

SUBJECT: Permitting extension of time limits for school district boards of managers

COMMITTEE: Public Education — favorable, without amendment

VOTE: 8 ayes — Aycock, Allen, Bohac, Deshotel, Galindo, Huberty, K. King,
VanDeaver

1 nay — González

2 absent — Dutton, Farney

WITNESSES: For — (*Registered, but did not testify*: Julie Linn, Texans for Education Reform)

Against — Jim Nelson, Texas Association of School Boards; Ted Melina Raab, Texas American Federation of Teachers

On — Von Byer, Texas Education Agency; Steve Swanson; (*Registered, but did not testify*: Ronald Rowell, Texas Education Agency)

BACKGROUND: Under Education Code, sec. 39.102, school districts that do not satisfy certain accreditation criteria, academic performance standards, or financial accountability standards are subject to escalating actions by the commissioner of education, including the appointment of a conservator to oversee the district's operations or the appointment of a board of managers to exercise the powers and duties of a school board.

Under sec. 39.112, if a board of managers is appointed for a school district, the powers of the existing school board are suspended during the appointment, and the board of managers may submit to the commissioner for approval a budget for the district. Boards of managers may only be in place for a maximum of two years and no later than two years after their appointment must hold an election of members to the school board.

DIGEST: HB 3106 would allow the commissioner of education to extend by an additional two years the authority over a school district of a board of

managers if the commissioner determined that insufficient progress had been made toward improving the district.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

**SUPPORTERS
SAY:**

HB 3106 would give a board of managers more time, when warranted, to help turn around a struggling school district more effectively. Some school districts suffer from a diverse array of complicated problems that cannot be solved in only two years. While many school districts put under temporary control of a board of managers may not need additional time to address problems, the bill would give the education commissioner greater flexibility to effectively deploy a board of managers over a longer period.

Appointing a board of managers is rare and used only in exceptional cases, but the commissioner should be able to grant the board time to do what is necessary when the situation demands it. The bill would not require that individual managers have their terms extended, nor would it change the board's duties, composition, or the process by which it was implemented.

**OPPONENTS
SAY:**

HB 3016 is not necessary because the education commissioner already has sufficient tools to oversee troubled school districts. The commissioner is able to continue school district oversight after two years by having a conservator in place even after the election of a school board. There is no need to extend the appointment of boards of managers, which are made up of unelected individuals who may not live in the districts they serve but still make critical decisions about those districts that can have long-ranging implications. The state should maintain the appropriate limit on their influence that currently exists in statute.

**OTHER
OPPONENTS
SAY:**

HB 3016 should allow an extension for only one year, which would give a total of three years to the board of managers, and should require the commissioner to seek the input of a board of managers and others before extending the two-year time limit.