

CHAPTER 795

H.B. No. 1617

AN ACT

relating to school board approval of a change in the boundaries of a school district.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 19.008, Education Code, is amended to read as follows:

Sec. 19.008. DISTRICT TRUSTEE APPROVAL OF BOUNDARY CHANGES REQUIRED ~~[IN CERTAIN COUNTIES]~~. ~~[(a)]~~ Any change in the boundaries of a ~~an~~ independent school district ~~[governed by an elective board of nine members and located in a county having a population of 100,000 or more]~~ is not effective unless approved by a majority of the board of trustees of the district *if the board's approval is required under this chapter.*

~~[(b) An election may not be ordered for the purpose of determining whether or not territory shall be added to any independent school district having a gross average daily attendance of 27,400 for the preceding school year, unless, prior to the ordering of the election, the proposed addition of territory has been approved by a majority vote of the board of trustees of the independent school district to which the territory is proposed to be added.]~~

SECTION 2. Section 19.021, Education Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) The commissioners court of any county may create enlarged districts by annexing one or more common school districts or one or more independent school districts having less than 250 students in membership on the last day of the preceding school year to an independent school district having 150 or more students in membership on the last day of the preceding school year. *The annexation must be approved by a majority of the board of trustees of each affected district.*

*(d) A decision of a board of trustees of a school district relating to a change in the boundaries of a district under this section may be appealed to the commissioner of education on the grounds that the decision is adverse to the educational needs of the students in the district. An appeal under this subsection is de novo.*

SECTION 3. Section 19.022, Education Code, is amended by amending Subsections (a), (c), (f), (g), and (h) and adding Subsection (i) to read as follows:

(a) In accordance with this section, territory may be detached from a school district and annexed to another school district that is contiguous to the detached territory. A petition requesting the detachment and annexation must be presented to the *board of trustees of the district from which the territory is to be detached and to the board of trustees of the district to which the territory is to be annexed* ~~[commissioners court of the county to which the receiving district is assigned for administration purposes by the Central Education Agency and to the commissioners court of the county to which the district from which the territory to be detached is assigned for administration purposes].~~ Each *board of trustees* ~~[commissioners court]~~ to which a petition is required to be presented must conduct a hearing and *adopt a resolution* ~~[enter an order]~~ as provided by this section for the annexation to be effective.

(c) The proposed annexation must be approved by a majority of the board of trustees of *each affected district, subject to the appeal provisions of Subsection (i) of this section* ~~[the receiving district].~~

(f) Immediately following receipt of the petition ~~[and notice of the approval]~~ as required by this section, *each of the affected boards of trustees* ~~[the commissioners court]~~ shall give notice of the contemplated change by publishing and posting a notice in the manner required for an election order under Section 19.003 of this code. ~~[In addition, the commissioners court shall give written notice to the trustees of each affected district.]~~ The notice must specify the place and date at which a hearing on the matter shall be held. *Unless the districts hold a joint hearing, the districts must hold hearings on separate dates.* At each ~~[the]~~ hearing, affected persons~~[, including the trustees of affected districts,]~~ are entitled to an opportunity to be heard.

(g) At the hearing, *each board of trustees shall consider the educational interests of the students in the affected territory and in the affected districts and* ~~[the commissioners court shall consider]~~ the social, economic, and educational effects of the proposed *boundary change* ~~[annexation]~~. After the conclusion of the hearing, *each board of trustees* ~~[the commissioners court]~~ shall make findings as to the *educational interests of the students in the affected territory and in the affected districts and as to the social, economic, and educational effects of the proposed boundary change* and shall, on the basis of those findings, *adopt a resolution approving or disapproving the petition* ~~[an order rejecting the petition or transferring the territory and redefining the boundaries of the districts affected by the transfer]~~. The findings and *resolution* ~~[order]~~ shall be recorded in the minutes of *each affected board of trustees and shall be reported to the commissioners court of the county to which the receiving district is assigned for administrative purposes by the Central Education Agency and to the commissioners*

court of the county to which the district from which territory is to be detached is assigned for administrative purposes ~~[the court]~~.

(h) *If both the boards of trustees of the affected districts approve the petition, then the commissioners court or commissioners courts to whom the matter is required to be reported shall enter an order redefining the boundaries of the districts affected by the transfer. Title to all real property of the [annexed] district from which territory is detached within the territory annexed vests in the receiving district, and the receiving district assumes and is liable for any portion of the [annexed district's] indebtedness of the district from which the territory is to be detached that is allocated to the receiving district under Section 19.004 of this code.*

(i) *If the board of trustees of either affected district disapproves the petition, an aggrieved party to the proceedings in either district may appeal the board's decision to the commissioner of education under Section 11.13 of this code. An appeal under this subsection is de novo. In deciding the appeal, the commissioner shall consider the educational interests of the students in the affected territory and the affected districts and the social, economic, and educational effects of the proposed boundary change.*

SECTION 4. Sections 19.023(c) and (d), Education Code, are amended to read as follows:

(c) *The proposed annexation must be approved by a majority of the board of trustees of each affected district. Each ~~[the independent school district to which the petitioning district seeks to be annexed, and the]~~ board shall give notice of approval to the commissioners court.*

(d) *Immediately following receipt of the petition and ~~notices~~ [notice] of approval, the commissioners court shall conduct a hearing at which it considers the social, economic, and educational effects of the proposed annexation. If the proposed annexation appears to the court to be in the best interests of the districts affected, the commissioners court shall order an election to be held within the petitioning district at its expense.*

SECTION 5. Section 19.024(b), Education Code, is amended to read as follows:

(b) *Creation of a new district by detachment is initiated by a petition presented to the commissioners court. The petition must:*

- (1) *give the metes and bounds of the proposed new district;*
- (2) *be signed by the required percentage of the registered voters residing in each territory to be detached from an existing district; [and]*
- (3) *be approved by the board of trustees of each district from which territory is to be detached; and*
- (4) *be addressed to the commissioners court of the county in which the territory of the proposed district is located or, if the territory is in more than one county, to the commissioners court of each county in which the territory is located.*

SECTION 6. Section 19.025(b), Education Code, is amended to read as follows:

(b) *The commissioners court of a county shall by order annex each dormant school district within the county with an adjoining district or districts. If the dormant district is a county-line district, the commissioners court of each county in which the district is located shall annex the territory of the dormant district that is within that county. *The commissioners court may annex territory to a school district only if the board of trustees of that district approves the annexation.**

SECTION 7. Section 19.152, Education Code, is amended to read as follows:

Sec. 19.152. **PETITION.** *Abolition of an independent school district is initiated by a petition requesting an election on the question. The petition must be signed by a majority of the board of trustees of the district to be abolished and must be presented to the county judge of each county in which part of the independent school district is situated.*

SECTION 8. *The change in law made by this Act applies only to a boundary change initiated on or after June 1, 1987. A boundary change initiated by petition or other means*

before June 1, 1987, is governed by prior law, and that law is continued in effect for this purpose. If a boundary change initiated before June 1, 1987, is rejected by the voters or an authority empowered to approve or disapprove the change, any subsequent proposed boundary change is subject to the law as amended by this Act.

SECTION 9. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 5, 1987, by the following vote: Yeas 145, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1617 on May 26, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 23, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 18, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.