

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Sections 7.009(a) and (b), Education Code, are amended to read as follows:

(a) In coordination with the Legislative Budget Board, the agency shall establish an online clearinghouse of information relating to best practices of campuses and school districts regarding instruction, dropout prevention, public school finance, resource allocation, and business practices. To the extent practicable, the agency shall ensure that information provided through the online clearinghouse is specific, actionable information relating to the best practices of high-performing and highly efficient campuses and school districts rather than general guidelines relating to campus and school district operation. The information must be accessible by campuses, school districts, and interested members of the public.

(b) The agency shall solicit and collect from the Legislative Budget Board, centers for education research established under Section 1.005, and exemplary or recognized school districts, campuses, and open-enrollment charter schools, as rated under Section 39.072, examples of best practices relating to instruction, dropout prevention, public school finance, resource allocation, and business practices, including best practices relating to curriculum, scope and sequence, compensation and incentive systems, bilingual education and special language programs, compensatory education programs, and the effective use of instructional technology, including online courses.

SENATE VERSION

SECTION 1. Sections 7.009(a) and (b), Education Code, are amended to read as follows:

(a) In coordination with the Legislative Budget Board, the agency shall establish an online clearinghouse of information relating to best practices of campuses and school districts regarding instruction, dropout prevention, public school finance, resource allocation, and business practices. To the extent practicable, the agency shall ensure that information provided through the online clearinghouse is specific, actionable information relating to the best practices of high-performing and highly efficient campuses and school districts rather than general guidelines relating to campus and school district operation. The information must be accessible by campuses, school districts, and interested members of the public.

(b) The agency shall solicit and collect from the Legislative Budget Board, centers for education research established under Section 1.005, and exemplary or recognized school districts, campuses, and public charter districts [~~open-enrollment charter schools~~], as rated under Section 39.072, examples of best practices relating to instruction, dropout prevention, public school finance, resource allocation, and business practices, including best practices relating to curriculum, scope and sequence, compensation and incentive systems, bilingual education and special language programs, compensatory education programs, and the effective use of instructional technology, including online courses.

CONFERENCE

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SECTION 2. Subchapter B, Chapter 7, Education Code, is amended by adding Section 7.031 to read as follows:

Sec. 7.031. STUDY OF BEST PRACTICES FOR DROPOUT PREVENTION. (a) The commissioner shall contract with one or more centers for education research under Section 1.005 to:

(1) study the best practices of campuses and school districts in this state and other states regarding dropout prevention programs; and

(2) prepare a report regarding the findings of the study.

(b) The report under Subsection (a) must:

(1) identify any high-performing and highly efficient dropout prevention programs;

(2) identify the dropout prevention programs under Subdivision (1) that have the most potential for success in this state; and

(3) recommend legislation or other actions necessary to implement a dropout prevention program identified under Subdivision (2).

(c) Not later than December 1, 2008, the commissioner shall deliver the report produced under Subsection (a) to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the standing committees of each house of the legislature with primary jurisdiction over public education.

(d) This section expires January 1, 2009.

No equivalent provision.

SENATE VERSION

SECTION 2. Subchapter B, Chapter 7, Education Code, is amended by adding Section 7.031 to read as follows:

Sec. 7.031. STUDY OF BEST PRACTICES FOR DROPOUT PREVENTION. (a) The commissioner shall contract with one or more centers for education research under Section 1.005 or any other public or private entity qualified to conduct education research to:

(1) study the best practices of campuses and school districts in this state and other states regarding dropout prevention programs; and

(2) prepare a report regarding the findings of the study.

(b) The report under Subsection (a) must:

(1) identify any high-performing and highly efficient dropout prevention programs;

(2) identify the dropout prevention programs under Subdivision (1) that have the most potential for success in this state; and

(3) recommend legislation or other actions necessary to implement a dropout prevention program identified under Subdivision (2).

(c) Not later than December 1, 2008, the commissioner shall deliver the report produced under Subsection (a) to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the standing committees of each house of the legislature with primary jurisdiction over public education.

(d) This section expires January 1, 2009.

SECTION \_\_. Subchapter C, Chapter 7, Education

CONFERENCE

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Code, is amended by adding Section 7.062 to read as follows:

Sec. 7.062. SCIENCE LABORATORY GRANT PROGRAM. (a) In this section, "wealth per student" means a school district's taxable value of property as determined under Subchapter M, Chapter 403, Government Code, or, if applicable, Section 42.2521, divided by the district's average daily attendance as determined under Section 42.005.

