

**SUBJECT:** State Board of Education redistricting

**COMMITTEE:** Redistricting: committee substitute recommended

**VOTE:** 9 ayes — Uher, Jones, Earley, Finnell, Martinez, McCollough, Rodriguez, Russell, Seidlits

4 nays — Blair, Craddick, Grusendorf, Marchant,

2 absent — Moreno, Wilson

**BACKGROUND:** (For additional background on redistricting, see BACKGROUND section of the analysis of HB 71 in today's floor report, the House Research Organization Special Legislative Report Number 167, *Redistricting, Part Two: Procedures and Pitfalls*, March 15, 1991, and Special Legislative Report Number 169, *Redistricting, Part Three: The Voting Rights Act*, April 22, 1991.)

Art. 7, sec. 8 of the Texas Constitution allows the Legislature to choose whether the State Board of Education will be elected or appointed. The Constitution does not specifically require redistricting under an elective system.

From 1949 to 1984 members of the board were elected from districts that matched congressional districts. In 1984 the Legislature changed the board structure from an elective system with 27 districts to an appointive system with 15. The change, in Education Code art 11.21, was part of the education reforms in HB 72. The governor appointed the 15 members of the board. The U.S. Department of Justice made no objections to the new school-board districts drawn by the Legislature, and no one challenged the plan in court.

The state returned to electing school-board members in 1988, after voters in a 1987 referendum rejected retaining an appointed board. Under the Education Code art. 11.22, board members serve four-year staggered terms. For general elections held immediately after a decennial reapportionment of

districts, seven board members serve two-year terms, while eight members serve four-year terms.

Texas law provides no further criteria for redistricting SBOE districts, although federal judicial precedents require that education districts follow equal population standards. In *Hadley v. Junior College District of Metropolitan Kansas City*, 397 U.S. 50 (1970), the Supreme Court ruled that since the trustees of a state junior college district performed governmental functions, the population-equality standard should apply to board elections.

Since the 15 members of the Texas State Board of Education are elected, the board districts probably would be subject to legal challenge if their boundaries were not adjusted to take into account new population figures. The U.S. Supreme Court has not specifically ruled on the permissible population-deviation range among school-board districts. However, lower federal courts have applied to school-board districts the same deviation standards applied to legislative districts (*Panior v. Iberville Parish School Board*, 498 F2d. 1232 (1974), which allows up to a 9.9 percent deviation from the ideal population district without special justification.

Using the census bureau's current 1990 Texas population of 16,986,510, the state's 15 SBOE districts would have an ideal population of 1,132,434 (total population divided by 15 districts).

**ANALYSIS:** CSHB 72 would redraw the boundaries for the 15 State Board of Education districts.

SBOE DISTRICTS — GREATEST DEVIATIONS FROM IDEAL POPULATION

**Existing Districts**

Above Ideal			Below Ideal		
District Number	Deviation	Minority Percentage	District Number	Deviation	Minority Percentage
5	+20.33	27.7	4	-26.48	77.7
12	+19.29	16.8	3	-15.93	68.4
11	+15.78	20.8	15	-15.23	29.5
6	+14.23	28.1	7	-11.25	30.4
10	+13.32	28.9	14	-6.08	18.6

**Proposed Districts**

Above Ideal			Below Ideal		
District Number	Deviation	Minority Percentage	District Number	Deviation	Minority Percentage
14	+3.50	14.5	3	-3.90	71.2
8	+3.00	19.0	4	-3.70	71.4
15	+2.99	29.1	13	-3.63	62.1
11	+2.77	13.4	1	-3.10	71.6
10	+2.30	29.6	2	-3.03	67.3

MINORITY SBOE DISTRICTS

Existing Black-Influence Districts (1990 Census)

District Number	Total Population	Voting Age
4	43.0%	42.4%
13	28.3	26.6

Proposed Black-Influence Districts (1990 Census)

District Number	Total Population	Voting Age
4	40.3%	39.3%
13	35.3	33.6

Existing Hispanic-Majority Districts (1990 Census)

District Number	Total Population	Voting Age
1	74.8%	70.9%
2	66.1	61.2
3	61.9	57.4

Proposed Hispanic-Majority Districts (1990 Census)

District Number	Total Population	Voting Age
1	71.6%	67.7%
4	71.4	66.9
3	71.2	66.9
2	67.3	62.5
13	62.1	56.9

Existing Combined-Minority Districts (1990 Census)

District Number	Total Population	Voting Age
4	77.7%	73.2%
1	76.8	73.1
2	68.5	63.6
3	68.4	64.2
13	48.9	44.4

Proposed Districts (1990 Census)

District Number	Total Population	Voting Age
1	71.6%	67.7%
4	71.4	66.9
3	71.2	66.9
2	67.3	62.5
13	62.1	56.9