

## **BILL ANALYSIS**

Senate Research Center  
86R8197 SRS-D

S.B. 1600  
By: Hall  
Education  
4/18/2019  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

At any time, the superintendent of a school district can have their contract with the district terminated; whether through retirement, dismissal, nonrenewal, or voluntary resignation.

Members of the public are often not aware of the reason or terms of a termination of a contract between the school district and superintendent, or the fact that superintendents are often compensated by the school district for the purpose of terminating their contract.

Notification of the termination of a superintendent contract rarely includes information such as cause for termination or compensation to the departing superintendent. S.B. 1600 would require, via the school district's website and the Education Agency's (TEA) website, notice to the public about a superintendent contract termination by a school district.

It would require these items to be posted online by the school district and TEA: (1) notice of the contract termination, (2) the reasons for termination of the contract, and (3) a copy of the agreement between the school district and the superintendent.

S.B. 1600 would prohibit confidentiality agreements moving forward in regard to resignation, termination, or nonrenewal agreements concerning superintendent contracts. It also includes rulemaking authority for TEA in regard to enactment of S.B. 1600.

School superintendents perform an integral role in the day-to-day operations of a school district. Citizens of Texas pay the salaries of local school district superintendents and the costs incurred by school districts. They have the right to know when, why, and the price tag when a contract between a superintendent and school district is terminated.

Confidentiality agreements prevent taxpayers from knowing whether there are legal concerns or personality differences resulting in payouts worth hundreds of thousands of dollars. S.B. 1600 would encourage transparency in school district contracting.

As proposed, S.B. 1600 amends current law relating to the resignation or termination or nonrenewal of the contract of a superintendent of a school district.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 11.2011, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter E, Chapter 11, Education Code, by adding Section 11.2011, as follows:

Sec. 11.2011. SUPERINTENDENT RESIGNATION OR TERMINATION OR NONRENEWAL OF CONTRACT. (a) Requires a school district, if the superintendent of a school district leaves the employment of the district by resignation or by the termination or nonrenewal of a contract, to:

(1) post on the school district's Internet website, if any:

(A) a notice of the resignation, termination, or nonrenewal that includes any grounds for the resignation, termination, or nonrenewal; and

(B) a copy of any agreement related to the resignation, termination, or nonrenewal entered into between the superintendent and the school district; and

(2) report the information required by Subdivision (1) to the Texas Education Agency (TEA).

(b) Requires TEA to post the information sent to the agency under Subsection (a)(2) on TEA's Internet website.

(c) Prohibits a contract or agreement between a school district and a superintendent from including:

(1) a confidentiality provision regarding the resignation, termination, or nonrenewal or a resignation, termination, or nonrenewal agreement or the grounds for resignation, termination, or nonrenewal; or

(2) a provision prohibiting the district or TEA from posting the information required by Subsection (a)(1) on the district's or agency's Internet website.

(d) Requires the commissioner of education to adopt rules to implement this section.

SECTION 2. (a) Makes application of this Act, except as provided by Subsection (b) of this section, this Act prospective.

(b) Provides that if a superintendent resigns or the superintendent's contract is terminated or not renewed on or after the effective date of this Act and the superintendent was, on the date of resignation, termination, or nonrenewal, subject to an employment contract that contains provisions that conflict with Section 11.2011, Education Code, as added by this Act, the provisions of the employment contract control to the extent of conflict during the term of that contract.

(c) Provides that Section 11.2011(c), Education Code, as added by this Act, applies only to an employment contract that is entered into or renewed on or after the effective date of this Act. Provides that an employment contract entered into or renewed before that date is governed by the law as it existed at the time the employment contract was entered into or renewed, and the former law is continued in effect for that purpose.

SECTION 3. Effective date: September 1, 2019.