

By: Shapiro

S.B. No. 1240

A BILL TO BE ENTITLED

AN ACT

relating to voluntary school district consolidation.

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

SECTION 1. Subsection (a), Section 13.005, Education Code, is amended to read as follows:

(a) 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.

SECTION 2. Section 13.152, Education Code, is amended to read as follows:

Sec. 13.152. RESOLUTION OR PETITION. Consolidation is initiated in a district proposed to be consolidated by either a resolution adopted by the board of trustees of the ~~each~~ district or a petition requesting an election on the question that is signed by the required number of registered voters of the district ~~each of the districts proposed to be consolidated~~.

SECTION 3. Section 13.153, Education Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) If no local consolidation agreement is submitted under

1 Section 13.158, the [~~The~~] ballot in the election shall be printed to  
2 permit voting for or against the proposition: "Consolidation of  
3 (name of school districts) into a single school district."

4 (c) If a local consolidation agreement is submitted under  
5 Section 13.158, the ballot in the election shall be printed to  
6 permit voting for or against the proposition: "Consolidation of  
7 (name of school districts) into a single school district under a  
8 local consolidation agreement."

9 SECTION 4. Subsections (b) and (c), Section 13.155,  
10 Education Code, are amended to read as follows:

11 (b) Except as provided by Subsection (c) or by a local  
12 consolidation agreement under Section 13.158, the board of trustees  
13 of the school district having the greatest membership on the last  
14 day of the school year preceding the consolidation serves as the  
15 board of trustees of the consolidated district until the next  
16 regular election of trustees, at which time the consolidated  
17 district shall elect a board of trustees.

18 (c) Except as provided by a local consolidation agreement  
19 under Section 13.158, if [~~If~~] the membership on the last day of the  
20 school year preceding the consolidation in the district with the  
21 largest membership is more than five times that of the other  
22 district or districts consolidating with it, the trustees of the  
23 district with the largest membership continue to serve for the  
24 terms for which they have been elected and only the vacancies, as  
25 they occur, are filled from the consolidated district.

26 SECTION 5. Subchapter D, Chapter 13, Education Code, is  
27 amended by adding Section 13.1521 to read as follows:

1       Sec. 13.158. LOCAL CONSOLIDATION AGREEMENT. (a) Before  
2 issuing an order for an election under Section 13.153, the boards of  
3 trustees of the districts to be consolidated may draft a local  
4 consolidation agreement to be submitted to the registered voters in  
5 each district. An agreement must set out the composition and method  
6 of election of the consolidated board of trustees. The identical  
7 agreement must be submitted to the registered voters of each  
8 district.

9       (b) A local consolidation agreement may provide the  
10 following:

11           (1) an effective date that is not more than one year  
12 after the date of the consolidation election;

13           (2) a schedule to elect the board of trustees of the  
14 consolidated district before or after the effective date of  
15 consolidation;

16           (3) that the consolidated district educate particular  
17 grades within the boundaries of a district being consolidated;

18           (4) that the consolidated district maintain a specific  
19 campus in operation;

20           (5) that if the votes cast in some districts, but not  
21 all districts, show a majority voting in favor of the  
22 consolidation, the districts receiving a favorable vote may  
23 consolidate;

24           (6) that a majority of the votes cast in each district  
25 must be in favor of consolidation for there to be a consolidation;  
26 or

27           (7) any other provision consistent with state and

1 federal law.

2 (c) Not later than 30 days before a consolidation election  
3 is held, the boards of trustees of the districts to be consolidated  
4 may amend the local consolidation agreement. After a successful  
5 election to consolidate, the local consolidation agreement may not  
6 be amended for five years following the effective date of  
7 consolidation, unless a shorter period is set out in the agreement.  
8 After that time, the agreement may be amended only by unanimous vote  
9 of the board of trustees of the district.

10 (d) The commissioner may waive a requirement under this  
11 section or Section 13.159 on application of the boards of trustees  
12 of all districts proposed for consolidation.

13 SECTION 6. Subchapter D, Chapter 13, Education Code, is  
14 amended by adding Section 13.159 to read as follows:

15 Sec. 13.159. PUBLIC INSPECTION AND HEARING. (a) A local  
16 consolidation agreement under Section 13.158 must be made available  
17 for public inspection during regular business hours at the central  
18 administration building of each district for at least 25 days  
19 before the consolidation election.

20 (b) Each district shall hold a public hearing to allow  
21 interested persons to present comments related to the local  
22 consolidation agreement. If the agreement is amended following a  
23 public hearing, before the consolidation election each district  
24 shall hold another public hearing to consider the amendment.

25 (c) Each district shall provide notice of each public  
26 hearing to the public.

27 SECTION 7. Section 41.033, Education Code, is amended to

1 read as follows:

2           Sec. 41.033. GOVERNANCE PLAN. (a) The agreement among the  
3 consolidating districts may include a governance plan designed to  
4 preserve community-based and site-based decision making within the  
5 consolidated district, including the delegation of specific powers  
6 of the governing board of the district other than the power to levy  
7 taxes, including a provision authorized by Section 13.158(b).

8           (b) The governance plan may provide for a transitional board  
9 of trustees during the first year after consolidation, but  
10 beginning with the next year the board of trustees must be elected  
11 from within the boundaries of the consolidated district [~~from~~  
12 ~~single-member districts drawn in accordance with the procedures~~  
13 ~~provided by Section 11.052~~]. If the consolidating districts elect  
14 trustees from single-member districts, the consolidated district  
15 must adopt a plan to elect its board of trustees from single-member  
16 districts.

17           SECTION 8. (a) This Act takes effect immediately if it  
18 receives a vote of two-thirds of all the members elected to each  
19 house, as provided by Section 39, Article III, Texas Constitution.  
20 If this Act does not receive the vote necessary for immediate  
21 effect, this Act takes effect September 1, 2003.

22           (b) The changes in law made by this Act to Subsection (a),  
23 Section 13.005, Education Code, Subsections (b) and (c), Section  
24 13.155, Education Code, and Section 41.033, Education Code, apply  
25 only to a school district consolidated with an effective date on or  
26 after the effective date of this Act. A school district  
27 consolidated with an effective date before the effective date of

1 this Act is covered by the law in effect on the effective date of the  
2 district's consolidation, and the former law is continued in effect  
3 for that purpose.

COMMITTEE AMENDMENT NO. 1

Amend S.B. 1240 as follows:

(1) In SECTION 2 of the bill, in amended Section 13.152, Education Code (Engrossed version, page 1, line 16), strike "in a" and substitute "in each".

(2) In SECTION 2 of the bill, in amended Section 13.152, Education Code (Engrossed version, page 1, line 20), following the period, insert "Each district is not required to use the same method to initiate consolidation."

(3) In SECTION 5 of the bill (Engrossed version, page 2, line 27), strike "13.1521" and substitute "13.158".

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