

By: Anchia

H.B. No. 2579

A BILL TO BE ENTITLED

AN ACT

relating to the governance and operation of certain independent school districts.

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

SECTION 1. Subchapter C, Chapter 11, Education Code, is amended by adding Section 11.0511 to read as follows:

Sec. 11.0511. STUDENT TRUSTEE FOR CERTAIN DISTRICTS. (a)

This section applies only to a school district described by Section 11.065(a).

(b) Notwithstanding Section 11.051(b), the board of trustees of a school district shall, on its own motion, order an election to submit to the qualified voters of the district the proposition to establish as a nonvoting member a student trustee position. If a majority of the voters voting in the election approve the establishment of the student trustee position, the board shall adopt a resolution establishing as a nonvoting member a student trustee position as provided by this section.

(c) A student trustee serves a term of one year. The resolution shall establish the selection procedure for the student trustee position, including the method for filling a vacancy.

(d) A student is eligible to serve as a student trustee if the student is enrolled in the student's junior or senior year of high school and is considered in good standing academically and under the district code of conduct.

1       (e) To the extent permitted under the Family Educational  
2 Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), a student  
3 trustee may participate, other than voting, in all deliberations of  
4 the board and has a right of access to information, documents, and  
5 records in the same manner as a voting member of the board.

6       (f) A school district may grant to a student who fulfills  
7 the requirements of service of a student trustee not more than one  
8 academic course credit in a subject area determined appropriate by  
9 the district.

10       SECTION 2. Subchapter C, Chapter 11, Education Code, is  
11 amended by adding Section 11.0525 to read as follows:

12       Sec. 11.0525. REDISTRICTING COMMISSION. (a) This section  
13 applies only to a school district that:

- 14               (1) has nine single-member districts;  
15               (2) has a central administrative office located in a  
16 county with a population of more than two million; and  
17               (3) has a student enrollment of more than 125,000 and  
18 less than 200,000.

19       (b) The board of trustees of a school district to which this  
20 section applies shall, on its own motion, order an election to  
21 submit to the qualified voters of the district the proposition to  
22 establish a redistricting commission for the purpose of  
23 establishing board of trustee districts. The election shall be  
24 held at the same time and in the same manner as an election held to  
25 elect candidates to the board. If the establishment of a  
26 redistricting commission is approved by a majority of the voters  
27 voting in an election held by the board for that purpose, then not

1 later than January 31 of the year following the federal decennial  
2 census, each member of the board of trustees of the school district  
3 shall appoint one member to the redistricting commission.

4 (c) In making an appointment under this section, the board  
5 of trustees shall, as nearly as may be practicable, provide fair and  
6 balanced representation of all geographical areas of the school  
7 district in the redistricting process and provide a total  
8 membership that reflects the racial and ethnic makeup of the school  
9 district's population. Members of the redistricting commission  
10 shall be appointed to serve a term that will end on completion of  
11 the redistricting commission's work.

12 (d) Administrative staff of the school district shall  
13 initiate and widely publicize a 60-day application process for the  
14 redistricting commission, open to all registered voters residing in  
15 the district, with outreach to diverse communities to encourage  
16 participation. All applications to serve on the redistricting  
17 commission must be submitted in writing or electronically.

18 (e) The board president shall designate the chair of the  
19 redistricting commission, subject to confirmation by a majority of  
20 the board of trustees.

21 (f) To qualify for appointment to the redistricting  
22 commission, a person must:

23 (1) be registered to vote and have voted in two of the  
24 last three school district elections for the board of trustees;

25 (2) have been a resident of the school district for at  
26 least six months before the date of application; and

27 (3) have a capacity to serve with impartiality, the

1 ability to work collaboratively, an understanding of the underlying  
2 legal principles of redistricting, a knowledge and appreciation of  
3 the diverse racial and ethnic demographics in the school district,  
4 and a will to serve the greater good.

5 (g) A member of the redistricting commission is not eligible  
6 to be a candidate for a place on the board of trustees in the next  
7 succeeding board election and may not be appointed or elected to the  
8 board or a commission of the school district for a period of one  
9 year after the date the member's service on the redistricting  
10 commission ends.

