

AN ACT

relating to school district employment policies.

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

SECTION 1. Section 11.163, Education Code, is amended by amending Subsection (c) and adding Subsections (d) and (e) to read as follows:

(c) The employment policy may:

(1) specify the terms of employment with the district;

~~or~~

(2) delegate to the superintendent the authority to determine the terms of employment with the district; or

(3) include a provision for providing each current district employee with an opportunity to participate in a process for transferring to another school in or position with the district.

(d) The employment policy must provide that not later than the 10th school day before the date on which a district fills a vacant position for which a certificate or license is required as provided by Section 21.003, other than a position that affects the safety and security of students as determined by the board of trustees, the district must provide to each current district employee:

(1) notice of the position by posting the position on:

(A) a bulletin board at:

1                   (i) a place convenient to the public in the  
2 district's central administrative office; and

3                   (ii) the central administrative office of  
4 each campus in the district during any time the office is open; and

5                   (B) the district's Internet website, if the  
6 district has a website; and

7                   (2) a reasonable opportunity to apply for the  
8 position.

9                   (e) If, during the school year, the district must fill a  
10 vacant position held by a teacher, as defined by Section 21.201, in  
11 less than 10 school days, the district:

12                   (1) must provide notice of the position in the manner  
13 described by Subsection (d)(1) as soon as possible after the  
14 vacancy occurs;

15                   (2) is not required to provide the notice for 10 school  
16 days before filling the position; and

17                   (3) is not required to comply with Subsection (d)(2).

18                   SECTION 2. This Act applies beginning with the 2005-2006  
19 school year.

20                   SECTION 3. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect September 1, 2005.

David Newkum  
President of the Senate

Tom Craddick  
Speaker of the House

I hereby certify that S.B. No. 387 passed the Senate on March 31, 2005, by the following vote: Yeas 30, Nays 0.

Lateef Spaw  
Secretary of the Senate

I hereby certify that S.B. No. 387 passed the House on May 25, 2005, by the following vote: Yeas 144, Nays 0, two present not voting.

Robert Haney  
Chief Clerk of the House

Approved:

17 JUNE '05  
Date

Rick Perry  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
11:20 AM O'CLOCK

JUN 17 2005  
Roger Williams  
Secretary of State