

## **BILL ANALYSIS**

S.B. 1240  
By: Shapiro  
Public Education  
Committee Report (Amended)

### **BACKGROUND AND PURPOSE**

Currently, provisions in Chapters 13 and 41 of the Education Code may have created a perceived barrier to voluntary consolidation of school districts. S.B. 1240 includes language specifying a local consolidation agreement into sections addressing resolutions or petitions, election orders, effective dates of transfer, and governance regarding consolidating districts. This bill also provides the structure for drafting a local consolidation agreement and holding public hearings on that agreement.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, institution, or agency.

### **ANALYSIS**

S.B. 1240 amends the Education Code to provide that except as provided by this section or by a local consolidation agreement under Section 13.158, the annexation of all or part of the territory of one district to another is effective on the first July 1 that is more than 30 days after the date of the order or ordinance accomplishing the annexation or of the declaration of the results of an election at which the transfer is approved.

The bill provides that consolidation is initiated in a district proposed to be consolidated through measures originating the district. The bill requires that the ballot be printed in a certain manner if no local consolidation agreement is submitted.

The bill authorizes the board of trustees of the districts to be consolidated before issuing an order for an election under Section 13.153 (Election Order; Notice), to draft a local consolidation agreement to be submitted to the registered voters in each district. The bill requires that an agreement set out the composition and method of election of the consolidated board of trustees. The bill requires the identical agreement be submitted to the registered voters of each district.

The bill authorizes inclusion of certain provisions in a local consolidation agreement.

The bill authorizes the boards of trustees of the districts to be consolidated to amend the local consolidation agreement, not later than 30 days before a consolidation election is held. The bill prohibits, after a successful election to consolidate, amending the local consolidation agreement for five years following the effective date of consolidation, unless the agreement provides for a shorter period, after that time, the agreement may be amended only by unanimous vote of the board of trustees of the district.

The bill authorizes the commissioner of education (commissioner) to waive a requirement under Section 13.158 or 13.159 on application of the boards of trustees of all the districts proposed for consolidation.

The bill requires a consolidation agreement under Section 13.158 to be made available for public inspection

during regular business hours at the central administration building of each district for at least 25 days before the consolidation election. The bill requires each district to hold a public hearing to allow interested persons to present comments related to the local consolidation agreement. The bill requires, if the agreement is amended following a public hearing, that another public hearing be held to consider the amendment. The bill requires each district to provide notice of each public hearing to the public.

The bill deletes text referring to Section 11.052 (Single-member Trustee Districts) and requires the consolidated district, if the consolidating districts elect trustees from single-member districts, to adopt a plan to elect trustees from single-member districts.

The bill makes application of the changes made in Section 13.005 (a), Sections 13.155 (b) and (c), and Section 41.033, Education Code, by this Act prospective.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

### **EXPLANATION OF AMENDMENTS**

Committee Amendment No.1 specifies that consolidation is initiated in each, rather than in a, district proposed to be consolidated and provides that each district is not required to use the same method to initiate consolidation. Committee Amendment No. 1 corrects a typographical error in SECTION 5 of the engrossed version.