



## Texas Association of School Boards

Legal Services

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*Serving Texas Schools Since 1949*

# Powers and Duties of the School Board

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Most elected officials equate being elected with representing a voting constituency. In Texas, however, school board trustees are not like other public office holders, such as city council members, state legislators, or county commissioners. Once elected, a school board trustee serves on a body corporate, and the board's "constituency" is the district itself, not a group of voters. The trustees are called upon to serve the needs of the district and its school children, as a whole, not the wishes of a particular block of voters, even in a single-member district. To meet this end, the Texas Legislature has adopted a governance structure unique to the public education environment.

## I. Legal Foundations

### A. School Board Service

#### 1. Compensation and Continuing Education

In Texas, school board trustees serve without compensation. Tex. Educ. Code § 11.061(d). Trustees are required to attend continuing education annually. Tex. Educ. Code § 11.159; 19 Tex. Admin. Code § 61.1. This training includes local district orientation, introductions to open government laws, updates to the Texas Education Code, team building, training on student academic achievement, and more. For more information on board member training, see TASB Legal Services' [Texas School Board Member Continuing Education](#).

#### 2. Code of Ethics

Most school boards in the state have adopted TASB Policy BBF(LOCAL) as their code of ethics. TASB Policy BBF(LOCAL) lists behavioral standards with which school board trustees agree to comply. These standards include being fair, just, and impartial in all decisions and actions, according others respect, encouraging expressions of different opinions, ensuring prudent and accountable use of district resources, and fulfilling the board's responsibilities of goal setting, policymaking, and evaluation. The board's code of ethics is a system of agreed operating principles and not a legally enforceable code. Occasionally, school board trustees express frustration that the standards are not legally enforceable. In fact, a number of state laws address the powers and duties of public school boards. Together these legal and policy standards define the board's oversight obligations.

## B. Trusteeship

Texas law specifically states that independent school districts are governed by a board of *trustees*. Tex. Educ. Code § 11.051(a). The concept of *trusteeship* is one with legal implications. A trustee is any person who holds property, authority, or responsibility for the benefit of another, the *beneficiary*. *Black's Law Dictionary* (11th ed. 2019), trustee. In the case of a school board trustee, the *beneficiaries* are the students in Texas public schools. *River Rd. Neighborhood Ass'n v. S. Tex. Sports*, 720 S.W.2d 551 (Tex. App.—San Antonio 1986, writ dismissed). Texas trust law outlines the *fiduciary* duties of a trustee. See Tex. Prop. Code §§ 113.051-.058, 117.001-.012 (listing duties of a trustee and the Uniform Prudent Investor Act). A fiduciary is a person having a duty, created by his undertaking, to act primarily for another's benefit in matters connected with such undertaking. *Black's Law Dictionary* 289 (11th ed. 2019), fiduciary. School board trustees enjoy broad immunity for actions taken in their official capacity. Tex. Civ. Prac. & Rem. Code § 101.021. Trustees should be aware of their fiduciary role, however. The fiduciary duties of trustees include the duty of good faith, prudent investing, and compliance. Tex. Prop. Code §§ 113.051-.058, 117.001-.012.

### 1. The Duty of Good Faith

A trustee owes the beneficiary a duty of good faith. Tex. Prop. Code § 113.051. More specifically, this means that the trustee has an “unwavering duty of good faith, fair dealing, loyalty and fidelity over the affairs of the trust and its corpus.” *Ames v. Ames*, 757 S.W.2d 468, 476 (Tex. App.—Beaumont 1988), *aff'd as modified*, 776 S.W.2d 154 (Tex. 1989). The duty of good faith forbids trustees from placing themselves in situations that give rise to a conflict between self-interest and the duty to beneficiaries. *Grizzle v. Tex. Commerce Bank, N.A.*, 38 S.W.3d 265 (Tex. App.—Dallas 2001), *rev'd in part*, 96 S.W.3d 240 (Tex. 2002). For example, a trustee violates the duty of good faith by commingling trust funds with corporate or personal funds or lending trust funds to the trustee or an affiliate. *Ames v. Ames*, 757 S.W.2d 468 (Tex. App.—Beaumont 1988), *aff'd as modified*, 776 S.W.2d 154 (Tex. 1989). Similarly, the trustees on a school board must not place themselves in situations where their personal interests conflict with those of the district.

