

BILL ANALYSIS

Senate Research Center

S.B. 1566
By: Kolkhorst
Education
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

School boards are critical to the educational success of students across Texas. In a time where more and more governmental powers are being centralized in Austin and Washington, D.C., school boards epitomize local participatory government. Members of the community are elected to make decisions that reflect the values and needs of the community. Strong school boards can elevate a struggling district and inattentive school boards can lead a successful school to mediocrity. Unfortunately, many school boards have not been able to take advantage of recent technological advances and new governance strategies to improve oversight over their school district.

S.B. 1566 gives school boards more flexibility in how they manage their district. The bill allows a board to meet directly with the district's chief business official or curriculum director and sets a specific timeline for when a district must provide requested information to their school board. The bill also allows use of an online dashboard of their choice, gives board members the responsibility of maximizing student academic achievement, and provides the Texas Education Agency a new tool to help struggling schools. (Original Author's / Sponsor's Statement of Intent)

S.B. 1566 amends current law relating to certain powers and duties of the board of trustees of an independent school district and the governing body of an open-enrollment charter school and to abolishing certain county boards of education, boards of county school trustees, and offices of county school superintendent.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 4 (Section 11.1516, Education Code), SECTION 14 (Section 38.031, Education Code), and SECTION 18 of this bill.

Rulemaking authority is expressly granted to the board of trustees of an independent school district in SECTION 11 (Section 33.9031, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 11.151, Education Code, by adding Subsection (f), to provide that for purposes of this section, a county board of education, as defined by a board of county school trustees, and offices of county school superintendent in a county with a population of 2.2 million or more and that is adjacent to a county with a population of more than 800,000 are included within the definition of a school district and subject to the oversight of the Texas Education Agency.

SECTION 2. Amends Section 11.1511, Education Code, by adding Subsection (d), as follows:

(d) Authorizes the board of trustees of an independent school district (board) to require a school district's chief business official or curriculum director or a person holding an equivalent position to appear at an executive session of the board or to testify at a public hearing held by the board. Prohibits a superintendent from interfering with an appearance or testimony required by the board under this subsection.

SECTION 3. Amends Section 11.1512, Education Code, by amending Subsection (c) and adding Subsections (c-1), (c-2), (c-3), and (g), as follows:

(c) Deletes existing text providing that this subsection does not require the district to provide information, documents, and records that are not subject to disclosure under the Family Educational Rights and Privacy Act (FERPA) of 1974 (20 U.S.C. Section 1232g).

(c-1) Requires a district, except as otherwise provided by this subsection, to provide a member of the board of trustees with information, documents, and records requested under Subsection (c) not later than the 20th business day after the date the district receives the request. Authorizes the district to take a reasonable additional period of time, not to exceed the 30th business day after the date the district receives the request, to respond to a request if compliance by the 20th business day would be unduly burdensome given the amount, age, or location of the requested information. Requires the district to inform the trustee of the reason for the delay in providing the requested information and the date by which the information will be provided.

(c-2) Authorizes a member of the board, if a district does not provide requested information to the member in the time required under Subsection (c-1), to bring suit against the district for appropriate injunctive relief. Entitles a member who prevails in a suit under this subsection to recover court costs and reasonable attorney fees. Requires the district to pay the costs and fees from the budget of the superintendent's office.

(c-3) Requires a board member to maintain the confidentiality of information, documents, and records received under Subsection (c) as required by FERPA and any other applicable privacy laws.

(g) Requires a district to create a policy on visits to a district campus or other facility by a member of the board.

SECTION 4. Amends Subchapter D, Chapter 11, Education Code, by adding Sections 11.1515 and 11.1516, as follows:

Sec. 11.1515. OVERSIGHT OF ACADEMIC ACHIEVEMENT. Requires the board or the governing body of an open-enrollment charter school to provide oversight regarding student academic achievement and strategic leadership for maximizing student performance.

Sec. 11.1516. DISTRICT DATA ON ACADEMIC ACHIEVEMENT. (a) Requires the Texas Education Agency (TEA), on request by the board, to create an Internet website that members of the board may use to review campus and district academic achievement data. Requires that the website also be made available to campuses in a similar manner that access is provided to the board.

