

By: Berman

H.B. No. 30

A BILL TO BE ENTITLED

AN ACT

relating to the consolidation of certain school districts into a county school district.

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

SECTION 1. Subtitle C, Title 2, Education Code, is amended by adding Chapter 14 to read as follows:

CHAPTER 14. CONSOLIDATION OF CERTAIN SCHOOL DISTRICTS INTO COUNTY SCHOOL DISTRICT

Sec. 14.001. APPLICABILITY; PURPOSE OF CHAPTER. (a) This chapter applies only to a county that has a population of 300,000 or less.

(b) The purpose of this chapter is to authorize a county to which this chapter applies to create a single independent school district in the county.

(c) This chapter does not affect:

(1) the ability of a school district to consolidate or detach and annex territory under Chapter 41; or

(2) the power of the commissioner to order a consolidation or a detachment and annexation under Chapter 41.

Sec. 14.002. CREATION OF COUNTY SCHOOL DISTRICT. (a) Except as provided by Subsection (b), a county to which this chapter applies may consolidate each school district located in whole or in part in the county into one county school district in the manner provided by this chapter.

1 (b) A school district that has territory in more than one
2 county may be consolidated under this chapter only into the county
3 school district of the county in which a majority of the district's
4 students reside. Subsection (a) does not apply to a special purpose
5 school district under Subchapter H, Chapter 11.

6 (c) Except as provided by Subsection (d), a school district
7 whose territory becomes part of a county school district under this
8 chapter is abolished.

9 (d) A school district abolished under this chapter may
10 retain the name, logo, or any other feature that identified the
11 district before the creation of the county school district.

12 Sec. 14.003. PETITION. Consolidation of school districts
13 under this chapter is initiated by petition requesting an election
14 on the question, submitted to the commissioners court of the
15 county. The petition must be signed by at least 10 percent of the
16 registered voters who participated in the most recent gubernatorial
17 election in the county.

18 Sec. 14.004. ELECTION. (a) On receiving a petition that
19 satisfies the requirements of Section 14.003, the commissioners
20 court of the county shall:

21 (1) issue an order for an election to be held on the
22 same day in each school district included in the proposed county
23 school district; and

24 (2) give notice of the election.

25 (b) The ballot in the election shall be printed to permit
26 voting for or against the proposition: "Consolidation of (names of
27 school districts) into a single county school district."

1 (c) The commissioners court shall canvass the results of the
2 election in each school district and shall publish the results
3 separately for each district.

4 (d) If the votes cast in all school districts show a
5 majority in each district voting in favor of the consolidation, the
6 commissioners court shall declare the districts consolidated and
7 the county school district created.

8 Sec. 14.005. EFFECT OF CREATION OF COUNTY SCHOOL DISTRICT.
9 If the election held under Section 14.004 results in the creation of
10 a county school district under this chapter, on the effective date
11 of the creation of the county school district:

12 (1) students residing in the territory of a former
13 school district become residents of the county school district;

14 (2) title to property of each former school district
15 vests in the county school district;

16 (3) the county school district assumes all debt of
17 each former school district; and

18 (4) the county school district assumes jurisdiction of
19 the territory of each former school district for all other
20 purposes.

21 Sec. 14.006. STATUS OF COUNTY SCHOOL DISTRICT. A county
22 school district created under this chapter is an independent school
23 district.

24 Sec. 14.007. ASSUMPTION OF DEBT. (a) A county school
25 district created under this chapter is not required to conduct an
26 election on assumption of indebtedness of a former school district.
27 Without an election, the county school district may levy and

1 collect taxes necessary to pay principal and interest on the
2 assumed debt so long as the debt is outstanding.

3 (b) Without an election, a county school district created
4 under this chapter may issue refunding bonds for a former school
5 district's bonds assumed under this chapter.

6 Sec. 14.008. BOARD OF TRUSTEES. (a) A county school
7 district created under this chapter is governed by a board of
8 trustees.

9 (b) On creation, a county school district created under this
10 chapter is governed by an interim board of trustees consisting of at
11 least one member from the board of trustees of each former school
12 district. The commissioners court of the county shall determine
13 the number of members to serve on the interim board. Before the
14 election on creation of a county school district is held, the board
15 of trustees of each school district that may be consolidated as a
16 result of the election shall, by majority vote, designate at least
17 one member of the board to serve as an interim trustee of the county
18 school district in the event that the election results in the
19 creation of a county school district. Each former school district
20 shall have equal representation on the interim board.

21 (c) The interim board of trustees of a county school
22 district created under this chapter shall order an election of
23 trustees to be held not later than the 90th day after the effective
24 date of the creation of the county school district. Subject to
25 Section 11.052, the election shall be held in a manner so that at
26 least one trustee represents each former school district.
27 Notwithstanding Section 11.051(b), the interim board of trustees

1 shall determine the number of members to serve on the elected board
2 of trustees, except that the board must consist of at least three
3 members.

4 (d) The powers, duties, and terms of office of the trustees
5 are governed by Chapter 11.

6 Sec. 14.009. SUPERINTENDENT; ASSISTANT SUPERINTENDENT.

7 (a) The board of trustees of the county school district shall
8 employ a superintendent of the district.

9 (b) The board of trustees, with the advice of the
10 superintendent, shall employ one assistant superintendent to
11 represent each former school district consolidated into the county
12 school district. Each assistant superintendent shall:

13 (1) manage and provide for the enforcement of the
14 academic standards and discipline in the former school district the
15 assistant superintendent represents; and

16 (2) for each campus located in the former school
17 district the assistant superintendent represents, supervise the
18 principal's administration of academic standards and discipline at
19 the campus.

20 Sec. 14.010. ADMINISTRATIVE AND SUPPORT EMPLOYEES. (a)
21 The superintendent of a county school district shall hire
22 administrative and support employees in accordance with employee
23 position titles and the number of employee positions authorized by
24 the commissioner, based on the enrollment, geographic location, and
25 other relevant factors that apply to the district.

26 (b) To the extent practicable, in hiring administrative and
27 support employees, the superintendent shall employ administrative

1 and support employees employed by the former school districts of
2 which the consolidated district is composed.

3 (c) The employment of administrative and support employees
4 of former school districts who are not employed in the same or a new
5 position by the superintendent under this section may not be
6 terminated by the county school district before the first
7 anniversary of the date of the creation of the district. This
8 subsection does not prohibit the board of trustees from discharging
9 an employee for good cause, as determined by the board of trustees.

10 Sec. 14.011. EXPENDITURES FOR INSTRUCTIONAL PURPOSES.
11 Beginning not later than the first anniversary of the date that the
12 board of trustees hires a superintendent of the county school
13 district, the superintendent shall ensure that at least 60 percent
14 of the district's total revenue is spent for instructional purposes
15 as defined by the National Center for Education Statistics.

16 Sec. 14.012. MONETARY SAVINGS. A county school district
17 board of trustees shall use any monetary savings that the board
18 determines are attributable to the creation of the county school
19 district under this chapter to provide additional compensation or
20 other benefits to each employee in the county school district other
21 than the superintendent or assistant superintendent or a member of
22 the superintendent's or assistant superintendent's immediate
23 staff.

24 SECTION 2. As soon as practicable after the effective date
25 of this Act, the commissioner of education shall adopt rules
26 concerning employee position titles and the number of employee
27 positions authorized for a county school district created under

1 Chapter 14, Education Code, as added by this Act.

2 SECTION 3. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2007.