### 2. The Duty of Prudent Investing

A trustee also owes the beneficiary a duty of prudent investing by exercising “reasonable care, skill, and caution.” Tex. Prop. Code § 117.004(a). This includes making a reasonable effort to verify facts relevant to investment and management decisions. Tex. Prop. Code § 117.004(d). Board members establish salary schedules, hire professionals, purchase real property, and oversee district

investments. Investments must be made in accordance with written policies approved by the board. Tex. Gov't Code § 2256.005(b). These functions represent substantial expenditures and require prudent decision-making.

### **3. The Duty of Compliance**

Finally, a trustee owes the beneficiary a duty of compliance with law and policy. Tex. Prop. Code § 113.051. State and federal law regulate almost every aspect of school district operations. In their oversight role, trustees owe a duty to ensure appropriate steps are being taken to ensure legal compliance.

## **C. Hiring and Evaluating the Superintendent**

Texas law provides that the school board hires and evaluates the superintendent. Tex. Educ. Code § 11.1513(a)(1). This is the only employment relationship for which the board is completely responsible, unless the board also employs an internal auditor. Tex. Educ. Code § 11.170. The board should be fully engaged in the selection process regarding the person who will function as the chief executive officer of the district. Superintendents are specifically entitled to a term contract which may be for a term of up to five years. Tex. Educ. Code § 11.201(b). During the term of the contract, the board is responsible for evaluating the superintendent. Tex. Educ. Code § 21.354; 19 Tex. Admin. Code § 150.1031. The document evaluating the performance of the superintendent is confidential. Tex. Educ. Code § 21.355(a). The board must also establish by policy reasons for nonrenewing the superintendent's contract. Tex. Educ. Code § 21.212(d).

TASB Board Development Services offers [resources](#) on evaluating superintendents.

After completing the superintendent's evaluation, the board and superintendent should conduct a goal setting session. Tex. Educ. Code § 11.1511(b)(2). The board works with the superintendent to set goals and monitor progress toward desired outcomes. The agreed goals become fundamental elements of the superintendent's future evaluation.

## **II. Oversight of Management**

### **A. Definitions of Management and Micromanagement**

#### **1. What is Management?**

*Management* is defined as: (1) the act or art of managing the conducting or supervising of something (as a business); (2) judicious use of means to accomplish an end; or (3) the collective body of those who manage or direct an enterprise. [Merriam-Webster.com](https://www.merriam-webster.com/dictionary/management), Management. In the context of public schools and trustees, a school district is the enterprise.

## 2. What is Micromanagement?

*Micromanagement* is the attempt by a board or one or more of its members to deal with administrative matters that are the responsibility of the superintendent acting within overall policy set by the board or in conformance with state or federal law. Am. Ass'n of Sch. Administrators and Nat'l Sch. Bds., *Roles and Relationships: Sch. Bds. and Superintendents* (1994). Under Texas law, the commissioner of education may authorize a special accreditation investigation to be conducted in response to an allegation involving a conflict between board members or between the board and the district if it appears that the conflict involves a violation of a role or duty of the board members or the administration. Tex. Educ. Code § 39.003(a)(6).

## 3. What is Oversight of Management?

A school board's appropriate role is that of *oversight of management*. Generally speaking, oversight includes setting the district's vision and goals and establishing policy, then evaluating the results of the administration's efforts to accomplish district goals within the framework of board policy. The legal structure of a school district is designed to provide appropriate give and take between the board and the superintendent, while allowing the superintendent the necessary freedom to execute the duties assigned by law and board policy.

## B. Roles of the Board and the Superintendent

An independent school district is governed by a board of trustees who, as a body corporate, oversee the management of the district. Tex. Educ. Code § 11.051(a). Below is a list of some of the specific powers and duties assigned by law to the school board and the superintendent in the Texas Education Code, and a more detailed chart is attached. In addition to these specific duties, the Texas Education Code further requires school boards to provide for numerous public notices, reports, hearings, and meetings.