(b) Requires that the Internet website:

(1) include district information, disaggregated by campus, grade, sex, race, academic quarter or semester, as applicable, and school year, regarding student academic achievement and growth, teacher and student attendance, and student discipline records; and

(2) be updated at least once each quarter of the school year.

(c) Requires the commissioner of education (commissioner) to provide information that permits a board member to compare the district's academic performance with the academic performance of other districts of similar size and racial and economic demographics.

(d) Requires a district to provide requested information to the commissioner for the creation of an Internet website under this section.

(e) Provides that confidential information received by the commissioner under this section from a district remains confidential. Requires the commissioner to design the Internet website to ensure that public information is made available to the public and information submitted by districts noted as confidential is not made available to the public.

(f) Requires that a request for public information under this section be submitted to the district that provides TEA with the information. Prohibits TEA from releasing information submitted by a district that is noted as confidential information.

(g) Authorizes TEA to contract with a private entity as necessary to implement this section.

(h) Authorizes the commissioner to adopt rules for the implementation of this section.

SECTION 5. Amends Section 11.159, Education Code, by amending Subsection (b) and adding Subsections (c) and (d), as follows:

(b) Requires that the minutes of the last regular meeting of the board of trustees held before an election of trustees reflect whether each trustee has met or is deficient in meeting the training required for the trustee as of the first anniversary of the date of the trustee's election or appointment. Requires the district, if the minutes reflect that a trustee is deficient, to post the minutes on the district's Internet website within 10 business days of the meeting and maintain the posting until the trustee meets the requirements. Deletes existing text requiring that the minutes of the last regular meeting held during a calendar year reflect whether any trustees are delinquent in meeting training required to be completed as of the date of the meeting.

(c) Requires the State Board of Education (SBOE) to require a trustee to complete at least three hours of training every two years on evaluating student academic performance. Requires that the training be research-based and designed to support the oversight role of the board of trustees under Section 11.1515. Authorizes a candidate for trustee to complete the training up to one year before the date the candidate is elected. Requires a new trustee to complete the training within 120 days after the date of the trustee's election or appointment. Requires a returning trustee to complete the training by the second anniversary of the completion of the trustee's previous training.

(d) Authorizes a trustee or candidate for trustee to complete training required under Subsection (c) at a regional education service center or through another authorized provider. Requires a provider to certify the completion of the training by a trustee or candidate.

SECTION 6. Amends Subchapter D, Chapter 11, Education Code, by adding Section 11.182, as follows:

Sec. 11.182. BOARD IMPROVEMENT AND EVALUATION TOOL. (a) Requires the commissioner to develop a board improvement and evaluation tool. Requires that the evaluation tool be research-based and designed to assist a school district in improving board oversight and academic achievement.

(b) Authorizes a board to determine whether to use the evaluation tool, except as required by Section 39.102(a).

SECTION 7. Amends Chapter 12A, Education Code, by adding Section 12A.0071, as follows:

Sec. 12A.0071. POSTING OF LOCAL INNOVATION PLAN. (a) Requires a school district designated as a district of innovation to ensure that a copy of the district's current local innovation plan is available to the public by posting and maintaining the plan in a prominent location on the district's Internet website.

(b) Requires the district, not later than the 15th day after the date on which the board adopts a proposed local innovation plan, adopts a proposed amendment of a local innovation plan, or renews a local innovation plan, to provide a copy of the current local innovation plan to TEA. Requires TEA to promptly post the current local innovation plan on TEA's Internet website.

SECTION 8. Amends Subchapter C, Chapter 25, Education Code, by adding Section 25.0822, as follows:

Sec. 25.0822. PATRIOTIC SOCIETY ACCESS TO STUDENTS. (a) Defines "patriotic society."

