

SUBJECT: Locating public school classes and programs on a higher education campus

COMMITTEE: Public Education — favorable, without amendment

VOTE: 9 ayes — Sadler, Dutton, Dunnam, Grusendorf, Hardcastle, Hochberg, Oliveira, Olivo, Smith

0 nays

SENATE VOTE: On final passage, March 29 — 29-0

WITNESSES: For — Kevin O’Hanlon, Santa Gertrudis Independent School District

Against — None

BACKGROUND: Education Code, ch. 11, subchapter D governs the powers and duties of boards of trustees of independent school districts. In general, final policymaking authority in an independent school districts rests with the district’s board of trustees.

DIGEST: SB 826 would add sec. 11.166 to the Education Code to allow a board of trustees of a school district to operate a school or program or to hold classes on the campus of a higher education institution in Texas. The board would have to obtain written consent from the president or chief executive officer of the higher education institution. Written consent could be given even if the institution were located outside the school district’s boundaries.

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: SB 826 is needed to clarify that a Texas independent school district could operate a school or program or hold classes on the campus of a higher education institution, even if the institution were outside the school district’s boundaries.

In 1993, the 73rd Legislature enacted SB 7 by Ratliff, which revised the public-education finance system in Texas. Under the provisions of SB 7, a property-wealthy district has five possible options to lower its wealth. One option is to share its wealth with a property-poor district by consolidation or by pairing with the property-poor district.

The Santa Gertrudis ISD (a property-wealthy district) has been operating a high school on the campus of Texas A&M University at Kingsville. Santa Gertrudis ISD and Driscoll ISD (a property-poor district) have been “paired” since 1994. Santa Gertrudis has been operating the Academy High School for seven years and educates students from both school districts. The university campus is located outside the boundaries of both school districts. According to the Texas Education Agency (TEA), nothing in current law expressly precludes a school district from operating an education program outside of its geographic boundaries, provided that the school board has concluded that a public purpose is served that warrants the expenditure of its funds.

However, in Opinion No. JC-0332 (January 22, 2001), Attorney General John Cornyn determined that a school district may not operate a school outside the district’s geographic boundaries. The opinion stated that although current law grants the trustees of an independent school district the exclusive power and duty to govern and oversee the management of the public schools of the district, the ultimate question is whether a school *beyond* a district’s physical boundaries constitutes a public school of the district.

Many fast-growing school districts are experiencing a shortage of facilities. Being able to share the resources at higher education institutions located within or near them would give options to property-poor districts with limited space and would be a wise and more efficient use of resources. It would foster an increase in partnerships between public schools and institutions of higher education and would be a sound investment for the state.

OPPONENTS
SAY:

SB 826 is a good first step. However, it should be expanded to allow the trustees of school districts to utilize other locations in addition to higher education campuses. For example, two school districts might want to operate

or share an after-school program outside of their districts and might need to locate the program somewhere other than a higher education campus.