### 1. Duties of the School Board

#### Governance:

- The board of trustees serves as a body corporate and has the exclusive power and duty to govern and oversee the management of the public schools of the district.
- The board must ensure that the superintendent implements and monitors plans, procedures, programs, and systems to achieve appropriate, clearly defined, and desired results in the major areas of district operations.

- The board must adopt a vision statement and comprehensive goals for the district and the superintendent and monitor progress toward those goals.
- The board may adopt the policies necessary to carry out its powers and duties. In addition, state and federal law include over 100 provisions requiring the board to adopt policy on particular issues.
- The board must comply with the requirements of the Texas Open Meetings Act (OMA) for all school board meetings.
- The board must conduct elections in accordance with law.

**Student Achievement:**

- The board of trustees of an independent school district or the governing body of an open-enrollment charter school shall provide oversight regarding student academic achievement and strategic leadership for maximizing student performance.
- The board of trustees must establish performance goals for the academic and fiscal performance indicators outlined in law and any locally adopted performance indicators.
- The board of trustees must ensure that the superintendent is accountable for achieving performance results, recognizes performance accomplishments, and takes action as necessary to meet performance goals.
- The board must publish an annual educational performance report.

**Financial:**

- The board must adopt an annual budget for the district as well as a tax rate for each fiscal year.
- The board must monitor district finances and ensure that accounts are audited annually.
- The board must publish an end of year financial report for distribution in the community.

**Community Engagement:**

- The board of trustees must seek to establish working relationships with other public entities to make effective use of community resources and to serve the needs of public school students in the community.
- The board must adopt a policy to establish a district—and campus—level planning and decision-making process.

- The board must establish a Student Health Advisory Council and cooperate in the establishment of at least one parent-teacher organization at each school.
- The board must adopt a process through which district personnel, students or parents, and members of the public may obtain a hearing regarding a complaint. For more information about the board's role in resolving grievances, see below at V.

Tex. Educ. Code §§ 11.051, .151, .1511; .1515; 26.001(e); 28.004(a).

## **2. Duties of the Superintendent**

- The superintendent must provide joint leadership with the board to ensure the team's responsibilities are carried out.
- The superintendent must manage the day-to-day operations of the district, including implementing and monitoring plans, procedures, programs, and systems to achieve clearly defined and desired results in major areas of district operations.
- The superintendent must prepare recommendations for policies to be adopted by the board of trustees and implement the adopted policies.
- The superintendent must organize the district's central administration, and consult with district level committees.
- The superintendent must administer and prepare the budget.
- The superintendent must provide leadership for the attainment, and if necessary, improvement of student performance in the district.
- The superintendent must oversee compliance with facilities standards.
- The superintendent must assume administrative responsibility and leadership for the organization of education programs, services, facilities, and staff appraisal.
- The superintendent must initiate the termination or suspension of an employee or the non-renewal of an employee's contract. For more information on the board's role in personnel, see below at VI.
- The superintendent must ensure adoption of the student code of conduct and other student disciplinary rules and procedures as necessary. For more information on the board's role in student discipline, see below at VII.
- The superintendent must submit reports as required by state or federal law, rule, or regulation.
- The superintendent must carry out any other contractual duties assigned to the superintendent by the board.

Tex. Educ. Code § 11.201(d).

### **3. Collaboration between the Board and Superintendent**

The Texas Education Code specifies that the school board and superintendent have to work together to:

- Advocate for the high achievement of all district students;
- Create and support connections with community organizations;
- Provide educational leadership for the district;
- Establish district-wide policies and annual goals that are tied directly to the districts vision statement and long-range educational plan;
- Support the professional development of principals, teachers, and other staff; and
- Periodically evaluate board and superintendent leadership, governance, and teamwork.

Tex. Educ. Code § 11.1512; *House Comm. on Public Educ., Bill Analysis*, Tex. H.B. 2563, 80th Leg., R.S. (2007). TASB Policy BAA(LEGAL).

