

BILL ANALYSIS

Senate Research Center

S.B. 1341
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As Filed

DIGEST

Currently, Texas law authorizes an independent school district, under Section 11.052, Education Code, to change its election system to a system in which some or all trustees are elected from single member districts. Boards that change to single member district plans are required to fill all positions on the board at the first single member district trustee election and after each redistricting. However, Section 11.053, Education Code, allows districts to adopt "5-2 plans", which use a staggered term process at the initial transition to single member districts and after a redistricting. After the federal census, districts with single member district systems are required to redraw districts and receive preclearance approval by the Department of Justice. The time lines in Sections 11.052 and 11.053, Education Code, may not encourage sufficient preparation time through mandated deadlines for a district to complete the preclearance process. This bill would allow districts to use the staggered term option when making the initial transition to single member districts and to redrawn single member districts after redistricting, and amend the deadlines for preparation for redistricting to force districts to complete required steps sooner.

PURPOSE

As proposed, S.B. 1341 sets forth election procedures for independent school districts electing some or all trustees from single member trustee districts.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 11.052, Education Code, to require the board of trustees of an independent school district (board) to order a public hearing to be held at which residents, rather than registered voters, of the district are given an opportunity for comment. Requires an order of the board to be adopted within 150 days, rather than 120 days, before the date of a certain election. Requires the board to consider a petition at the first board meeting for which notice can be posted in compliance with Chapter 551, Government Code, following the receipt of a petition. Requires trustee districts to be adopted 150, rather than 90, days before a certain election. Requires a certain candidate to be a resident of the district the candidate seeks to represent after the first election after each redistricting. Authorizes the trustee district and at-large positions to be filled as staggered terms of incumbent trustees expire, at a certain election. Requires the board to determine a phase-in order of the single member and at-large positions, making certain provisions, before the 150th day before the date of certain election. Requires elected trustees to draw lots for staggered terms, if the board determines that all trustee positions may be filled at the first election or after each redistricting. Requires the board to redistrict, rather than redivide, a school district, 150 days before a certain election, into trustee districts if the census data indicates that the population of the least populous trustee district exceeds the population of the least populous by 10 percent. Deletes text regarding the submission of a petition to the board. Makes conforming and nonsubstantive changes.

SECTION 2. Amends Section 11.053, Education Code, to authorize the board of trustees to make certain provisions in a single member district, rather than redistricting, plan adopted by an independent school district. Requires the board to determine a phase-in order of the single member and at-large positions making certain provisions 150, rather than 90, days before the first election from trustee districts. Deletes text regarding the election of five members of the board. Deletes text regarding the filling of positions by lot.

SECTION 3. Effective date: September 1, 2000.

SECTION 4. Emergency clause.
Effective date: upon passage.