(b) Using funds appropriated for that purpose, the commissioner shall establish a program to provide competitive grants to school districts for the purpose of constructing or renovating high school science laboratories.

(c) The commissioner shall adopt rules necessary to implement the program, including rules addressing eligibility, application procedures, and accountability for use of grant funds.

(d) The rules must:

(1) limit the amount of assistance provided through a grant to not more than:

(A) for a construction project, \$200 per square foot of the science laboratory to be constructed; or

(B) for a renovation project, \$100 per square foot of the science laboratory to be renovated;

(2) require a school district to demonstrate, as a condition of eligibility for a grant, that the existing district science laboratories are insufficient in number to comply with the curriculum requirements imposed for the recommended and advanced high school programs

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

under Section 28.025(b-1)(1); and  
(3) provide for ranking school districts that apply for grants on the basis of wealth per student and giving priority in the award of grants to districts with low wealth per student.

No equivalent provision.

SECTION \_\_. Subchapter D, Chapter 12, Education Code, is amended by adding Sections 12.134 and 12.135 to read as follows:

Sec. 12.134. AGREEMENT BETWEEN CERTAIN SCHOOL DISTRICTS AND OPEN-ENROLLMENT CHARTER SCHOOLS. (a) This section applies only to a school district with a student enrollment of 140,000 or more.

(b) Notwithstanding any other law, a school district that contracts with an open-enrollment charter school for education services for the district's students on the premises of the charter school may elect to have the federal and state funds attributable to students educated by the charter school paid directly to the charter school.

(c) A district that elects for direct payment to the charter school under Subsection (b):

(1) shall make an annual declaration of the district's election under Subsection (b) in the manner prescribed by the commissioner; and

(2) remains responsible for any overallocation or audit recovery of federal or state funds as determined by the commissioner.

(d) The contract between the school district and the

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

charter school shall identify for each school year the students from the school district who may enroll in the charter school and be served in the leased facilities. The district may identify the students under this subsection based on:

(1) the enrollment and attendance of the eligible students at a specified campus or campuses in the leasing school district;

(2) the needs of the eligible students for specific academic services;

(3) the academic performance of the eligible students in previous school years; or

(4) other objective factors as determined by the district and charter school.

(e) The contract may prohibit a charter school from enrolling students, other than students designated in the contract as provided by Subsection (d), at the leased facilities.

(f) This section expires September 1, 2011.

Sec. 12.135. STATE FUNDING UNDER CERTAIN SCHOOL DISTRICT AGREEMENTS. (a) Notwithstanding any other provision of Chapter 41 or 42, and in addition to any other funds to which a school district may be entitled, a school district that enters into an agreement with a charter school under Section 12.134 is entitled to receive the greater of the following amounts of state funding:

(1) the amount the charter school would receive as calculated under Section 12.106; or

(2) the amount to which the school district is entitled

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

under Chapters 41 and 42 for the student.  
(b) This section expires September 1, 2011.

No equivalent provision.

SECTION \_\_. Section 21.451, Education Code, is amended by amending Subsection (d) and adding Subsections (e), (f), and (g) to read as follows:

(d) The staff development [~~may~~]:

(1) may include training in:

(A) technology;

(B) conflict resolution; and

(C) discipline strategies, including classroom management, district discipline policies, and the student code of conduct adopted under Section 37.001 and Chapter 37; and

(2) subject to Subsection (e), must include research-based training that:

(A) relates to instruction of students with disabilities; and

(B) is designed for educators who work primarily outside the area of special education.

(e) A school district is required to provide the training described by Subsection (d)(2) to an educator who works primarily outside the area of special education only on the recommendation of the admission, review, and dismissal committee for a student receiving instruction from the educator.

(f) In developing the training required by Subsection (d)(2), a school district must consult with persons with expertise in research-based practices for students with disabilities. Persons who may be consulted under this

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

subsection include colleges, universities, private and nonprofit organizations, regional education service centers, and any other persons identified as qualified by the district. This subsection applies to all training required by Subsection (d)(2), regardless of whether the training is provided at the campus or district level.

(g) The staff development may~~[- and]~~

[(3)] include instruction as to what is permissible under law, including opinions of the United States Supreme Court and guidance from the United States Department of Education, regarding prayer in public school.

