



STATE OF TEXAS
HOUSE OF REPRESENTATIVES

WILL METCALF

District 16

September 9, 2025

To whom it may concern:

It has come to my attention that the bill I authored during the 89th Regular Session, HB 3372, relating to prohibiting certain personal services performed by school district administrators; providing a civil penalty, that was signed into law on June 22nd, 2025 has created questions about its applicability to certain administrators serving as sports officials. For the reasons discussed below, these concerns are unwarranted.

The purpose of this legislation is to curb the practice of administrators engaging in consulting work or other paid services that may be a conflict of interest. As I detailed in the bill analysis, "Texas school administrators have used their public positions to profit from private educational consulting contracts while directing district contracts to those same entities and that such conflicts of interest have often occurred without proper disclosure". It was not the intent of this legislation to apply to administrators who also officiate sports contests.

A review of the Education Code before the bill's passage shows that the core provision in question already applied to superintendents, and the bill merely amends the statute to extend the restriction on consulting agreements to all administrators. Section 11.201(e), Education Code, which is repealed by HB 3372, prevents superintendents of school districts from receiving "any financial benefit for personal services performed by the superintendent for any business entity that conducts or solicits business with the district". The bill replaces this provision by adding a new section to the Education Code that applies to all administrators and prevents them from receiving "any financial benefit for the performance of personal services for ... any business entity that conducts or solicits business with the school district that employs the administrator".

The repealed Section 11.201(e) also prevents a superintendent from receiving a financial benefit from other entities "including a school district, open-enrollment charter school, regional education service center, or public or private institution of higher education" unless "approved by the board of trustees on a case-by-case basis in an open meeting". HB 3372 again mirrors this repealed subsection in Section 11.006(b)(3) that applies to all administrators.

This text cannot be interpreted to prevent administrators from serving as sports officials because serving as a sports official does not create the concerns of a conflict of interest that this statutory language is meant to address.



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Furthermore, it is common for superintendent employment contracts in Texas to include a section discussing acceptable consulting activities. These sections often cite Section 11.201(e) specifically or mirror its language. This contractual language reinforces the interpretation that "personal services" in this context refer to outside consulting or professional engagements that have the potential to create a conflict with an administrator's responsibilities, but not positions the administrator participates in that are not tied to school operations.

Concerns about this bill's applicability may arise from its use of the term "personal services," which is not defined in the Education Code. The Texas Supreme Court has defined "personal services" to include only those services which are performed personally by the individual who contracted to perform them; however, the Court distinguished "personal services" from "services" by indicating that personal services "are not as broad and all encompassing as the word 'services'". Given this narrower definition, "personal services" would not include every action an individual might perform, suggesting that serving as a sports official falls outside the scope of this legislation.

Accordingly, HB 3372 does not apply to a school administrator who chooses to serve as a sports official.

Sincerely,

A handwritten signature in blue ink, appearing to read "Will Metcalf", with a stylized flourish at the end.

Will Metcalf

State Representative, House District 16

¹ C.S.H.B. 3372, Bill analysis. <https://capitol.texas.gov/tlodocs/89R/analysis/pdf/HB03372H.pdf#navpanes=0>

¹ Act of June 1, 2025, 89d Leg., R.S., H.B. 3372, Sec. 11.006(b)(1)

¹ See Montgomery Independent School District's Superintendent of Schools Employment Agreement. https://cdns5-ss5.sharpschool.com/UserFiles/Servers/Server_70144833/File/About%20MISD/Superintendent/Mark%20Ruffin%20Contract%2012.19.2023.pdf

¹ See Garland Independent School District's Superintendent's Employment Contract. <https://garlandisd.net/media/17083/download?inline>

¹ *Van Zandt v. Fort Worth Press*, 359 S.W.2d 893, 895-896 (Tex. 1962).