11 (h) The following persons are not eligible to serve on the  
12 redistricting commission:

13 (1) a member of the board of trustees or the spouse of  
14 a member of the board or any family member within the third degree  
15 of consanguinity or affinity, as determined under Chapter 573,  
16 Government Code;

17 (2) a person or the spouse of a person who has been  
18 appointed to or elected to any elective federal, state, county, or  
19 municipal office during the three years before the application  
20 date;

21 (3) the campaign manager, treasurer, or staff member  
22 of any candidate for federal, state, county, or municipal office  
23 during the five years before the application date;

24 (4) a registered lobbyist or the spouse of a lobbyist  
25 required to register with a municipal, county, state, or federal  
26 government;

27 (5) a person or the spouse of a person who has a

1 contractual relationship with the school district, works for the  
2 district, works for or with or has a contractual relationship with  
3 any member of the board or the spouse, child, or parent of a member  
4 of the board; or

5 (6) a person who the board determines is otherwise  
6 ineligible to serve on the commission.

7 (i) By April 1 of the year of the federal decennial census,  
8 the administrative office servicing the board of trustees shall  
9 review each application for completeness and shall forward the  
10 complete applications to the internal auditor's office for  
11 independent verification to determine compliance with the  
12 qualifications and to eliminate applicants who do not qualify. By  
13 June 1 of that year, the internal auditor's office shall forward a  
14 list of all qualified applicants to the board. The list must  
15 indicate the trustee district in which each applicant lives.

16 (j) The redistricting commission shall draw the board of  
17 trustee districts in compliance with the requirements of federal or  
18 state law and in compliance with the following guidelines:

19 (1) the districts shall be substantially equal in  
20 population according to the total population count as presented in  
21 the census data, except where deviation is required to comply with  
22 federal law or is otherwise allowable by law;

23 (2) in addition to the requirements of federal law,  
24 there shall be no discrimination on the basis of race, color, or  
25 membership in a language minority group, and the voting strength of  
26 racial, ethnic, and language minorities in the districts shall not  
27 be diluted to deprive minority voters of an equal opportunity to

1 elect a candidate of their choice;

2 (3) the districts must be geographically compact, to  
3 the extent possible, and composed of contiguous territory;

4 (4) the reconfiguration of districts must be neutral  
5 as to incumbents or potential candidates;

6 (5) to the extent possible, the districts must not  
7 split defined school feeder patterns; and

8 (6) when possible without violating other  
9 requirements, communities of interest must be placed in a single  
10 district and neighborhoods may not be split.

11 (k) A member of the board of trustees may not have contact,  
12 directly or indirectly, with a redistricting commission member or  
13 with redistricting commission staff, with respect to  
14 redistricting, except by testimony in a public hearing.  
15 Redistricting commission members may not engage in any discussions,  
16 directly or indirectly, regarding redistricting or the work of the  
17 redistricting commission with members of the board, except during a  
18 public hearing or by written communication given to the entire  
19 commission. If a redistricting commission member engages in a  
20 prohibited discussion or violates state law regarding public  
21 meetings, the commission may, by majority vote, remove the member  
22 from the commission.

23 (l) Before the redistricting commission begins work, the  
24 school district must provide commission members training from  
25 knowledgeable and professional trainers on school district  
26 demographics, the legal principles of redistricting, including the  
27 Voting Rights Act (52 U.S.C. Section 10101 et seq.), and the process

1 for performing redistricting, including the use of computer  
2 software to draw district lines.

3 (m) On request, the school district shall provide support  
4 staff, equipment, and other resources as necessary for the  
5 redistricting commission to perform its duties.

6 (n) The redistricting commission shall solicit broad public  
7 participation in the redistricting process. The hearing process  
8 must include hearings to receive public input before the  
9 redistricting commission draws any maps and hearings following the  
10 drawing and display of any redistricting commission maps. The  
11 redistricting commission shall display the proposed maps for public  
12 comment in a manner designed to achieve the widest public access  
13 reasonably possible and for a reasonable time before approval by  
14 the redistricting commission. In addition, the redistricting  
15 commission shall make available a report that identifies for each  
16 district the district boundaries, population, racial and ethnic  
17 composition, and compactness measures.

18 (o) The redistricting commission shall file its recommended  
19 plan with the board president. The president shall present the  
20 recommended plan to the board of trustees at its next meeting. The  
21 board may adopt the plan as submitted or may modify and adopt the  
22 plan, but must adopt a plan not later than the 45th day after the  
23 date the board president received the plan. If the board modifies  
24 the plan, it must do so in open session at a board meeting with a  
25 written explanation of the need for the modification, and a copy of  
26 the proposed plan with the modification must be made available to  
27 the public 72 hours before a vote. A proposed plan must be approved

1 by a vote of two-thirds of the members of the board. If no action is  
2 taken by the board in the required period of time, the recommended  
3 plan of the redistricting commission becomes the final plan for the  
4 school district.

