

- SUBJECT:** School district consolidation, annexation, and detachment petitions
- COMMITTEE:** Public Education — committee substitute recommended
- VOTE:** 10 ayes — Aycock, J. Davis, Deshotel, Dutton, Farney, Huberty, K. King, Ratliff, J. Rodriguez, Villarreal
- 0 nays
- 1 absent — Allen
- WITNESSES:** For — Roger Hepworth; Royce Young, Coleman ISD; (*Registered, but did not testify:* Ken McCraw, Texas Association of Community Schools; Don Rogers, Texas Rural Education Association)
- Against — None
- On — (*Registered, but did not testify:* David Anderson and Lisa Dawn-Fisher, Texas Education Agency)
- BACKGROUND:** Education Code, ch. 13 governs the creation, consolidation, and abolition of school districts.
- In 2012, the Novice Independent School District (ISD) Board of Trustees closed its schools and voted to consolidate with neighboring Coleman ISD. The Coleman school board approved the consolidation, and both districts scheduled a consolidation election for November 6, 2012.
- After the election date was set, a group of Novice ISD residents through a process outlined in Education Code, §13.051 petitioned to detach and annex more than half of the Novice ISD territory to neighboring Jim Ned Consolidated Independent School District (CISD). In September 2012, the Coleman ISD school board voted to oppose the detachment and annexation petition.
- Voters in both the Novice and Coleman districts approved consolidation at the November election, followed shortly by the Jim Ned school board's rejection of the annexation petition. The consolidation became final in February 2013.

DIGEST:

CSHB 2016 would prohibit a school district board of trustees that had adopted a resolution in favor of consolidation into a single district with one or more other districts from receiving or considering a petition requesting detachment and annexation of district territory without the consent of each of the boards of trustees involved before consolidation took place or was disapproved at an election.

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, 2013.

SUPPORTERS
SAY:

CSHB 2016 would allow school districts to safely enter into the consolidation process without worrying about loopholes in the Education Code that might derail the process. It also would protect the integrity of consolidation elections and could save school districts precious funds.

The bill would make consolidation resolutions between two or more school boards binding by preventing any of the other boards from accepting or acting on a petition for detachment and annexation until the consolidation process was either completed or rejected by voters. This would make clear that consolidation was a separate process from detachment and annexation and that a pending consolidation must be resolved first. CSHB 2016 would prevent future situations that could be confusing to voters facing a consolidation election, not to mention disruptive and unsettling to students and communities.

Requiring separate consideration of proposed consolidation and detachment/annexation measures would not affect taxpayer rights. Detachment and annexation petitions are not an appropriate tool to stall or block a consolidation election. Instead, voters who oppose consolidation can attend school board meetings and register their disapproval before the board sets an election.

The bill would prevent a repeat of the recent dispute that pitted communities and neighbors against each other in Coleman and Taylor counties. Despite a binding resolution and a confirmed election date for consolidation of the Novice and Coleman school districts, a group of Novice ISD residents attempted to detach and annex more than half the taxable land in Novice through a petition process. This could have resulted in Coleman ISD inheriting Novice ISD's debt, a majority of students, and

a complicated rural bus route, while the majority of taxable land would have gone to Jim Ned CISD.

The Coleman and Novice districts eventually consolidated, but the dispute cost the districts in legal fees and time. It also required the direct involvement of the commissioner of education and the secretary of state when Novice ISD considered canceling the consolidation election. CSHB 2016 would head off future disputes of this nature.

**OPPONENTS
SAY:**

CSHB 2016 could infringe upon taxpayers' rights by freezing detachment and annexation petitions when a school board was moving forward on consolidation. This is a critical juncture at which district residents might want to consider an alternative to consolidation. While a detachment and annexation petition could complicate a pending consolidation, it is important that taxpayers and parents of affected schoolchildren have the opportunity to express their desire for a different course of action.

NOTES:

CSHB 2016 differs from the bill as introduced in that the committee substitute would prevent any school district board of trustees that had adopted a resolution in favor of consolidation, rather than only one that had entered into a local consolidation agreement, from receiving and considering a petition to detach and annex territory without the consent of each of the boards involved before either consolidation or disapproval of consolidation at an election.