### **III. Board's Role in Purchasing and Construction**

Texas law specifically authorizes the school board to adopt rules and procedures for the acquisition of goods and services. Tex. Educ. Code § 44.031(d); Tex. Gov't Code § 2269.051. The board's role in adopting such rules and procedures is to set objectives for the district, determine the policies that will govern the district, approve the plans to implement those policies, and provide the funding necessary to carry out the plans. The management and execution of the purchasing program requires planning and cooperation between board members and district staff.

#### **A. Delegation**

The board of trustees also has the power to delegate certain powers and responsibilities to designated persons. As with any official board action, delegation, if permitted, should occur at a lawfully called meeting by majority vote and be reflected in the minutes. *See Webster v. Tex. & Pac. Motor Transp. Co.*, 166 S.W.2d 75 (Tex. 1942) (recognizing well-established rule that a political subdivision must act as a body at a properly called meeting of which all the members have notice or are given an opportunity to attend); *Fielding v. Anderson*, 911 S.W.2d 858 (Tex. App.—Eastland 1995, writ denied) (discussing OMA mandate that decisions made by governmental bodies must be made by the body as a whole); Tex. Gov't Code § 551.021.

In the context of procurement, a school board has statutory authority to delegate some legal responsibilities related to purchasing to a designated person, representative, or committee. For purchases of goods and services under Texas Education Code Chapter 44, Subchapter B, other than construction services, the board of trustees may delegate its authority regarding actions the law requires of the *school district*. The board, however, may not delegate the authority to act when the law requires the action to be taken by the *board of trustees* of a school district. Tex. Educ. Code § 44.0312.

For example, the procurement laws state that a school district may receive bids or proposals by electronic transmission if the board of trustees of the school district adopts rules to ensure the identification, security, and confidentiality of electronic bids or proposals and to ensure that the electronic bids or proposals remain effectively unopened until the proper time. Tex. Educ. Code § 44.0313(a). Typically, the superintendent and administrative staff develop purchasing procedures as administrative regulations that are not adopted by the board. However, because the statute states that the *board*, not the *district*, must adopt rules related to accepting electronic bids and proposals, the authority to adopt these rules is not delegable. The district, therefore, cannot accept electronic bids and proposals until the board adopts appropriate rules, and it cannot delegate this specific rulemaking authority to the superintendent. Delegation of purchasing authority is typically found in board policy CH(LOCAL).

## **B. Delegation for Construction Projects**

State laws related to public contracting for construction services are found in Texas Government Code chapter 2269. Unlike Texas Education Code chapter 44, where the board may only delegate duties of the *district*, but not those of the *board of trustees*, Chapter 2269 does not make this distinction. The ability to delegate under Chapter 2269 is broader. The board of trustees may delegate its authority regarding any action authorized or required by Chapter 2269 to a designated representative, committee, or other person. If the board makes a delegation, it must provide notice of the delegation, the limits of the delegation, and the name or title of each person who has been given delegated authority either by rule or in the request for bids, proposals, or qualifications. Tex. Gov't. Code § 2269.053. If the district fails to provide notice, a ranking, selection, or evaluation of bids, proposals, or qualifications for construction services other than by the board of trustees in an open public meeting is advisory only. Tex. Educ. Code § 44.0312(a).

## **IV. Board's Role in Grievances**

The right to redress grievances is grounded in the Texas Constitution. Tex. Const. art. I, § 27. In addition, the employment policy adopted by the board must provide each employee with the right to present grievances to the board. Moreover, the policy may



not restrict the ability of an employee to communicate directly with a board member regarding a matter relating to the operation of the district. The policy may, however, prohibit an employee from communicating with a board member about a grievance or hearing if the other party is not present. Tex. Educ. Code § 11.1513(i)-(j).

School boards typically rely on TASB Policy Codes DGBA (for complaints by personnel), FNG (for complaints by students and parents), and GF (for all others) to establish internal processes for grievances.

What is the board's duty in deciding grievances? The board's obligation regarding grievances is to "stop, look, and listen." In other words, grievants do not have a right to a specific outcome of a grievance. *Prof'l Ass'n of Coll. Educators v. El Paso County Cmty. Dist.*, 678 S.W.2d 94 (Tex. App.—El Paso 1984, writ ref'd n.r.e.).