(b) Requires the board, at the beginning of each school year, to adopt a policy to allow the principal of a public school campus to provide representatives of a patriotic society with the opportunity to speak to students during regular school hours about membership in the society and the ways in which membership may promote a student's educational interest and level of civic improvement, leading to the student's increased potential for self-improvement and ability to contribute to improving the student's school and community.

(c) Requires that the board policy give a principal complete discretion over the specific date and time of the opportunity required to be provided under this section, except that the policy is required to allow the principal to limit:

(1) the opportunity provided to a patriotic society to a single school day; and

(2) any presentation made to students as a result of the opportunity to 10 minutes in length.

SECTION 9. Amends Section 26.011, Education Code, as follows:

Sec. 26.011. COMPLAINTS. (a) Creates this subsection from existing text and makes no further changes to this subsection.

(b) Provides that the board is not required by Subsection (a) (relating to requiring the board to adopt a grievance procedure) or Section 11.1511(b)(13) (relating to requiring the board to, by rule, adopt a complaint process for certain persons) to address a complaint that the board receives concerning a student's participation in an extracurricular activity that does not involve a violation of a right guaranteed by this chapter (Parental Rights and Responsibilities). Provides that this subsection does not affect a claim brought by a parent under the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. Section 1400 et seq.) or a successor federal statute addressing special education services for a child with a disability.

SECTION 10. Amends Section 29.918, Education Code, by adding Subsections (d), (e), and (f), as follows:

(d) Requires a school district, or open-enrollment charter school to which this section applies to, in its plan submitted under Subsection (a) (relating to submitting a dropout prevention strategies plan):

(1) design a dropout recovery plan that includes career and technology education courses or technology applications courses that lead to industry or career certification;

(2) integrate into the dropout recovery plan research-based strategies to assist students in becoming able academically to pursue postsecondary education, including certain strategies; and

(3) plan to offer advanced academic and transition opportunities, including dual credit courses and college preparatory courses, such as advanced placement courses.

(e) Authorizes a school district to which this section applies to enter into a partnership with a public junior college in accordance with Section 29.402 (Partnership) in order to fulfill a plan submitted under Subsection (a).

(f) Requires that any program designed to fulfill a plan submitted under Subsection (a) comply with certain requirements.

SECTION 11. Amends Subchapter Z, Chapter 33, Education Code, by adding Section 33.9031, as follows:

Sec. 33.9031. BEFORE-SCHOOL AND AFTER-SCHOOL PROGRAMS. (a) Authorizes the board to establish before-school or after-school programs for students enrolled in elementary or middle school grades. Authorizes a program established under this section to operate before, after, or before and after school hours.

(b) Provides that a student is eligible to participate in a school district's before-school or after-school program if the student is enrolled in a public or private school or resides within the boundaries of the school district.

(c) Requires a school district to conduct a request for proposals procurement process to enable the district to determine if contracting with a child-care facility that provides a before-school or after-school program, as defined by Section 42.002 (Definitions), Human Resources Code, to provide the district's before-school or after-school program would serve the district's best interests. Authorizes the district, following the request for proposals procurement process, to enter into a contract with a child-care facility or implement a before-school or after-school program operated by the district. Requires that the contract, if the district enters into a contract with a child-care facility, comply with the requirements of Section 44.031 (Purchasing Contracts) and prohibits the contract from exceeding a term of three years.

(d) Authorizes the board to adopt rules in accordance with Section 11.165 (Access to School Campuses) to provide access to school campuses before or after school hours for the purpose of providing a before-school or after-school program.

SECTION 12. Amends Section 33.908, Education Code, as follows:

Sec. 33.908. GRACE PERIOD POLICY FOR EXHAUSTED OR INSUFFICIENT MEAL CARD OR ACCOUNT BALANCE. Requires a board that allows students to use a prepaid meal card or account to purchase meals served at schools in the district to adopt a grace period regarding the use of the cards or accounts. Changes a reference to the district to the board. Makes nonsubstantive changes.

