

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 1240  
By: Shapiro  
Education  
4-1-2003  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

Currently, provisions in Chapters 13 and 41 of the Education Code may have created a perceived barrier to voluntary consolidation of school districts. C.S.S.B. 1240 includes language specifying a local consolidation agreement into sections addressing resolutions or petitions, election orders, effective dates of transfer, and governance regarding consolidating districts. This bill also provides the structure for drafting a local consolidation agreement and holding public hearings on that agreement.

### **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 13.005 (a), Education Code, to exempt any provision by a local consolidation agreement under Section 13.158 (Local Consolidation Agreement).

SECTION 2. Amends Section 13.152, Education Code, to provide that consolidation is initiated in a district proposed to be consolidated through measures originating the district, rather than each district. Makes a conforming change.

SECTION 3. Amends Section 13.153, Education Code, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Requires that the ballot be printed in a certain manner if no local consolidation agreement is submitted under Section 13.158 (Local Consolidation Agreement).

(c) Requires that the ballot be printed in a certain manner if a local consolidation agreement is submitted under Section 13.158 (Local Consolidation Agreement).

SECTION 4. Amends Section 13.155 (b) and (c), Education Code, to make conforming changes.

SECTION 5. Amends Chapter 13D, Education Code, by adding Section 13.1521, as follows:

Sec. 13.158. [As drafted, Section is numbered 13.158 instead of 13.1521.] LOCAL CONSOLIDATION AGREEMENT. (a) Authorizes the boards of trustees of the districts to be consolidated, before issuing an order for an election under Section 13.153 (Election Order; Notice), to draft a local consolidation agreement to be submitted to the registered voters in each district. Requires that an agreement set out the composition and method of election of the consolidated board of trustees. Requires the identical agreement be submitted to the registered voters of each district.

(b) Authorizes inclusion of certain provisions in a local consolidation agreement.

(c) Authorizes the boards of trustees of the districts to be consolidated to amend the local consolidation agreement, not later than 30 days before a consolidation election is held. Prohibits, after a successful election to consolidate, amending the local consolidation agreement for five years following the effective date of

consolidation, unless the agreement provides for a shorter period. Provides that after that time, the agreement may be amended only by unanimous vote of the board of trustees of the district.

(d) Authorizes the commissioner of education (commissioner) to waive a requirement under this section or Section 13.159 (Public Inspection and Hearing) on application of the boards of trustees of all the districts proposed for consolidation.

SECTION 6. Amends Chapter 13D, Education Code, by adding Section 13.159, as follows:

Sec. 13.159. PUBLIC INSPECTION AND HEARING. (a) Requires a consolidation agreement under Section 13.158 (Local Consolidation Agreement) to be made available for public inspection during regular business hours at the central administration building of each district for at least 25 days before the consolidation election.

(b) Requires each district to hold a public hearing to allow interested persons to present comments related to the local consolidation agreement. Requires, if the agreement is amended following a public hearing, that another public hearing be held to consider the amendment.

(c) Requires each district to provide notice of each public hearing to the public.

SECTION 7. Amends Section 41.033, Education Code, as follows:

Sec. 41.033. GOVERNANCE PLAN. (a) Makes a conforming change.

(b) Deletes text referring to Section 11.052 (Single-member Trustee Districts). Requires the consolidated district, if the consolidating districts elect trustees from single-member districts, to adopt a plan to do the same.

SECTION 8. (a) Effective date: upon passage or September 1, 2003.

(b) Makes application of the changes made in Section 13.005 (a), Sections 13.155 (b) and (c), and Section 41.033, Education Code, by this Act prospective.

#### **SUMMARY OF COMMITTEE CHANGES**

Differs from the original in SECTION 5 by including the requirement that an agreement set out the composition and method of election of the consolidated board of trustees.