## **V. Board's Role in Personnel**

### **A. Hiring**

The board has three primary roles relating to the hiring of district personnel: (1) adopting an employment policy for the district; (2) determining which positions will be hired by the board and which will be hired by the superintendent; and (3) for those positions hired by the board, voting on the superintendent's recommendations.

The Texas Education Code requires the board to adopt a policy providing for the employment and duties of district personnel. The policy must:

- provide that the superintendent has sole authority to make recommendations to the board regarding the selection of all personnel, except that the board may delegate final authority for those decisions to the superintendent;
- require notice to be provided of vacant positions; and
- designate positions and criteria for continuing or term contracts.

In addition, the policy may specify the terms of district employment or delegate to the superintendent the authority to determine the terms of employment with the district. Tex. Educ. Code §§ 11.1513, 21.102.

### **B. Compensation**

The board's primary role in compensation is the adoption of the annual operating budget, which includes salary schedules. Boards do not determine the compensation of individual employees, with the notable exception of the superintendent. The board also plays a significant role in establishing employee benefits through its policy making function. The law provides that the board may adopt policies providing for:

- reasonable limits on an employee’s use of state personal leave, although the board may not regulate the reasons for which leave may be taken;
- local leave, and may determine the conditions under which such leave may be taken;
- a maximum length of temporary disability leave, over the 180-day minimum; and
- placing educators on temporary disability leave on an involuntary basis.

In addition, the board must place an employee on assault leave upon request, although the board may change assault leave status after investigation, and the board must hear grievances concerning the alleged denial of leave rights.

### **C. Appraisals**

Board policy establishes the school district’s system for employee appraisals. Each district selects its own appraisal method from two options: the state system or a locally-developed system. Tex. Educ. Code § 21.352(a); 19 Tex. Admin. Code § 150.1001(a).

### **D. Firing**

The school board is involved in employment separations because of its role in the nonrenewal and termination of Chapter 21 contracts and because of the grievance rights of all employees. While many details are determined by local policy and practice, the law mandates the following roles for the board:

- determine terminations of probationary contract employees in the “best interests” of the district;
- adopt a policy setting forth grounds for nonrenewal of term contract employees;
- propose nonrenewal of term contract employees;
- adopt a policy regarding procedures for nonrenewal hearings;
- make final decisions on proposed nonrenewals of term contract employees;
- propose good cause termination of contract employees;
- determine whether good cause exists to terminate contract employees;
- decide whether to accept mid-year resignations of contract employees; and
- decide whether to file complaints with the State Board for Educator Certification (SBEC) against contract employees who resign mid-year without board approval.

See TASB Policy DF(LEGAL) series.

## **VI. Board's Role in Student Discipline**

The school board must adopt the district's student code of conduct with the advice of its district-level committee. The board must also approve any subsequent changes or amendments. Tex. Educ. Code § 37.001(a), (c). Each school district's student code of conduct must establish the reasons for which a student may be removed from class, including any locally adopted reasons for a student to be suspended or placed in a disciplinary alternative education program (DAEP). The code must also determine the available discipline management techniques, including corporal punishment.

Texas Education Code section 37.009 permits a student to appeal a DAEP placement to the board or the board's designee. Tex. Educ. Code § 37.009(a). Section 37.009 also states that the decision of the board or designee regarding the appeal is final and cannot be appealed further. Section 37.009 has a similar provision regarding the finality of the board or designee's decision to place a student in DAEP beyond 60 days or the next grading period. Tex. Educ. Code § 37.009. Read alone, the statutes would seem to indicate that, if an administrator is serving as the board's designee, the decision of the administrator could not be appealed to the board. However, because Texas Constitution article I, section 27 extends citizens the right to petition a governmental body for redress of their grievances, and because permitting internal appeals may reduce parents' and students' frustration and head off litigation, TASB Legal Services generally recommends that appeals regarding DAEP placements ultimately be heard by the board.

