

1-1 By: Shapiro S.B. No. 1240
1-2 (In the Senate - Filed March 12, 2003; March 19, 2003, read
1-3 first time and referred to Committee on Education; April 7, 2003,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 9, Nays 0; April 7, 2003, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 1240 By: Shapiro

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to voluntary school district consolidation.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (a), Section 13.005, Education Code,
1-12 is amended to read as follows:

1-13 (a) Except as provided by this section or by a local
1-14 consolidation agreement under Section 13.158, the annexation of all
1-15 or part of the territory of one district to another is effective on
1-16 the first July 1 that is more than 30 days after the date of the
1-17 order or ordinance accomplishing the annexation or of the
1-18 declaration of the results of an election at which the transfer is
1-19 approved.

1-20 SECTION 2. Section 13.152, Education Code, is amended to
1-21 read as follows:

1-22 Sec. 13.152. RESOLUTION OR PETITION. Consolidation is
1-23 initiated in a district proposed to be consolidated by either a
1-24 resolution adopted by the board of trustees of the [each] district
1-25 or a petition requesting an election on the question that is signed
1-26 by the required number of registered voters of the district [each of
1-27 the districts proposed to be consolidated].

1-28 SECTION 3. Section 13.153, Education Code, is amended by
1-29 amending Subsection (b) and adding Subsection (c) to read as
1-30 follows:

1-31 (b) If no local consolidation agreement is submitted under
1-32 Section 13.158, the [The] ballot in the election shall be printed to
1-33 permit voting for or against the proposition: "Consolidation of
1-34 (name of school districts) into a single school district."

1-35 (c) If a local consolidation agreement is submitted under
1-36 Section 13.158, the ballot in the election shall be printed to
1-37 permit voting for or against the proposition: "Consolidation of
1-38 (name of school districts) into a single school district under a
1-39 local consolidation agreement."

1-40 SECTION 4. Subsections (b) and (c), Section 13.155,
1-41 Education Code, are amended to read as follows:

1-42 (b) Except as provided by Subsection (c) or by a local
1-43 consolidation agreement under Section 13.158, the board of trustees
1-44 of the school district having the greatest membership on the last
1-45 day of the school year preceding the consolidation serves as the
1-46 board of trustees of the consolidated district until the next
1-47 regular election of trustees, at which time the consolidated
1-48 district shall elect a board of trustees.

1-49 (c) Except as provided by a local consolidation agreement
1-50 under Section 13.158, if [If] the membership on the last day of the
1-51 school year preceding the consolidation in the district with the
1-52 largest membership is more than five times that of the other
1-53 district or districts consolidating with it, the trustees of the
1-54 district with the largest membership continue to serve for the
1-55 terms for which they have been elected and only the vacancies, as
1-56 they occur, are filled from the consolidated district.

1-57 SECTION 5. Subchapter D, Chapter 13, Education Code, is
1-58 amended by adding Section 13.1521 to read as follows:

1-59 Sec. 13.158. LOCAL CONSOLIDATION AGREEMENT. (a) Before
1-60 issuing an order for an election under Section 13.153, the boards of
1-61 trustees of the districts to be consolidated may draft a local
1-62 consolidation agreement to be submitted to the registered voters in
1-63 each district. An agreement must set out the composition and method

2-1 of election of the consolidated board of trustees. The identical
 2-2 agreement must be submitted to the registered voters of each
 2-3 district.

2-4 (b) A local consolidation agreement may provide the
 2-5 following:

2-6 (1) an effective date that is not more than one year
 2-7 after the date of the consolidation election;

2-8 (2) a schedule to elect the board of trustees of the
 2-9 consolidated district before or after the effective date of
 2-10 consolidation;

2-11 (3) that the consolidated district educate particular
 2-12 grades within the boundaries of a district being consolidated;

2-13 (4) that the consolidated district maintain a specific
 2-14 campus in operation;

2-15 (5) that if the votes cast in some districts, but not
 2-16 all districts, show a majority voting in favor of the
 2-17 consolidation, the districts receiving a favorable vote may
 2-18 consolidate;

2-19 (6) that a majority of the votes cast in each district
 2-20 must be in favor of consolidation for there to be a consolidation;
 2-21 or

2-22 (7) any other provision consistent with state and
 2-23 federal law.

2-24 (c) Not later than 30 days before a consolidation election
 2-25 is held, the boards of trustees of the districts to be consolidated
 2-26 may amend the local consolidation agreement. After a successful
 2-27 election to consolidate, the local consolidation agreement may not
 2-28 be amended for five years following the effective date of
 2-29 consolidation, unless a shorter period is set out in the agreement.
 2-30 After that time, the agreement may be amended only by unanimous vote
 2-31 of the board of trustees of the district.

2-32 (d) The commissioner may waive a requirement under this
 2-33 section or Section 13.159 on application of the boards of trustees
 2-34 of all districts proposed for consolidation.

2-35 SECTION 6. Subchapter D, Chapter 13, Education Code, is
 2-36 amended by adding Section 13.159 to read as follows:

2-37 Sec. 13.159. PUBLIC INSPECTION AND HEARING. (a) A local
 2-38 consolidation agreement under Section 13.158 must be made available
 2-39 for public inspection during regular business hours at the central
 2-40 administration building of each district for at least 25 days
 2-41 before the consolidation election.

2-42 (b) Each district shall hold a public hearing to allow
 2-43 interested persons to present comments related to the local
 2-44 consolidation agreement. If the agreement is amended following a
 2-45 public hearing, before the consolidation election each district
 2-46 shall hold another public hearing to consider the amendment.

2-47 (c) Each district shall provide notice of each public
 2-48 hearing to the public.

2-49 SECTION 7. Section 41.033, Education Code, is amended to
 2-50 read as follows:

2-51 Sec. 41.033. GOVERNANCE PLAN. (a) The agreement among the
 2-52 consolidating districts may include a governance plan designed to
 2-53 preserve community-based and site-based decision making within the
 2-54 consolidated district, including the delegation of specific powers
 2-55 of the governing board of the district other than the power to levy
 2-56 taxes, including a provision authorized by Section 13.158(b).

2-57 (b) The governance plan may provide for a transitional board
 2-58 of trustees during the first year after consolidation, but
 2-59 beginning with the next year the board of trustees must be elected
 2-60 from within the boundaries of the consolidated district [~~from~~
 2-61 ~~single-member districts drawn in accordance with the procedures~~
 2-62 ~~provided by Section 11.052]. If the consolidating districts elect~~
 2-63 trustees from single-member districts, the consolidated district
 2-64 must adopt a plan to elect its board of trustees from single-member
 2-65 districts.

2-66 SECTION 8. (a) This Act takes effect immediately if it
 2-67 receives a vote of two-thirds of all the members elected to each
 2-68 house, as provided by Section 39, Article III, Texas Constitution.
 2-69 If this Act does not receive the vote necessary for immediate

3-1 effect, this Act takes effect September 1, 2003.
3-2 (b) The changes in law made by this Act to Subsection (a),
3-3 Section 13.005, Education Code, Subsections (b) and (c), Section
3-4 13.155, Education Code, and Section 41.033, Education Code, apply
3-5 only to a school district consolidated with an effective date on or
3-6 after the effective date of this Act. A school district
3-7 consolidated with an effective date before the effective date of
3-8 this Act is covered by the law in effect on the effective date of the
3-9 district's consolidation, and the former law is continued in effect
3-10 for that purpose.

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