

**SUBJECT:** Allowing at-large school boards to become 50 percent single-member districts

**COMMITTEE:** Public Education — favorable, with amendment

**VOTE:** 7 ayes — Grusendorf, Branch, Dawson, Eissler, Griggs, Hochberg, Madden

0 nays

2 absent — Oliveira, Dutton

**WITNESSES:** None

**BACKGROUND:** Education Code, sec. 11.052 allows school district trustees and registered voters to change school boards' form of representation to single-member districts (SMDs) by board order or by petition, respectively. School boards with SMDs must have at least 70 percent of their members elected from SMDs. School districts in sparsely populated areas (counties with less than 10,000 population) that have SMDs may have boards with 50 percent of trustees elected from SMDs. In either case, the rest of the trustees may be elected at large.

**DIGEST:** HB 699, as amended, would reduce the minimum proportion of school board trustees required to be elected from SMDs to 50 percent in school districts not located primarily in counties with less than 10,000 population. The bill would not apply to school boards of which 70 percent of the trustees were elected from SMDs when the bill took effect.

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, 2003.

**SUPPORTERS SAY:** HB 699 would simplify redistricting, reduce constituents' confusion, reduce election costs, encourage candidate participation (especially in small and rural districts), and boost voter turnout.

As of 2001, Texas had approximately 1,040 independent school districts and more trustees than any other state (more than 7,300), according to the Texas

Association of School Boards. Most Texas school boards have seven members, most of whom serve three-year staggered terms. Most Texas school boards with SMDs have two members elected at large and five elected from SMDs.

Because most Texas school boards have seven members, under current law they could not meet the 70 percent minimum proportion standard if four trustees (57 percent) were elected from SMDs and three were elected at large. As a result, most boards' SMD-to-at-large ratio is 5/2 or 6/1. (A few elect all seven members from SMDs.)

Dividing the population of a school district into fifths or sixths is more difficult than dividing it into fourths. Many city councils and most county commissioners courts have four members elected from SMDs. In the 5/2 and 6/1 configurations, school board SMD boundaries often overlap those of other local government entities. If school boards could elect four SMD trustees, their districts could be drawn virtually identical to SMDs for other local governmental entities.

HB 699 would promote local control of school board structure without any state mandates. It would be permissive and any changes discretionary. With 4/3 majorities, SMD trustees would retain their voting power vis-a-vis at-large members. Preventing boards that now have 5/2 or 6/1 ratios from changing to 4/3 is necessary to protect individual trustees and to insulate boards from political infighting. Boards with 6/1 ratios could switch to 5/2, just as they may under current law.

**OPPONENTS  
SAY:**

Allowing 4/3 school board ratios could weaken the beneficial effects of SMDs, primarily greater representation. Having more at-large trustees means that SMD trustees would represent more constituents, not fewer, contrary to the goal of giving constituents a greater voice in education policy making. Having fewer SMDs could dilute ethnic and other minority groups' representation, decrease parental access to decision making, and marginalize the input of individual schools and neighborhoods. School boards' at-large minorities would have to persuade only one SMD trustee, instead of two or three, to vote with them in order to prevail. This could lead to political trade-offs serving the agendas of district-wide electoral majorities at the expense of minority interests.

The 5/2 or 6/1 ratios are not too difficult to configure. Demographic analysis and map drawing have reached levels of technical sophistication such that the number or size of districts poses no problem for the mechanics of redistricting.

OTHER  
OPPONENTS  
SAY:

If local control is paramount, all school districts should be able to switch from 5/2 or 6/1 ratios to 4/3 if trustees or voters deem it to be in the districts' best interests. The state should not try to protect incumbents from the political process.

NOTES:

As filed, HB 699 would have allowed school boards of which at least 70 percent of the current trustees were elected from SMDs to redistrict using the 50 percent standard. The committee substitute deleted that provision and made the bill inapplicable to such districts, which would be subject to existing law at the time the bill took effect.