Reasons for student expulsion are established by state and federal law, not the local student code of conduct. However, before a student may be expelled, the board or its designee must provide the student a hearing at which the student is afforded appropriate due process as required by the federal constitution. Tex. Educ. Code § 37.009(f).

## **VII. Role of the Individual Trustee**

Unless authorized by the school board, a member of the board may not, individually, act on behalf of the board. Tex. Educ. Code § 11.051(a-1). For the most part, the role of an individual board member is limited to preparing for, attending, and participating in properly called meetings conducted in accordance with the Texas Open Meetings Act. There is one instance, however, when a single board member can assert a right as an individual, without a majority vote of the board of trustees: A member of the board of trustees of the district, when acting in the member's official capacity, has an inherent right of access to information, documents, and records maintained by the district. Tex. Educ. Code § 11.1512(c). For more information, see TASB Legal Services' memo [Board Members' Access to School District Records](#).

## Statutory Powers and Duties of the School Board and the Superintendent

<b>SHARED RESPONSIBILITIES</b>	
<p>The board and the superintendent work together to:</p> <ul style="list-style-type: none"> <li>• Advocate for the high achievement of all students;</li> <li>• Create and support connections with community organizations to provide community-wide support for high student achievement;</li> <li>• Provide educational leadership, including development of district vision statement and long-range educational plan;</li> <li>• Establish district policy and annual goals tied to the vision statement and educational plan;</li> <li>• Support professional development of principals, teachers, and staff; and</li> <li>• Periodically evaluate board and superintendent leadership and teamwork. Tex. Educ. Code § 11.1512(b).</li> </ul>	
<b>COMPLEMENTARY ROLES</b>	
<b>School Board</b>	<b>Superintendent</b>
<p><b>OVERSIGHT</b></p> <ul style="list-style-type: none"> <li>• Govern and oversee the management of the public schools in the district. Tex. Educ. Code §§ 11.051(a)(1), .151(b).</li> <li>• Adopt a vision statement and goals for the district and superintendent, and monitor goal progress. Tex. Educ. Code § 11.1511(b)(2).</li> <li>• Ensure that the superintendent implements and monitors plans, procedures, programs, and systems to achieve appropriate, clearly defined, and desired results in major areas of operations. Tex. Educ. Code § 11.051(a)(2).</li> <li>• Conduct elections as required by law. Tex. Educ. Code § 11.1511(b)(12).</li> <li>• Comply with the Texas Open Meetings Act. Tex. Gov't Code § 551.021.</li> <li>• Implement the Local Government Records Act. Tex. Loc. Gov't Code § 203.021.</li> <li>• Change the name of the school district by resolution. Tex. Educ. Code § 11.160(a).</li> </ul>	<p><b>MANAGEMENT</b></p> <ul style="list-style-type: none"> <li>• Assume responsibility and leadership for the planning, organization, operation, supervision, and evaluation of the district's education programs, services and facilities. Tex. Educ. Code § 11.201(d)(1).</li> <li>• Manage day-to-day district operations. Tex. Educ. Code § 11.201(d)(5).</li> <li>• Oversee compliance with the standards for school facilities. Tex. Educ. Code § 11.201(d)(3).</li> <li>• Recommend policies to the board. Tex. Educ. Code § 11.201(d)(7).</li> <li>• Ensure the implementation of board policy. Tex. Educ. Code § 11.1512(a).</li> <li>• Develop administrative regulations to implement policies established by the Board. Tex. Educ. Code § 11.201(d)(8).</li> <li>• Have an opportunity to make an oral or written recommendation to the board on any item of board business. Tex. Educ. Code § 11.051(a-1).</li> </ul>
<p><b>FINANCIAL</b></p> <ul style="list-style-type: none"> <li>• Issue bonds. Tex. Educ. Code § 11.1511(c)(1).</li> <li>• Levy and collect taxes. Tex. Educ. Code § 11.1511(c)(2).</li> <li>• Collect annual ad valorem taxes for the purpose of:                             <ul style="list-style-type: none"> <li>○ Paying the principal and interest on</li> </ul> </li> </ul>	<p><b>FINANCIAL</b></p> <ul style="list-style-type: none"> <li>• Prepare, submit to the Board, and administer the budget. Tex. Educ. Code § 11.201(d)(6).</li> </ul>

