

- SUBJECT:** Enlarging Fort Worth school board, eliminating at-large election of president
- COMMITTEE:** Public Education — favorable, without amendment
- VOTE:** 6 ayes — Oliveira, Branch, Dawson, Dutton, Eissler, Hochberg
0 nays
1 absent — Madden
2 present, not voting — Grusendorf, Griggs
- WITNESSES:** For — Ana Yáñez-Correa, League of United Latin American Citizens; Joe Sanchez, Mexican American Legal Defense and Educational Fund; Armando L. Villareal, United Farmworkers and AFL-CIO

Against — Lynne L. Manny, Jesse P. Martinez, Judy G. Needham
- BACKGROUND:** The board of trustees of the Fort Worth Independent School District (FWISD) has nine members, eight of whom are elected from single-member districts. Unlike all other school districts in Texas, the board president is elected at large.

The entire school board was elected at large until 1977, when the Fort Worth chapter of the National Association for the Advancement of Colored People filed a federal Voting Rights Act (VRA) lawsuit. The ensuing settlement produced a 7/2 format: seven single-member districts and two at-large seats (president and vice president). The current 8/1 format has been in place since 1994, when the League of United Latin American Citizens (LULAC) and other groups filed a VRA lawsuit challenging the 7/2 format.

In March 2003, the board voted 5-4 against a proposal to add a ninth single-member district and to select one of its members as president.
- DIGEST:** HB 583 would expand the FWISD board from nine to 11 members, require all members to be elected from single-member districts, and require the board to select a president and vice president from among its members.

The bill would apply these requirements to a district with more than 80,000 students in average daily attendance and located in a county with two or more municipalities with populations of at least 250,000 (currently only FWISD).

HB 583 would give trustees until four months before the first applicable election to divide the FWISD into 11 compact, contiguous districts roughly equal in population. The board would have to reconfigure trustee districts after each federal census, but at least four months before the next election, if the population of the most populous district exceeded the population of the least populous district by more than 10 percent.

The bill would set forth residency requirements, including time extensions pertinent only to the first election under the 11-member format and to any contest of that election. Trustees would have to draw lots for four-year staggered terms after the first election under the new format and after each redistricting.

The bill would take effect September 1, 2003, and would apply to the first regular school board election held thereafter.

**SUPPORTERS
SAY:**

HB 583 would ensure a level playing field for Fort Worth's ethnic minority voters in school board elections. The current board election format skews the balance of power on the board by effectively preventing minorities from electing an at-large member. This problem was the impetus for changing the at-large format to single-member districts in 1977. The only reason for this outmoded and unfair board structure is to maintain the white establishment's majority control of the presidential seat, which always has been held by a white member. Minority candidates cannot win at large in Fort Worth, as shown by the 2002 special election, when a well-qualified African-American lost the presidential race to the white widow of the former president.

The current board composition is majority-minority, with two African-American and three Hispanic members. However, one of the Hispanics represents a majority white district. The ethnic minority trustees representing majority-minority districts all favor replacing the at-large seat with a single-member district.

School districts, unlike home-rule cities, do not make ordinances or regulations governing their constituencies; they carry out education policy and administer school programs. School board presidents do not function like mayors or many other government executives. They are presiding officers, not unlike the speaker of the Texas House. It would be appropriate for FWISD trustees to select their presiding officer, just as every other school district in Texas does. The at-large format makes the president beholden to the voting majority of the electorate, not the school district as a whole. Consequently, the president becomes first among equals by virtue of the seat held, not the will of the board. If the position is as unimportant as some claim, the majority should have no qualms about relinquishing it.

Saying that the state should not get involved in this issue flies in the face of federal action dating back to the Civil War and, more to the point, the civil rights movement. If one segment of government is not doing the right thing, higher authorities are obligated to intervene to correct any inequities and to protect all citizens' rights.

**OPPONENTS
SAY:**

HB 583 is an attempt to obtain legislatively what has eluded its proponents electorally. The FWISD board adequately represents ethnic minorities and women and has done so for many years. Because of changing demographics, ethnic minorities very well may elect a president in 2004.

In 2002, after the board presidency became vacant because of a death, public hearings demonstrated overwhelming support for the current 8/1 format. Not all ethnic minorities support this bill's approach, as illustrated by the board's 5-4 rejection of a similar proposal in March, when an Hispanic trustee cast one of the nay votes. More recently, 11 LULAC chapters in Tarrant County and 120 FWISD parent-teacher associations have voiced support for the current 8/1 format.

The at-large seat is crucial to ensuring that the board maintains a "big picture" overview of educational issues and avoids the provincial "my school" mentality. Without an at-large seat, no trustee would be institutionally responsible for looking after the best interests of FWISD as a whole. Allowing trustees to select their own president would reduce the president's accountability significantly, subjecting the office to internal board politics. In the final analysis, the president is only one of nine votes and wields no ex-

officio power. This bill would not close any rifts that may exist on the board and could open new ones.

HB 583 would cost FWISD at least \$75,000 in legal fees to redistrict again, a process it completed after the 2000 census. It also would require the added expense of an 11-district election, rather than the five seats scheduled for the next election. This would be unfair to taxpayers in view of the current fiscal situation. Adding to this burden, the board must select a new superintendent soon. Nothing in the bill would improve the education of ethnic minority students or any others in FWISD.

The Legislature has no business trying to resolve this local issue. Doing so would violate the principle of local control of public education policy cherished by Texans of all ethnic backgrounds.

**OTHER
OPPONENTS
SAY:**

Expanding the board to 11 seats would be premature. FWISD is not yet large enough to warrant a 22 percent increase in board size. The number of districts should remain at nine.

NOTES:

The author plans to offer a floor amendment that would retain the board's current size of nine members. The amendment also would add a date certain to the definition of an affected district to ensure that the bill would not apply to additional school districts because of growth.

During the 74th Legislature in 1995, the House Public Education Committee considered a similar bill, HB 1746 by Lewis, but left it pending.