

- SUBJECT:** Specifying duties of school boards and superintendents
- COMMITTEE:** Public Education — favorable, without amendment
- VOTE:** 5 ayes — Eissler, Dutton, Mowery, Olivo, Patrick
0 nays
1 present not voting — Hochberg
3 absent — Zedler, Branch, Delisi
- WITNESSES:** For — David Duty, Texas Association of School Boards; Mike Moses, Texas Business and Education Coalition (*Registered, but did not testify*); Ramiro Canales, Texas Association of School Administrators; Ken Zornes, Texas Business and Education Coalition)

Against — Dwight Harris, Texas Federation of Teachers
- BACKGROUND:** Education Code, ch. 11, subch. D, governs the activities of school district board of trustees. Sec. 11.151 states that the trustees as a corporate body have the exclusive power and duty to govern and oversee the management of the public schools of the district. All powers and duties not specifically delegated by statute to Texas Education Agency (TEA) or the State Board of Education are reserved for the trustees, and TEA cannot substitute its judgment for the lawful exercise of those power and duties by the trustees.
- DIGEST:** HB 2563 would amend sections of Education Code, Ch. 11, to establish specific powers and duties of school district board of trustees.

The bill would specify that a board must ensure that the superintendent implements and monitors plans, procedures, and systems to achieve appropriate, clearly defined, and desired results in the major areas of district operations. Unless authorized by the board, an individual member could not act on its behalf. The board could act only by majority vote of the members present at which a quorum of the board was present and voting. The superintendent would have the opportunity to present oral or written recommendations on any item voted on by the board.

The bill would establish specific powers and duties of the board. The board would be required to:

- establish working relationships with other public entities to make effective use of community resources and to serve the needs of public school students in the community;
- adopt a vision statement and comprehensive goals for the district and monitor these goals;
- establish performance goals for the district;
- adopt an annual budget and tax rate for the district;
- monitor district finances to ensure that the superintendent is properly maintaining the district's financial procedures and records;
- ensure that the district's financial reports are audited annually;
- publish an end-of-year financial report for distribution to the community; and
- make decisions regarding termination of employees.

The board could:

- issue bonds and levy, pledge, assess, and collect an annual ad valorem tax to pay the principal and interest on the bonds;
- levy, assess, and collect an annual ad valorem tax for school district maintenance and operations;
- employ a person to assess or collect the district's taxes;
- enter into contracts as authorized by law and delegate contractual authority to the superintendent as appropriate.

The board and superintendent would have to work together to:

- advocate for the high achievement of all district students;
- create and support connections with community organizations;
- provide educational leadership for the district;
- establish district-wide policies and annual goals that are tied directly to the district's vision statement and long-range educational plan;
- support the professional development of principals, teachers and other staff; and
- periodically evaluate board and superintendent leadership, governance, and teamwork.

Responsibilities of the superintendent would include:

- assuming responsibility for the employment and supervision of all district personnel;
- ensuring compliance with standards for school facilities;
- assuming responsibility for the termination or suspension of an employee or the nonrenewal of an employee's term contract;
- administering the budget;
- ensuring adoption of a student code of conduct and enforcement of disciplinary rules;
- submitting reports as required by state or federal law, rule, or regulation; and
- providing leadership to ensure that the responsibilities of the board and superintendent are carried out.

The bill would make other revisions to Education Code, ch. 11, to clarify the role of board members and the superintendent.

The bill would take effect September 1, 2007.

**SUPPORTERS
SAY:**

HB 2563 would spell out the specific duties of school boards and superintendents in the operation of school districts. This would help prevent micromanagement by school board members of the day-to-day operations of a school district.

School board members are elected to oversee school district policy and hire or fire the superintendent. School board members should not be involved in daily operations, which are the responsibility of the superintendent.

**OPPONENTS
SAY:**

HB 2563 should give at-will employees the opportunity to contest a termination before the school board.

NOTES:

The companion bill, SB 1277 by Van de Putte, has been referred to the Senate Education Committee.