

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

1 violation of this section. If the person prevails in the action,
2 the person may recover damages, reasonable attorney's fees, and
3 court costs. A person may not be required to complete an
4 administrative grievance process before bringing suit under this
5 subsection.

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

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