

SUBJECT: Allowing incumbent school trustees to remain in office after redistricting

COMMITTEE: Public Education — favorable, without amendment

VOTE: 8 ayes — Sadler, Dutton, Dunnam, Hardcastle, Hochberg, Oliveira, Olivo, Smith

0 nays

1 absent — Grusendorf

SENATE VOTE: On final passage, April 25 — 30-0

WITNESSES: None

BACKGROUND: Education Code, sec. 11.052 authorizes a school district board of trustees to change to an election system in which some or all trustees are elected from single-member districts. School boards may order that all seven trustees be elected by single-member district or that no less than 70 percent of the trustees be elected by single-member district and the rest be elected at-large, known as the "5-2" plan. The board must hold a hearing before adopting such a system. If at least 15 percent or 15,000 of the district's registered voters, whichever is less, present a petition seeking a single-member district plan, the board must order an election on the issue. Candidates for school board trustee and elected trustees must be residents of the single-member district for which they run or serve.

When a school district board of trustees chooses to adopt a single-member district plan, all positions on the board must be filled at the first single-member district trustee election and any subsequent redistricting. After being elected, the trustees are required to draw lots to stagger the order in which the positions will be filled. However, under sec. 11.053, a school district that initially adopts a "5-2" plan (five single-member and two at-large districts) may allow incumbent trustees to serve the remainder of their terms during phase-in to the new district plan.

Sec. 11.059 requires a trustee of an independent school district to serve a term of three or four years. Elections for trustees with three-year terms are held annually. Elections for trustees with four-year terms are held biennially.

DIGEST:

SB 1705 would amend Education Code, secs. 11.052 and 11.053 to allow any school district with single-member districts to choose to allow the incumbent trustees to finish their terms after initially adopting the district plan and after each redistricting. The districts and any at-large positions would be filled as the staggered terms of the incumbent trustees expired.

If requested by a resident of a district with 50,000 or more students in average daily attendance, the board of trustees of the district would have to hold a public hearing on the issue of staggered or simultaneous election of trustees from single-member districts after redistricting. The trustee board could not authorize staggered terms until any requested hearing was held.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2001.

SUPPORTERS  
SAY:

School boards under any single-member district plan should have the option to allow incumbent trustees to serve their unexpired terms and to phase-in newly drawn districts. It is important to ensure experience on school boards, which have important fiscal and operational duties. Allowing a phase-in to single-member districts would prevent election of all new board members who would take office and immediately face adopting a budget in July and August and having to set a tax rate by September 30.

If all board members have to be up for election after a redistricting, then most of the board members' terms will be cut short. If SB 1705 is not enacted, these board members will again have to take the time and expense to run for office after serving only one or two years of their terms.

OPPONENTS  
SAY:

The voters should have the right to vote for the entire board of school trustees because all districts would change after redistricting. Voters in the newly drawn districts should have the opportunity to choose the trustee who will represent them in the next election. Otherwise, many residents will

be represented for two or three years by a trustee for whom they never had the opportunity to vote.

Texas law is inconsistent on what offices are subject to new elections after redistricting. The entire state Senate becomes subject to election once a new redistricting plan is drawn, and that body decides on matters significantly more complex than those facing school district trustees.

Democracy and free elections should not be evaluated merely on the basis of cost or trouble to candidates. Election of the entire board could encourage a higher level of voter turnout, which has its own value.

NOTES:

HB 328 by Gallego, which would allow additional single-member district options in smaller counties and includes a provision similar to SB 1705, passed the House by 141-0 on April 24 and passed the Senate, as amended, by 30-0 on the Local and Uncontested Calendar on May 17.

Sec. 5 of the federal Voting Rights Act (42 U.S.C. 1973c) requires certain states, including Texas, and their political subdivisions to submit all proposed policy changes affecting voting and elections to the U.S. Department of Justice or the U.S. District Court for the District of Columbia for preclearance. A jurisdiction submitting a voting change has the burden of showing that the change does not have the purpose or effect of worsening the position of minority voters when compared to the plan in place previously, known as “retrogression.”