

House Bill 3372

AN ACT

relating to prohibiting certain personal services performed by school district administrators; providing a civil penalty.

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

SECTION 1. Subchapter A, Chapter 11, Education Code, is amended by adding Section 11.006 to read as follows:

Sec. 11.006. PROHIBITED ACTIVITIES BY ADMINISTRATORS. (a)

In this section, "administrator" means a person who has significant administrative duties relating to the operation of a school district, including the operation of a campus, program, or other subdivision of the district. The term does not include:

(1) a school district employee whose employment contract responsibilities primarily include the in-classroom instruction of students; or

(2) a trustee of a school district.

(b) An administrator may not receive any financial benefit for the performance of personal services for:

(1) any business entity that conducts or solicits business with the school district that employs the administrator;

(2) except as provided by Subsection (c), an education business that provides services regarding the curriculum or administration of any school district; or

(3) except as provided by Subsection (c), another school district, open-enrollment charter school, or regional education service center.

(c) An administrator, other than a member of a board of

managers, superintendent, or assistant superintendent, may receive a financial benefit under Subsection (b)(2) or (3) if:

(1) a written contract describing the services to be performed by the administrator is provided to the board of trustees of the administrator's employing district; and

(2) the board of trustees for the administrator's employing district votes to approve the contract after determining that:

(A) the contract will not harm the district;

(B) the arrangement does not present a conflict of interest; and

(C) the services to be performed by the administrator will be performed entirely on the administrator's personal time.

(d) A contract provided to a board of trustees under Subsection (c) is subject to disclosure under Chapter 552, Government Code.

(e) An administrator who violates this section is liable to the state for a civil penalty in the amount of \$10,000 for each violation.

SECTION 2. Section 11.201(e), Education Code, is repealed.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this