SECTION 13. Amends Subchapter C, Chapter 37, Education Code, by adding Section 37.0815, as follows:

Sec. 37.0815. TRANSPORTATION OF STORAGE OF FIREARM AND AMMUNITION BY LICENSE HOLDER IN SCHOOL PARKING AREA. (a) Prohibits a school district or open-enrollment charter school from prohibiting a person, including a school employee, who holds a license to carry a handgun under Subchapter H (License to Carry a Handgun), Chapter 411 (Department of Public Safety of the State of Texas),

Government Code, from transporting or storing a handgun or other firearm or ammunition in a locked, privately owned or leased motor vehicle in a parking lot, parking garage, or other parking area provided by the district or charter school, provided that the handgun, firearm, or ammunition is not in plain view.

(b) Provides that this section does not authorize a person to possess, transport, or store a handgun, a firearm, or ammunition in violation of Section 37.125 (Exhibition of Firearms) of this code, Section 46.03 (Places Weapons Prohibited) or 46.035 (Unlawful Carrying of Handgun by License Holder), Penal Code, or other law.

SECTION 14. Amends Subchapter A, Chapter 38, Education Code, by adding Section 38.031, as follows:

Sec. 38.031. NOTICE OF LICE. (a) Requires the board to adopt a policy requiring a school nurse of a public elementary school who determines or otherwise becomes aware that a child enrolled in the school has lice to provide written or electronic notice of that fact to:

(1) the parent of the child with lice as soon as practicable but not later than 48 hours after the administrator or nurse, as applicable, determines or becomes aware of that fact; and

(2) the parent of each child assigned to the same classroom as the child with lice not later than the fifth school day after the date on which the administrator or nurse, as applicable, determines or becomes aware of that fact.

(b) Provides that the notice provided under Subsection (a):

(1) is required to include the recommendations of the Centers for Disease Control and Prevention for the treatment and prevention of lice; and

(2) if the notice is provided under Subsection (a)(2), is prohibited from identifying the child with lice.

(c) Requires the commissioner to adopt rules as necessary to implement this section in a manner that complies with federal law regarding confidentiality of student medical or educational information, including the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.) and FERPA, and any state law relating to the privacy of student information.

SECTION 15. Amends Section 39.102(a), Education Code, as follows:

(a) Includes ordering the use of the board improvement and evaluation tool as provided by Section 11.182 in the list of certain actions the commissioner, if a school district does not satisfy certain accreditation criteria, academic performance standards, or financial accountability standards as determined by commissioner rule, or as part of a certain special accreditation investigation, is required to take if the commissioner deems the action necessary. Makes nonsubstantive changes.

SECTION 16. Amends Section 39.107(b-1), Education Code, to include a detailed description for developing and supporting the oversight of academic achievement and student performance by the board under Section 11.1515 among certain required elements of a campus turnaround plan.

SECTION 17. Requires a person serving on the board on the effective date of this Act to complete the training required by Section 11.159(c), Education Code, as added by this Act, not later than September 1, 2018.

SECTION 18. (a) Provides that each county board of education, board of county school trustees, and office of county school superintendent in a county with a population of 2.2 million or more and that is adjacent to a county with a population of more than 800,000 is abolished effective November 15, 2017, unless the continuation of the county board of education, board of county school trustees, and office of county school superintendent is approved by a majority of voters at an election held on the November 2017 uniform election date in the county in which the county board of education, board of county school trustees, and office of county school superintendent are located. Provides that Subsections (b) through (q) of this section do not take effect in a county if the continuation of the county board of education, board of county school trustees, and office of county school superintendent is approved at the election held in the county under this subsection.

(a-1) Requires that the ballot, in an election held in county under Subsection (a) of this section, be printed to permit for or against the proposition. Sets forth the required language of the proposition.

(b) Requires a dissolution committee, not later than November 15, 2017, to be formed for each county board of education or board of county school trustees to be abolished as provided by Subsection (a) of this section. Provides that the dissolution committee is responsible for all financial decisions for each county board of education or board of county school trustees abolished by this Act, including asset distribution and payment of all debt obligations.

(c) Requires a dissolution committee required by this Act to be appointed by the Texas comptroller of public accounts and include certain individuals.

