

## **BILL ANALYSIS**

Senate Research Center  
80R21430 ESH-F

C.S.H.B. 2563  
By: Hancock (Van de Putte)  
Education  
5/18/2007  
Committee Report (Substituted)

### **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 superintendents and the boards of trustees of independent school districts (board). The lack of specificity of the school governance law does not provide boards and superintendents with the support they need to prevent governance problems before they may occur. In particular, the major duties and responsibilities of the board are not described in one place in Texas statute. Significant responsibilities required to be carried out by a board are scattered throughout state law.

Additionally, a recent article in the *Fort Worth Star-Telegram* highlighted complaints against board members, filed with the Texas Education Agency by members of the Keller Independent School District. Trustees in various school districts have complained of routine violations by board members relating to operating procedures, micromanagement of the district's daily operations, and the threatening of district employees.

C.S.H.B. 2563 clarifies the precise roles of and relationship between boards and superintendents. This bill provides the major responsibilities of a board in a way that parallels the major responsibilities of a superintendent.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the board of trustees of an independent school district in SECTION 3 (Section 11.1511, Education Code) of this bill.

Rulemaking authority is expressly granted to the superintendent of an independent school district in SECTION 6 (Section 11.201, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

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

(a) Provides that an independent school district (district) is governed by a board of trustees (board) who, as a body corporate, are required 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 a member of the board, individually, 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 a meeting held in compliance with Chapter 551 (Open Meetings), Government Code, at which a quorum of the board is present and voting. Requires the board to provide the superintendent an opportunity to present at a meeting an oral or written recommendation to the board on any item that is voted on by the board at the meeting.

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, as applicable, 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 Meeting: 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. (a) Provides that the board of a district has the powers and duties provided by Subsection (b) in addition to powers and duties under Section 11.151 (In General) or other law.

(b) Requires the board to perform certain tasks to establish certain goals, publish specific reports, monitor certain finances for the district, conduct elections, create certain processes, and carry out other powers and duties as provided by this code or other law.

(c) Authorizes the board to perform certain tasks to manage financial obligations, employ certain individuals, and enter into specific contracts as authorized under this code or other law.

Sec. 11.1512. COLLABORATION BETWEEN BOARD AND SUPERINTENDENT.

(a) Provides that the board of the district has the powers and duties specified by Sections 11.1511(b) and (c) in relation to the superintendent of the school district. Requires the superintendent to, on a day-to-day basis, ensure the implementation of the policies created by the board.

(b) Requires the board and the superintendent to work together to perform certain tasks related to the successful development of the district.

SECTION 4. Redesignates Section 11.163, Education Code, as Section 11.1513, Education Code, and amends it as follows:

Sec. 11.1513. EMPLOYMENT POLICY. Redesignated from Section 11.163. (a) Requires the board of each district to adopt a policy providing for the employment and duties of district personnel. Requires the employment policy to provide that, among other things, the board employs and evaluates the superintendent.

(b) Requires the board of trustees to include the board's acceptance or rejection in the minutes of the board's meeting, as required under Section 551.021 (Minutes or Tape Recording of Open Meeting Required), Government Code, in the certified agenda or tape recording required under Section 551.103 (Certified Agenda or Tape Recording Required), Government Code, or in the recording required under Section 551.125 (Other Governmental Body) or 551.127 (Videoconference Call), Government Code, as applicable.

(c) - (e) Makes no changes to these subsections.

(f) Provides that the superintendent is a public official for purposes of Chapter 573 (Degrees of Relationship; Nepotism Prohibitions), Government Code, and each member of the board remains subject to Chapter 573, Government Code, if, under the employment policy, the board delegates to the superintendent the final authority to select district personnel.

(g) Provides that Subsection (f) does not apply to a school district that is located wholly in a county with a population of less than 10,000 or in more than one county, if the county in which the largest portion of the district territory is located has a population of less than 10,000.

(h) Provides that, for the purposes of Subsection (f), a person hired by a school district before September 1, 2007, is considered to have been in continuous employment as provided by Section 573.062(a), Government Code, and is not

prohibited from continuing employment with the district subject to the restrictions of Section 573.062 (b), Government Code.

(i) Prohibits this section from being construed to interfere with or infringe on the right of the employee to pursue a grievance on or after the effective date of this section if before September 1, 2007, a noncontract employee of the district was entitled to pursue a grievance to the board relating to the termination of the employee.

(j) Requires the employment policy to provide each school district employee with the right to present grievances to the district board of trustees.

SECTION 5. Amends Section 11.159(b), Education Code, as follows:

(b) Requires the minutes of the last regular meeting of the board of trustees 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 set forth certain duties of the superintendent.

SECTION 7. Amends Subchapter A, Chapter 8, Education Code, by adding Section 8.011, as follows:

Sec. 8.011. NEPOTISM PROHIBITION. Provides that each member of the board of directors governing each regional education service center (board of directors) and the executive director employed by the board of directors are public officials subject to Chapter 573, Government Code, for purposes of all employees of each regional education service center.

SECTION 8. Effective date: September 1, 2007.