

## **BILL ANALYSIS**

C.S.H.B. 5089  
By: Geren  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The bill author has informed the committee that potential detachment of territory of an existing public school district is an issue that should receive public participation and input from those who would be affected. The bill author has further informed the committee that the rules for detachment are unclear and that a process such as district detachment, which can have a significant impact on communities, should be open and transparent. C.S.H.B. 5089 seeks to address this issue by revising petition requirements and providing for a district by detachment process for a district in a single county, initiated by a petition presented to a district court.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 5089 amends the Education Code to specify, with respect to statutory provisions creating a new public school district by detachment, that a creation of a district initiated by resolution of the board of trustees of each district from which territory is to be detached or by a petition presented to the commissioners court is a detachment of territory that is in more than one county. The bill establishes that the creation of a new district by detachment of territory that is in a single county is initiated by a petition presented to the district court for the county. The bill subjects such a petition to the requirements in current law for the creation of a district by detachment but does not subject the petition to the requirements of law or court rule for a petition initiating a civil suit.

C.S.H.B. 5089 revises the requirements for a detachment petition, as follows:

- with respect to the requirement for the petition to be signed by at least 10 percent of the registered voters residing in the proposed area to be detached from an existing district:
  - changes from at least 10 percent to at least 20 percent; and
  - clarifies that the petition applies to the percentage of the registered voters residing in each existing district from which territory is to be detached; and
- with respect to the requirement for a petition to be addressed to the commissioners court of the county in which the territory of the proposed district is located, replaces the commissioners court with the district court for such a county.

For purposes of statutory provisions governing the election for the creation of a district by detachment and the creation of the district after the election, the bill reflects the inclusion of an applicable district court, in addition to the commissioners court of an applicable county.

C.S.H.B. 5089 provides an exception from the provision establishing that a new district assumes and is liable for any portion of outstanding indebtedness of the district from which the territory was detached that is allocated to the new district by requiring the district court to make the required allocations for a district created in a single county.

### **EFFECTIVE DATE**

September 1, 2025.

### **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 5089 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute and the introduced differ as follows:

- the introduced included a provision defining "board" as the State Board of Education (SBOE), whereas the substitute does not;
- the introduced changed the method by which creation of a new district by detachment is initiated by doing the following, which the substitute does not:
  - removing that such action is initiated by means of a resolution of each district's board of trustees from which territory is to be detached; and
  - replacing the entity to which the petition is presented from the commissioners court to the SBOE;
- the substitute specifies that the provision in current law establishing that the creation of a new district by detachment refers to the detachment of territory that is in more than one county, whereas the introduced did not;
- with respect to the requirements relating to the petition for detachment:
  - the introduced replaced the requirement that the petition be addressed to the applicable commissioners court with the requirement that the petition be addressed to the SBOE; whereas
  - the substitute instead replaces the commissioners court of the county in which the territory of the proposed district is located with the district court for such a county;
- with respect to statutory provisions governing the creation of the district after the election:
  - the introduced replaced the requirement for the commissioners court to enter an order creating the new district with a requirement for the SBOE to adopt a rule creating the new district; whereas
  - the substitute reflects in such requirement the inclusion of an applicable district court, in addition to the commissioners court of an applicable county; and
- the substitute provides an exception from the provision establishing that a new district assumes and is liable for any portion of outstanding indebtedness by requiring the district court to make the required allocations for a district created in a single county, whereas the introduced did not.

The substitute includes a provision which did not appear in the introduced that does the following:

- establishes that the creation of a new district by detachment of territory that is in a single county is initiated by a petition presented to the district court for the county;
- subjects such a petition to the requirements in current law for the creation of a district by detachment; and
- establishes that the petition is not subject to the requirements of law or court rule for a petition initiating a civil suit.

The substitute omits the provisions from the introduced that did the following:

- required the SBOE by rule to equitably allocate the indebtedness and personal property of each district from which territory was detached among those districts and the new district; and
- required the SBOE, in allocating indebtedness and personal property, to consider the value of the property and the taxable value of the districts subject to the allocation.