(d) Provides that a dissolution committee created under this Act is subject to the open meetings requirements under Chapter 551 (Open Meetings), Government Code, and public information requirements under Chapter 552 (Public Information), Government Code.

(e) Prohibits members of a dissolution committee from receiving compensation but provides that they are entitled to reimbursement for actual and necessary expenses incurred in performing the functions of the dissolution committee.

(f) Requires the dissolution committee, subject to the other requirements of this Act, to determine the manner in which all assets, liabilities, contracts, and services of the county board of education or board of county school trustees abolished by this Act are divided, transferred, or discontinued. Requires the dissolution committee to create a sinking fund to deposit all money received in the abolishment of each county board of education or board of county school trustees for the payment of all debts of the county board of education or board of county school trustees.

(g) Requires the dissolution committee to continue providing transportation services to participating component school districts for the 2017-2018 school year. Requires the dissolution committee to maintain current operations and personnel needed to provide the transportation services.

(h) Requires that all school buses, vehicles, and bus service centers, at the end of the 2017-2018 school year, be transferred to participating component school districts in proportionate shares equal to the amount of buses currently assigned to each district. Requires the dissolution committee to audit and confirm assignment of buses by vehicle identification numbers or some other agreed upon means assigned to applicable districts. Provides that final distribution and assignment of these assets will be not later than September 1, 2018, at no cost to the districts.

(i) Authorizes the dissolution committee to employ for the 2017-2018 school year one person to assist in the abolishment of the county board of education or board of county school trustees.

(j) Provides that, on November 15, 2017, the participating component school district with the largest number of students in average daily attendance has the right of first refusal to buy, at fair market value, the administrative building of the county board of education or board of county school trustees of county school trustees.

(k) Requires that an ad valorem tax assessed by a country board of education or board of county school trustees continue to be assessed by the county on behalf of the board for the purpose of paying the principal of an interest on any bonds issued by the county board of education or board until all bonds are paid in full. Provides that this subsection applies only to a bond issued before the effective date of this Act for which the tax receipts were obligated. Provides that on payment of all bonds issued by the county board of education or board of county school trustees the ad valorem tax is prohibited from being assessed.

(l) Requires the county, in the manner provided by rule of the commissioner of education, to collect and use any delinquent taxes imposed by or on behalf of the county board of education or board of county school trustees.

(m) Requires the dissolution committee to distribute the assets remaining the discharge of the liabilities of the county board of education or board of county school trustees to the component school districts in the county in proportionate shares equal to the proportion that the amount of money a district has submitted to the county board of education or board of county school trustees has to the total amount of money submitted by all districts. Requires the dissolution committee to liquidate board assets as necessary to discharge board liabilities and facilitate the distribution of assets. Requires a person authorized by the dissolution committee to execute any documents necessary to complete the transfer of assets, liabilities, or contracts.

(n) Requires the dissolution to encourage the component school districts to:

(1) continue sharing services received through the county board of education or board of county school trustees; and

(2) give preference to private sector contractors to continue services provided by the county board of education or board of county school trustees.

(o) Requires the chief financial officer and financial advisor for the county board of education or board of county school trustees to provide assistance to the dissolution committee in abolishing the county board of education or board of county school trustees.

(p) Requires TEA to provide assistance to a dissolution committee in the distribution of assets, liabilities, contracts, and services of a county board of education or board of county school trustees abolished by this Act.

(q) Provides that any dissolution committee created as provided by this Act is abolished on the date all debt obligations of the county board of education or board of county school trustees are paid in full and all assets distributed to component school districts.

SECTION 19. Repealer: Chapter 266 (S.B. 394), Acts of the 40th Legislature, Regular Session, 1927 (Article 2700a, Salary and Office Expenses of Superintendent, Vernon's Texas Civil Statutes).

SECTION 20. Provides that Section 25.0822, Education Code, as added by this Act, applies beginning with the 2017-2018 school year.

SECTION 21. Provides that Section 38.031, Education Code, as added by this Act, applies beginning with the 2017-2018 school year.

SECTION 22. Effective date: September 1, 2017.