<p>bonds; Tex. Educ. Code § 11.1511(c)(1); and</p> <ul style="list-style-type: none"> <li>○ Maintenance and operation of the district. Tex. Educ. Code § 11.1511(c)(2).</li> <li>● Enter into contracts. Tex. Educ. Code § 11.1511(c)(4).</li> <li>● Enter into contracts with entities that will provide educational services for the district. Tex. Educ. Code § 11.157(a).</li> <li>● Sue and be sued. Tex. Educ. Code § 11.151(a).</li> <li>● Adopt an annual budget for the district. Tex. Educ. Code § 11.1511(b)(7).</li> <li>● Adopt a tax rate each fiscal year. Tex. Educ. Code § 11.1511(b)(8).</li> <li>● Monitor district finances, and ensure that district fiscal accounts are audited annually. Tex. Educ. Code § 11.1511(b)(9)-(10).</li> <li>● Publish an end-of-year financial report. Tex. Educ. Code § 11.1511(b)(11).</li> </ul>	
<p><b>PROPERTY</b></p> <ul style="list-style-type: none"> <li>● Acquire, hold, and sell real and personal property, including bequests, donations, and other funds. Tex. Educ. Code § 11.151(a).</li> <li>● Hold and sell minerals in land. Tex. Educ. Code § 11.153(a).</li> <li>● Hold all rights and titles to the school property of the district, and dispose of property that is no longer necessary. Tex. Educ. Code § 11.151(c).</li> <li>● Hold and sell property held in trust for public school purposes. Tex. Educ. Code § 11.154; <i>see also</i> Tex. Educ. Code § 11.156.</li> <li>● Exercise eminent domain. Tex. Educ. Code § 11.155.</li> <li>● Authorize the donation of real property formerly used as a school campus to a municipality, county, state agency, or nonprofit organization. Tex. Educ. Code § 11.1541(a).</li> <li>● Offer unused district facilities to local charter schools. Tex. Educ. Code § 11.1542.</li> <li>● Adopt rules, if desired, to keep school campuses open for recreational activities and tutoring after school hours. Tex. Educ. Code § 11.165.</li> </ul>	

<p><b>STUDENT ACHIEVEMENT</b></p> <ul style="list-style-type: none"> <li>• Provide oversight regarding student academic achievement and strategic leadership for maximizing student performance. Tex. Educ. Code § 11.1515.</li> <li>• Establish performance goals concerning the district’s academic performance. Tex. Educ. Code § 11.1511(b)(3).</li> <li>• Ensure that the superintendent:             <ul style="list-style-type: none"> <li>○ Is accountable for performance results;</li> <li>○ Recognizes performance accomplishments; and</li> <li>○ Takes action necessary to meet performance goals. Tex. Educ. Code § 11.1511(b)(4).</li> </ul> </li> <li>• Ensure that improvement plans for the district and for each campus are developed, reviewed, and revised annually. Tex. Educ. Code § 11.251(a).</li> <li>• Provide for the selection, requisition, and distribution of instructional materials. 19 Tex. Admin. Code § 66.104(a).</li> <li>• Establish policies on student admissions and attendance, grade advancement, and grading. Tex. Educ. Code §§ 25.001, 28.021, .0216.</li> <li>• Publish an annual educational performance report. Tex. Educ. Code § 11.1511(b)(6).</li> </ul>	<p><b>STUDENT ACHIEVEMENT</b></p> <ul style="list-style-type: none"> <li>• Provide leadership for the attainment and improvement of student performance. Tex. Educ. Code § 11.201(d)(9).</li> <li>• Develop, evaluate, and revise annually a district improvement plan to guide staff in improvement of student achievement. Tex. Educ. Code § 11.252(a).</li> </ul>
<p><b>STUDENT DISCIPLINE</b></p> <ul style="list-style-type: none"> <li>• With the advice of the district-level site-based decision making committee, adopt a Student Code of Conduct. Tex. Educ. Code § 37.001(a).</li> <li>• Determine discipline management techniques and determine conditions for removal, suspension, expulsion, or removal to a disciplinary alternative education program. Tex. Educ. Code § 37.001(a).</li> <li>• Adopt rules, if desired, requiring students to wear school uniforms, so long as the board designates a source of funding to provide uniforms to economically disadvantaged students. Tex. Educ. Code § 11.162(a)-(b).</li> </ul>	
<p><b>COMMUNITY ENGAGEMENT</b></p> <ul style="list-style-type: none"> <li>• Adopt a process for hearing complaints of district personnel, students, parents, and</li> </ul>	

