meeting, held in compliance with Chapter 551(Open Meetings), Government Code, at which a quorum is present and voting and the superintendent or the superintendent's designated replacement is present.

SECTION 2. Amends Subchapter C, Chapter 11, Education Code, by adding Section 11.0621, as follows:

Sec. 11.0621. MEETINGS. Requires the minutes, certified agenda, or recording of a regular or special meeting of the board to reflect each member's attendance at or absence from the meeting. Requires the minutes or tape recording of an open meeting to be accessible to the public in accordance with Section 551.022 (Minutes and Tape Recordings of Open Meetings: Public Record), Government Code.

SECTION 3. Amends Subchapter D, Chapter 11, Education Code, by adding Sections 11.1511 and 11.1512, as follows:

Sec. 11.1511. SPECIFIC POWERS AND DUTIES OF BOARD. Provides that in addition to powers and duties under Section 11.151 (In General) or other law, the board of an independent school district has the powers and duties provided by this section. Requires specific criteria to be followed by the board regarding goals, reports, and policies of the district and its superintendent. Authorizes the board to issue bonds and levy, pledge, assess and collect an ad valorem tax for bond payments or maintenance and operation of the district, employ a tax assessor or collector, and enter into contracts authorized under this code and delegate contractual authority to the superintendent.

Sec. 11.1512. COLLABORATION BETWEEN BOARD AND SUPERINTENDENT. Provides that the board has the powers and duties specified by Sections 11.151(b) and (c), in relation to the superintendent of the school district. Requires the superintendent, on a day-to-day basis, to ensure the implementation of the policy created by the board. Requires the board and the superintendent to work together to achieve specific goals for the district.

SECTION 4. Amends Section 11.163, Education Code, by redesignating it as Section 11.1513, Education Code, and amending it as follows:

Sec. 11.1513. EMPLOYMENT POLICY. Requires the employment policy [of an independent school district] to provide that the board employs, evaluates, and, if appropriate, terminates the employment of the superintendent. Requires the board to include the acceptance or rejection of recommended district personnel in the minutes of the meeting, in the certified agenda, tape recording, or other recording, as applicable.

SECTION 5. Amends Section 11.159(b), Education Code, to require the minutes of the last regular meeting of the board held during a calendar year to reflect whether each trustee has met or is delinquent in meeting the training required to be completed as of the date of the meeting.

SECTION 6. Amends Section 11.201(d), Education Code, to include additional specific duties of the superintendent of a school district regarding employment, building compliance, daily operations, budget administration, consulting with the district-level committee as required under Section 11.252(f), the improvement of student performance, the adoption of codes of conduct and disciplinary rules, submitting reports, and leadership to ensure fulfillment of designated responsibilities.

SECTION 7. Effective date: September 1, 2005.