

**Update:** **March 16, 2023**

**Bill:** HB 3458 / SB 2364

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**Caption:** Relating to the composition and leadership of the Governing Board of the Texas School for the Deaf.

**Status:** HB 3456 was filed on March 3, 2023. The Senate companion bill, SB 2364, was filed on March 10, 2023. It is expected that HB 3456 will be referred to the House Committee on Public Education on March 16, 2023 (Thursday).

After speaking with legislative contacts, it is our understanding that these bills originated from the Governor's Office. It has been implied that the intent of the legislation is to get public members with legal and accounting expertise on the Governing Board.

**Analysis:** HB 3458 / SB 2364 would amend Section 30.052(a) of the Texas Education Code by increasing the TSD Board size from 9 to 11 members. The additional two members would be from the public with no specified deaf connection. All the other prescribed affiliations would remain as is.

Additionally, the bill adds language that would allow the Governor to appoint the President and the Vice President of the Board.

The increase to 11 members also specifies that six persons must be deaf themselves.

**Background:** Currently, the TSD Governing Board is composed of nine members, each member of the board must be a person who is experienced with working with persons who are deaf or hard of hearing, a person who is the parent of a person who is deaf, or a person who is deaf themselves.

Currently, five of the nine board members must be deaf.

*(TX Education Code §30.052(a))*

Currently, the TSD Board is required to organize and conduct itself in the same manner as an independent school district Board of Trustees to the extent that the organization and conduct do not conflict with the Board's responsibilities relating to the status of the school as a state agency.

*(TX Education Code §30.052(d))*

The TSD Board, like all independent school district boards, conducts annual elections to determine board officers, including President and Vice President.

**Concerns:** Since 1991, the TSD Governing Board has been functioning as prescribed by the Texas Education Code §30.052. It conducts itself similar to an independent school district and determines board officers in annual elections.

Through their varied professions and affiliations, TSD board members have knowledge of Deaf Education, Deaf culture, American Sign Language and the Deaf community.

This model of Board composition has received national attention by other schools for the deaf as well as the National Association of the Deaf. TEC §30.042 was designed to communicate the idea that no policy should be decided by any representative without the full and direct participation of members of the group(s) affected by that policy. In its modern form, this often involves [national](#), [ethnic](#), [disability-based](#), or other groups that are often [marginalized](#) from political, social, and economic opportunities.

The current language in HB 3458 and SB 2364, with the provision of adding two public members with no affiliation to Deaf Education; and further authorizing the Governor to appoint the leadership of the Board, has the potential to curtail the effectiveness of the school's mission and would be a disservice to the community and the state.

**Action:**

Maintain the current language and composition of the TSD Governing Board in recognition of the unique role the Board plays in the governance of this very special school with its specialized population of students who are deaf and who may have additional disabilities.