

BILL ANALYSIS

C.S.H.B. 1152
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Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that while state taxpayers contribute greatly to the public school system in Texas, the general public lacks input on important items considered by an independent school district board of trustees, such as school district name changes. Given the major fiscal implications involved with such a name change, these parties assert that the failure to gauge public interest through a vote deprives the public of proper transparency needed to ensure a school district is responsibly using taxpayer funds. C.S.H.B. 1152 seeks to elevate taxpayer voices by requiring a referendum election before an independent school district board of trustees in certain counties can approve such a name change.

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. 1152 amends the Education Code to prohibit the board of trustees of an independent school district in a county with a population of 3.3 million or more and with a student enrollment of more than 200,000 from changing the name of a school district or a district campus before the district conducts a referendum election on the issue of whether the name of the district or district campus, as applicable, should be changed and a majority of voters voting in the election approve the change in name of the district or district campus, as applicable. The bill authorizes the placement of a referendum on the ballot at any type of district election, including an election of district trustees, a bond election, or a special election. The bill authorizes the board of trustees, if a majority of the voters approve the change in name of a district or a district campus, as applicable, to change the name of the district or district campus by resolution. The bill requires the board of trustees to give notice of the change in name of the district or a district campus by sending to the commissioner of education the applicable resolution, attested by the president and secretary of the board, and a copy of the election results. The bill establishes that the district or the district campus, under the changed name, is considered a continuation of the district or district campus, as the district or district campus was formerly named, for all purposes.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1152 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
No equivalent provision.	SECTION 1. The heading to Section 11.160, Education Code, is amended to read as follows: Sec. 11.160. <u>AUTHORITY TO CHANGE NAME OF SCHOOL DISTRICT GENERALLY</u> [NAME].
No equivalent provision.	SECTION 2. Section 11.160(a), Education Code, is amended to read as follows: (a) The board of trustees of an independent school district, <u>other than a school district subject to Section 11.1601</u> , by resolution may change the name of the school district.
SECTION 1. Section 11.160, Education Code, is amended to read as follows: Sec. 11.160. CHANGE OF SCHOOL DISTRICT NAME.	SECTION 3. Subchapter D, Chapter 11, Education Code, is amended by adding Section 11.1601 to read as follows: Sec. 11.1601. <u>AUTHORITY TO CHANGE NAME OF SCHOOL DISTRICT OR DISTRICT CAMPUS LOCATED IN CERTAIN POPULOUS COUNTIES.</u>
(a) The board of trustees of an independent school district <u>may not change the name of a school district before:</u>	(a) The board of trustees of an independent school district <u>in a county with a population of 3.3 million or more and with a student enrollment of more than 200,000 may not change the name of a school district or a district campus before the district conducts a referendum election on the issue of whether the name of the district should be changed or on the issue of whether the name of a district campus should be changed and:</u>
(1) <u>the district conducts a referendum election on the issue of whether the name of the district should be changed; and</u>	(1) <u>if the referendum is on the issue of changing the district's name, a majority of the voters voting in the election approve the change in name of the district; or</u>
(2) <u>a majority of the voters voting in the election approve the change in name of the district.</u>	(2) <u>if the referendum is on the issue of changing the name of a district campus, a majority of the voters voting in the election approve the change in name of the district campus.</u>
(b) <u>The referendum may be placed on the ballot at any type of district election, including an election of district trustees, a bond election, or a special election.</u>	(b) <u>A referendum described by Subsection (a) may be placed on the ballot at any type of district election, including an election of district trustees, a bond election, or a special election.</u>
(c) <u>If a majority of the voters approve the change in name of the district, the board by</u>	(c) <u>If a majority of the voters approve the change in name of the district, the board by</u>

resolution may change the name of the ~~[school]~~ district.

~~[(b)]~~ The board shall give notice of the change in name of the district by sending to the commissioner a copy of the resolution, attested by the president and secretary of the board, and a copy of the election results.

(d) The district, under its changed name, is considered a continuation of the district, ~~as formerly named~~, for all purposes.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

resolution may change the name of the district.

(d) If a majority of the voters approve the change in name of a district campus, the board by resolution may change the name of the district campus.

(e) The board shall give notice of the change in name of the district or a district campus by sending to the commissioner a copy of the resolution under Subsection (c) or (d), as applicable, attested by the president and secretary of the board, and a copy of the election results.

(f) The district or the district campus, under the changed name, is considered a continuation of the district or district campus, as the district or district campus was formerly named, for all purposes.

SECTION 4. Same as introduced version.