

- SUBJECT:** Communication between public school employees and board members
- COMMITTEE:** Public Education —favorable, without amendment
- VOTE:** 7 ayes — Grusendorf, Oliveira, Branch, Delisi, Eissler, Hochberg, B. Keffer
- 0 nays
- 2 absent — Dutton, Mowery
- SENATE VOTE:** On final passage, May 3 — 31-0
- WITNESSES:** (*On House companion bill, HB 1325 by Eissler:*)
For — Lindsay Gustafson, Texas Classroom Teachers Association; Shanna Weisfeld, Texas State Teachers Association; Jo Hannah Whitsett, Association of Texas Professional Educators
- Against — None
- BACKGROUND:** Education Code, sec. 11.163, requires school boards to adopt policies providing for the employment and duties of district personnel. The employment policy must provide that the superintendent has sole responsibility for personnel decisions and that each principal must approve each teacher or staff appointment to the principal's campus. The board's employment policy may specify the terms of employment or delegate decisions to the superintendent. The school board may accept or reject the superintendent's recommendation on the selection of personnel.
- DIGEST:** SB 386 would amend Education Code, sec. 11.163, to specify that a school district's employment policy could not restrict the ability of an employee to communicate with a board member regarding a matter relating to the operation of the district. The policy could prohibit communication during the employee's regular working hours or the hours of a district campus. It also could prohibit ex parte communication relating to a hearing under statutes governing teachers, students and parents, or curriculum, programs and services, or relating to another appeal or hearing

in which ex parte communication would be inappropriate pending a final decision by the board.

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, 2005.

**SUPPORTERS
SAY:**

SB 386 would open a channel for teachers and other district personnel, who are in a position to know about daily school activities, to communicate with school board members about these activities. This would help school board members become better informed about the activities of the district and help them make better decisions about policies that affect employees. If district employees were not allowed to communicate with board members, information could be filtered through the superintendent and other staff members who are authorized to speak to the board. This could limit the information a board member had in making decisions.

**OPPONENTS
SAY:**

The bill would open the door to a potentially divisive practice of board members communicating independently with individual employees. Although there may be individual differences among them, school board members should speak in one voice and should support the actions of the superintendent, who is charged with the responsibility for day-to-day operations, including hiring and firing of staff. If staff members had the freedom to contact board members without going through appropriate channels, district policies and board actions could be undermined.

NOTES:

The House companion bill, HB 1325 by Eissler, was reported favorably, as substituted, by the House Public Education Committee on May 3.