

By: Elkins, Howard of Fort Bend

H.B. No. 3725

Substitute the following for H.B. No. 3725:

By: Berman

C.S.H.B. No. 3725

A BILL TO BE ENTITLED

AN ACT

relating to the governance of certain municipal school districts.

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

SECTION 1. Subchapter G, Chapter 11, Education Code, is amended by adding Section 11.304 to read as follows:

Sec. 11.304. ASSUMPTION OF DIRECT CONTROL AND GOVERNANCE OF OR CONVERSION TO INDEPENDENT SCHOOL DISTRICT BY MUNICIPAL SCHOOL DISTRICT. (a) The governing body of each home-rule municipality that has a municipal school district within the municipal boundaries shall order a special election to be held on November 6, 2008, on the control and governance of the school district. The ballot in an election under this section shall contain the following two propositions:

(1) "The assumption of direct control and governance of the _____ Municipal School District by the City Council of the City of _____."; and

(2) "The conversion of the _____ Municipal School District to an independent school district."

(b) The ballot for an election under this section shall allow a voter to vote for or against each proposition under Subsection (a). If both propositions receive a majority vote of the qualified voters voting at the election, only the proposition receiving the higher number of favorable votes is considered approved. If neither proposition receives a majority vote of the

1 qualified voters voting at the election, the control and governance
2 of the municipal school district continues as before the election.

3 (c) If the proposition under Subsection (a)(1) is approved,
4 immediately on the final canvass of the returns and the declaration
5 of results of the election:

6 (1) the governing body of the municipality assumes the
7 direct control and governance of the municipal school district; and

8 (2) the term of office of each member of the elected
9 board of trustees of the municipal school district ends, but each
10 member of that board continues to serve in that capacity until
11 removed by the governing body of the home-rule municipality.

12 (d) If the proposition under Subsection (a)(1) is approved,
13 notwithstanding former Section 24.04(b), as it existed May 1, 1995,
14 the governing body of the municipality shall appoint a board of
15 trustees for the municipal school district. A person serving under
16 Subsection (c)(2) is eligible for appointment under this
17 subsection. The governing body of the municipality may appoint the
18 members of the board of trustees for terms, but may remove a member
19 of the board at any time, with or without cause. The appointed board
20 of trustees is the governing board of the school district for the
21 purposes of Chapter 45, and the procedures specified by Sections
22 11.303(b)-(h) do not apply to the appointed board of trustees.

23 (e) If the proposition under Subsection (a)(2) is approved,
24 immediately on the final canvass of the returns and the declaration
25 of results of the election:

26 (1) the status of the municipal school district is
27 changed to that of an independent school district;

1 (2) the former municipal school district is governed
2 by the former district's board of trustees until a new board is
3 elected as provided by Subchapter B; and

4 (3) the former municipal school district has no
5 further governance relationship with the home-rule municipality.

6 (f) An independent school district created pursuant to an
7 election held under this section is not subject to Section 11.303
8 and shall operate under Subchapters A through F.

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