

By: Madden

H.B. No. 16

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation, amendment, or rescission of a home-rule
3 school district charter.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 12.014, Education Code, is amended to
6 read as follows:

7 Sec. 12.014. FRAMING OF HOME-RULE SCHOOL DISTRICT
8 ~~[APPOINTMENT OF]~~ CHARTER ~~[COMMISSION]~~. (a) The board of trustees
9 of a school district shall ~~[appoint a charter commission to]~~ frame a
10 home-rule school district charter if:

11 (1) the board receives a petition requesting that the
12 board ~~[the appointment of a charter commission to]~~ frame a
13 home-rule school district charter signed by a number ~~[at least five~~
14 ~~percent]~~ of ~~[the]~~ registered voters of the district equal to at
15 least five percent of the number of votes received in the district
16 by all candidates for governor in the most recent gubernatorial
17 general election; or

18 (2) a majority ~~[at least two-thirds]~~ of the total
19 membership of the board adopts ~~[adopt]~~ a resolution to frame a
20 home-rule school district charter ~~[ordering that a charter~~
21 ~~commission be appointed]~~.

22 (b) The board of trustees shall complete a proposed charter
23 not later than the first anniversary of the date of the petition or
24 resolution described by Subsection (a).

1 SECTION 2. Section 12.016, Education Code, is amended to
2 read as follows:

3 Sec. 12.016. CONTENT. Each home-rule school district
4 charter must:

5 (1) describe the educational program to be offered;

6 (2) provide that continuation of the home-rule school
7 district charter is contingent on:

8 (A) acceptable student performance on assessment
9 instruments adopted under Subchapter B, Chapter 39; and

10 (B) compliance with other applicable
11 accountability provisions under Chapter 39;

12 (3) specify any basis, in addition to a basis
13 specified by this subchapter, on which the charter may be placed on
14 probation or revoked;

15 (4) describe the governing structure of the district
16 and campuses;

17 (5) specify any procedure or requirement, in addition
18 to those under Chapter 38, that the district will follow to ensure
19 the health and safety of students and employees;

20 (6) describe the process by which the district will
21 adopt an annual budget, including a description of the use of
22 program-weight funds;

23 (7) describe the manner in which an annual audit of
24 financial and programmatic operations of the district is to be
25 conducted, including the manner in which the district will provide
26 information necessary for the district to participate in the Public
27 Education Information Management System (PEIMS) to the extent

1 required by this subchapter; and

2 (8) include any other provision the board of trustees
3 of the school district [~~charter commission~~] considers necessary.

4 SECTION 3. Section 12.017(a), Education Code, is amended to
5 read as follows:

6 (a) The board of trustees of the school district [~~charter~~
7 ~~commission~~] shall submit the proposed charter to the secretary of
8 state. The secretary of state shall determine whether a proposed
9 charter contains a change in the governance of the school district.

10 SECTION 4. Section 12.018, Education Code, is amended to
11 read as follows:

12 Sec. 12.018. LEGAL REVIEW. The board of trustees of the
13 school district [~~charter commission~~] shall submit the proposed
14 charter to the commissioner. As soon as practicable, but not later
15 than the 30th day after the date the commissioner receives the
16 proposed charter, the commissioner shall review the proposed
17 charter to ensure that the proposed charter complies with any
18 applicable laws and shall recommend to the board [~~charter~~
19 ~~commission~~] any modifications necessary. If the commissioner does
20 not act within the prescribed time, the proposed charter is
21 approved.

22 SECTION 5. Section 12.019(d), Education Code, is amended to
23 read as follows:

24 (d) The ballot shall be printed to permit voting for or
25 against the proposition "Whether the (name of school district)
26 School District shall be governed under the home-rule school
27 district charter, which is proposed by [~~a charter commission~~

1 ~~appointed by~~] the board of trustees and under which only certain
2 laws and rules apply to the district."

3 SECTION 6. Section 12.020(b), Education Code, is amended to
4 read as follows:

5 (b) The governing body shall submit a proposed charter
6 amendment that complies with this subchapter to the commissioner
7 for legal review if a petition submitted to the governing body
8 proposing the charter amendment is signed by a number ~~[at least five~~
9 ~~percent]~~ of ~~[the]~~ registered voters of the district equal to at
10 least five percent of the number of votes received in the district
11 by all candidates for governor in the most recent gubernatorial
12 general election.

13 SECTION 7. Section 12.021(a), Education Code, is amended to
14 read as follows:

15 (a) A ~~[Subject to Section 12.022, a]~~ proposed home-rule
16 school district charter or a proposed charter amendment is adopted
17 if approved by a majority of the qualified voters of the district
18 voting at an election held for that purpose.

19 SECTION 8. Section 12.030(b), Education Code, is amended to
20 read as follows:

21 (b) The governing body of the district shall order an
22 election on the question of rescinding a home-rule school district
23 charter if:

24 (1) the governing body receives a petition requesting
25 a rescission election signed by a number ~~[at least five percent]~~ of
26 ~~[the]~~ registered voters of the district equal to at least five
27 percent of the number of votes received in the district by all

1 candidates for governor in the most recent gubernatorial general
2 election; or

3 (2) a majority [~~at least two-thirds~~] of the total
4 membership of the governing body adopts [~~adopt~~] a resolution
5 ordering that a rescission election be held.

6 SECTION 9. Sections 12.015 and 12.022, Education Code, are
7 repealed.

8 SECTION 10. This Act takes effect immediately if it
9 receives a vote of two-thirds of all the members elected to each
10 house, as provided by Section 39, Article III, Texas Constitution.
11 If this Act does not receive the vote necessary for immediate
12 effect, this Act takes effect on the 91st day after the last day of
13 the legislative session.