<p>members of the public. Tex. Educ. Code § 11.1511(b)(13).</p> <ul style="list-style-type: none"> <li>• Establish a procedure for regular meetings of district and campus planning and decision-making committees. Periodically meet with, or assign a designee to meet with, each district committee. Establish a procedure for staff to nominate their district committee representatives. Tex. Educ. Code § 11.251(a)-(b), (e).</li> <li>• Cooperate in the establishment of at least one parent-teacher organization at each school. Tex. Educ. Code § 26.001(e).</li> <li>• Establish relationships with other public entities to make use of community resources and to serve the needs of students. Tex. Educ. Code § 11.1511(b)(1).</li> </ul>	
<p><b>HEALTH AND SAFETY</b></p> <ul style="list-style-type: none"> <li>• Establish a Student Health Advisory Council. Tex. Educ. Code § 28.004(a).</li> <li>• Prohibit smoking or using e-cigarettes or tobacco products at a school-related or school-sanctioned activity on or off school property. Tex. Educ. Code § 38.006(b).</li> <li>• Establish a local school wellness policy for schools in the district. 42 U.S.C. § 1758b.</li> <li>• Adopt a policy regarding the action to be taken by the administration of a school campus when a visitor is identified as a sex offender. Tex. Educ. Code § 38.022(d).</li> <li>• Adopt a policy prohibiting the use of social security numbers as employee identifiers other than for tax purposes. Tex. Educ. Code § 11.1514.</li> </ul>	
<p><b>PERSONNEL</b></p> <ul style="list-style-type: none"> <li>• Adopt a policy providing for the employment of district personnel. Tex. Educ. Code § 11.1513(a). The policy may:             <ul style="list-style-type: none"> <li>○ Specify the terms of employment;</li> <li>○ Delegate to the superintendent the authority to determine the terms of employment; or</li> <li>○ Include a provision allowing current district employees to transfer to another school or position in the district. Tex. Educ. Code § 11.1513(c).</li> </ul> </li> </ul>	<p><b>PERSONNEL</b></p> <ul style="list-style-type: none"> <li>• Organize the district’s central administration. Tex. Educ. Code § 11.201(d)(10).</li> <li>• Assume authority for the assignment, supervision, and evaluation of all district personnel. Tex. Educ. Code § 11.201(d)(2).</li> <li>• Make recommendations to the board regarding selection of personnel (though a principal must approve each staff appointment to his campus). Tex. Educ. Code § 11.1513(a)(2)-(3).</li> <li>• Initiate the termination, suspension, or</li> </ul>

<ul style="list-style-type: none"><li>• Accept or reject the superintendent’s recommendations regarding selection of personnel, so long as the acceptance or rejection is documented in accord with Texas Government Code sections 551.021, 551.103, 551.125, and 551.127. Tex. Educ. Code § 11.1513(b).</li><li>• Determine district compensation plan and adopt policy governing employee leave. Tex. Educ. Code § 22.003(a).</li><li>• Make decisions relation to termination or nonrenewal of district employees. Tex. Educ. Code § 11.1511(b)(14).</li></ul>	nonrenewal of an employee. Tex. Educ. Code § 11.201(d)(4).
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This document is continually updated at [tasb.org/services/legal-services/tasb-school-law-essource/governance/documents/powers-and-duties-of-the-school-board.pdf](https://tasb.org/services/legal-services/tasb-school-law-essource/governance/documents/powers-and-duties-of-the-school-board.pdf). For more information on school law topics, visit TASB School Law eSource at [schoollawesource.tasb.org](https://schoollawesource.tasb.org).

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