5 (p) The plan developed in accordance with this section shall  
6 be implemented at the next general election of the board of trustees  
7 conducted at least 90 days following the date the final plan becomes  
8 effective for the school district.

9 SECTION 3. Section 11.061, Education Code, is amended by  
10 adding Subsection (e) to read as follows:

11 (e) This subsection applies only to a school district  
12 described by Section 11.065(a). Notwithstanding Subsection (d),  
13 the board of trustees of a school district shall, on its own motion,  
14 order an election to submit to the qualified voters of the district  
15 the proposition to provide for trustee compensation equal to the  
16 average salary of teachers in the district who hold a bachelor's  
17 degree. If a majority of the voters voting in the election approve  
18 the trustee compensation, a trustee is entitled to compensation as  
19 provided by this subsection.

20 SECTION 4. Section 11.065(d), Education Code, is amended to  
21 read as follows:

22 (d) Notwithstanding Chapter 171, Acts of the 50th  
23 Legislature, Regular Session, 1947 (Article 2783d, Vernon's Texas  
24 Civil Statutes), to the extent consistent with this section and  
25 Section 11.066, the board of trustees of a school district  
26 described by Subsection (a) may adopt rules necessary to govern the  
27 term, election, and residency requirements of members of the board



1 that may be adopted under general law by any other school district.

2 SECTION 5. Subchapter C, Chapter 11, Education Code, is  
3 amended by adding Section 11.066 to read as follows:

4 Sec. 11.066. TERMS AND ELECTION DATE FOR CERTAIN SCHOOL  
5 DISTRICTS. (a) This section applies only to a school district  
6 described by Section 11.065(a).

7 (b) The board of trustees of a school district shall, on its  
8 own motion, order an election to submit to the qualified voters of  
9 the district the proposition to change the terms of office of  
10 trustees from three years to four years. If a majority of the  
11 voters voting in the election approve four-year terms, the board  
12 shall adopt a resolution changing the terms of trustees to  
13 four-year terms. The resolution must provide for staggered terms  
14 and specify the manner in which the transition from the length of  
15 three-year terms to four-year terms is made.

16 (c) The board of trustees of a school district shall, on its  
17 own motion, order an election to submit to the qualified voters of  
18 the district the proposition to change the date on which the  
19 district holds its general election for trustees to the November  
20 uniform election date. If a majority of the voters voting in the  
21 election approve the change, the board shall adopt a resolution  
22 changing the date on which the district holds its general election  
23 for trustees to the November uniform election date. The resolution  
24 must provide for adjusting the terms of office to conform to the new  
25 election date.

26 SECTION 6. Section 21.212, Education Code, is amended by  
27 adding Subsection (a-1) to read as follows:

1        (a-1) This subsection applies only to a school district  
2 described by Section 11.065(a). Notwithstanding Subsection (a),  
3 the board of trustees of a school district shall, on its own motion,  
4 order an election to submit to the qualified voters of the district  
5 the proposition to change the board vote requirement by which a  
6 superintendent may be considered for nonrenewal to a two-thirds  
7 vote of the trustees. If a majority of the voters voting in the  
8 election approve the change, the board shall adopt a resolution  
9 changing the vote requirement to a two-thirds vote. The resolution  
10 must provide that the change in the vote requirement applies only to  
11 a superintendent contract entered into on or after the effective  
12 date of the resolution.

13        SECTION 7. Section 25.0811, Education Code, is amended by  
14 adding Subsection (c) to read as follows:

15        (c) This subsection applies only to a school district  
16 described by Section 11.065(a). Notwithstanding Subsection (a),  
17 the board of trustees of a school district shall, on its own motion,  
18 order an election to submit to the qualified voters of the district  
19 the proposition to begin instruction for students for a school year  
20 before the fourth Monday in August. If a majority of the voters  
21 voting in the election approve the change, the board shall adopt a  
22 resolution that sets a date on which instruction for students  
23 begins for a school year that occurs before the fourth Monday in  
24 August.

25        SECTION 8. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this  
2 Act takes effect September 1, 2015.