

By: Dale

H.B. No. 182

A BILL TO BE ENTITLED

AN ACT

relating to censure of a member of a school district board of trustees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 11, Education Code, is amended by adding Section 11.180 to read as follows:

Sec. 11.180. CENSURE OF BOARD MEMBER. (a) The board of trustees of an independent school district may censure a member of the board only if:

(1) the member is convicted of a felony or misdemeanor, other than a misdemeanor punishable by fine only, or is determined by the board to have violated a policy adopted by the board; and

(2) the board acts in compliance with procedures that meet the requirements specified by this section.

(b) The procedures followed by the board must include the following components:

(1) proceedings are conducted in compliance with Chapter 551, Government Code;

(2) the board member subject to censure is:

(A) provided with written notice in accordance with Subsection (c) of the basis on which the board proposes to censure the member;

(B) given the opportunity for a public hearing on

1 the issues presented in the notice required by Paragraph (A) at
2 which the member and the board may present and cross-examine
3 witnesses;

4 (C) permitted to present and cross-examine
5 witnesses during a closed meeting, to the extent that deliberation
6 of an issue presented in the notice required by Paragraph (A) occurs
7 in a closed meeting authorized by Chapter 551, Government Code; and

8 (D) permitted to be represented by counsel,
9 provided that the member bears the cost of the representation,
10 subject to potential reimbursement of attorney's fees associated
11 with an appeal to district court, as provided by Subsection (e); and

12 (3) the decision to censure the member must be adopted
13 at a regular board meeting by an affirmative vote of two-thirds of
14 the members of the board in an open meeting.

15 (c) The board must provide the notice described by
16 Subsection (b)(2)(A) not later than the date of the regular board
17 meeting that immediately precedes the regular board meeting at
18 which the board may vote on whether to censure the member.

19 (d) A member of the board who is censured may appeal the
20 censure by trial de novo to the district court of the county in
21 which the school district's central administrative office is
22 located.

23 (e) If an appeal is brought under Subsection (d), the court
24 shall award court costs and reasonable attorney's fees to the
25 prevailing party.

26 SECTION 2. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2015.