88R13716 MLH-F

By:  Middleton S.B. No. 2501

A BILL TO BE ENTITLED

AN ACT

relating to the process for filling a vacancy on the board of trustees of an independent school district.

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

SECTION 1.  Section 11.060, Education Code, is amended by amending Subsections (a), (c), and (d) and adding Subsections (e) and (f) to read as follows:

(a)  If a vacancy occurs on the board of trustees of an independent school district, the remaining trustees may not fill the vacancy by appointment [~~until the next trustee election~~]. The board shall fill the vacancy at the district's next general election or as provided by Subsection (c).

(c)  Instead of filling a vacancy [~~by appointment~~] under Subsection (a) or (b), the board or municipal governing body may hold [~~order~~] a special election to fill the vacancy. A special election is conducted in the same manner as the district's general election except as provided by the Election Code.

(d)  A [~~If more than one year remains in the term of the position vacated, the~~] vacancy shall be filled under this section not later than the last [~~180th~~] day of the 18th month after the date the vacancy occurs.

(e)  A person who owns property subject to ad valorem taxation by the school district may bring an action against the board of trustees of an independent school district to enjoin a violation of this section. If the person prevails in the action, the person may recover damages, reasonable attorney's fees, and court costs. A person may not be required to complete an administrative grievance process before bringing suit under this subsection.

(f)  Governmental immunity from suit is waived and abolished to the extent of liability created by this section.

SECTION 2.  This Act takes effect September 1, 2023.