

BILL ANALYSIS

Senate Research Center
88R3167 ANG-F

H.B. 1067
By: VanDeaver (Flores)
Education
5/9/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There is a case pending in the Supreme Court of Texas on a detachment and annexation issue between neighboring independent school districts. Specifically, one district approved the petition requesting the detachment and annexation but the other district did not approve or deny the petition. The other district's failure to vote on the petition warranted the commissioner of education to hear the case and decide on an outcome, but this has been subject to review by the courts in a lengthy process.

H.B. 1067 seeks to prevent future instances of lengthy judicial disputes and give a clear answer to all parties before filing suit by providing for the disapproval of a petition requesting detachment and annexation of district territory if the district's board of trustees does not vote on the petition by a specified deadline.

H.B. 1067 amends the Education Code to set the following deadlines for actions by the board of trustees of a public school district in relation to a petition for the detachment and annexation of district territory:

- a deadline of 10 days after the petition is received to give notice of the contemplated change to district territory;
- a deadline of 30 days after the petition is received to conduct a hearing on the detachment and annexation; and
- a deadline of 15 days after the hearing concludes to make its findings and adopt a resolution approving or disapproving the petition.

The bill establishes that the petition is considered to be disapproved if the school board fails to adopt a resolution approving or disapproving the petition before the 45th day following the date the petition is received.

H.B. 1067 amends current law relating to the detachment and annexation of school district territory by petition.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 13.051, Education Code, by amending Subsections (a), (g), and (h) and adding Subsection (h-1), as follows:

(a) Requires each board of trustees to which a petition is required to be presented, not later than the 30th day after the date the petition is received, to conduct a hearing and adopt a resolution as provided by Section 13.051 (Detachment and Annexation of Territory) for the annexation to be effective.

(g) Requires each affected board of trustees, not later than the 10th day after the date the petition is received, rather than immediately following receipt of the petition as required

by this section, to give notice of the contemplated change by publishing and posting a notice in the manner required for an election order under Section 13.003 (Petition and Election).

(h) Requires each board of trustees, not later than the 15th day after the date the hearing concludes, rather than after the conclusion of the hearing, to make findings as to the educational interests of the current students residing or future students expected to reside in the affected territory and in the affected districts and as to the social, economic, and educational effects of the proposed boundary change and to adopt, on the basis of those findings, a resolution approving or disapproving the petition.

(h-1) Provides that the petition, if the board of trustees of an affected district fails to adopt a resolution approving or disapproving the petition requesting the detachment and annexation on or before the 45th day following the date the petition is received, is considered to be disapproved by that board of trustees.

SECTION 2. Effective date: upon passage or September 1, 2023.