

BILL ANALYSIS

Senate Research Center
83R617 EAH-D

S.B. 122
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Education
3/22/2013
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Each independent school district (ISD) is overseen by a board of trustees comprised of five to seven elected members. The board of trustees oversees the management of the ISD and ensures that the superintendent implements appropriate policies to achieve desired educational results.

Current law allows district judges to remove several types of local elected officials from office, including a district attorney, county attorney, county judge, county commissioner, district clerk, sheriff, and county treasurer in the event the judge finds the official guilty of incompetence or misconduct.

Although “school board trustee” is not explicitly included in Section 87.012 (Officers Subject to Removal), Local Government Code, several courts have determined that ISD board of trustee members are considered “county officers” under Chapter 87 (Removal of County Officers from Office; Filling of Vacancies) of the Local Government Code.

S.B. 122 codifies these courts' decisions by adding ISD board of trustee members to the list of officials who can be removed from office by a district judge.

As proposed, S.B. 122 amends current law relating to the removal from office of a member of the board of trustees of an independent 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 87.012, Local Government Code, as follows:

Sec. 87.012. OFFICERS SUBJECT TO REMOVAL. Authorizes a district judge to, under this subchapter (Removal by Petition and Trial), remove from office certain officers, including a member of the board of trustees of an independent school district.

SECTION 2. Effective date: upon passage or September 1, 2013.