SECTION 3. Subchapter J, Chapter 21, Education Code, is amended by adding Section 21.4511 to read as follows:

Sec. 21.4511. PROFESSIONAL DEVELOPMENT ACTIVITIES FOR TEACHERS AND ADMINISTRATORS. (a) From funds appropriated for that purpose, the High School Completion and Success Initiative Committee established under Subchapter L, Chapter 39, may develop and recommend the award of grants as provided by Section 39.360 to school districts, regional education service centers, and institutions of higher education for the establishment of technical assistance and professional development activities in the staff development training of public school teachers and administrators.

(b) The training under this section shall include training relating to implementing curriculum and instruction that

SECTION 3. Subchapter J, Chapter 21, Education Code, is amended by adding Section 21.4511 to read as follows:

Sec. 21.4511. PROFESSIONAL DEVELOPMENT ACTIVITIES FOR TEACHERS AND ADMINISTRATORS. (a) From funds appropriated for that purpose in an amount not to exceed \$2.5 million each year, the commissioner may develop and award grants to school districts, regional education service centers, nonprofit organizations, and institutions of higher education for establishing and providing technical assistance and professional development activities in the staff development training of public school teachers and administrators.

(b) The training under this section shall include training relating to implementing curriculum and instruction that

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

is aligned with the foundation curriculum described by Section 28.002(a)(1) and standards and expectations for college readiness, as determined by State Board of Education rule under Section 28.008(d).

(c) The **High School Completion and Success Initiative Committee** may give preference to a school district, regional education service center, or institution of higher education conducting professional development activities under this section that applies for a grant in partnership with a state or national organization that has demonstrated success in the development and implementation of high school reform strategies.

SECTION 4. Subchapter J, Chapter 21, Education Code, is amended by adding Section 21.4541 to read as follows:

Sec. 21.4541. MATHEMATICS INSTRUCTIONAL COACHES PILOT PROGRAM. (a) From funds appropriated for that purpose, the commissioner by rule shall establish a pilot program under which participating school districts and campuses receive grants to provide assistance in developing the content knowledge and instructional expertise of teachers who instruct students in mathematics at the middle school, junior high school, or high school level.

(b) A school district or campus is eligible to participate in the pilot program under this section if the district or campus meets the eligibility criteria established as provided by **Section 39.360**.

SENATE VERSION

is aligned with the foundation curriculum described by Section 28.002(a)(1) and standards and expectations for college readiness, as determined by State Board of Education rule under Section 28.008(d).

(c) The **commissioner** may give preference to a school district, regional education service center, or institution of higher education conducting professional development activities under this section that applies for a grant in partnership with a state or national organization that has demonstrated success in the development and implementation of high school reform strategies.

SECTION 4. Subchapter J, Chapter 21, Education Code, is amended by adding Section 21.4541 to read as follows:

Sec. 21.4541. MATHEMATICS INSTRUCTIONAL COACHES PILOT PROGRAM. (a) From funds appropriated for that purpose, the commissioner by rule shall establish a pilot program under which participating school districts and campuses receive grants to provide assistance in developing the content knowledge and instructional expertise of teachers who instruct students in mathematics at the middle school, junior high school, or high school level.

(b) A school district or campus is eligible to participate in the pilot program under this section if the district or campus meets the eligibility criteria established as provided by **Section 39.358**.

CONFERENCE

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

(c) A grant awarded under this section may be used to support intensive instructional coaching and professional development from a service provider approved by the commissioner. Approved service providers may include:

- (1) academies and training centers established in conjunction with a Texas Science, Technology, Engineering, and Mathematics (T-STEM) center;
- (2) regional education service centers;
- (3) institutions of higher education; and
- (4) private organizations with significant experience in providing mathematics instruction, as determined by the commissioner.

(d) An instructional coaching or professional development program supported by a grant under this section must demonstrate significant past effectiveness in improving mathematics instruction in middle schools, junior high schools, and high schools serving a significant number of students identified as students at risk of dropping out of school, as described by Section 29.081(d). An instructional coaching or professional development program may include:

- (1) providing classes to teachers on effective mathematics instruction;
- (2) providing tutoring or mentoring to teachers regarding effective mathematics instruction;
- (3) providing incentives to teachers to participate in the program; or
- (4) engaging in any other activities determined by the commissioner as likely to improve the instructional skills of teachers providing mathematics instruction.

SENATE VERSION

(c) A grant awarded under this section may be used to support intensive instructional coaching and professional development from a service provider approved by the commissioner. Approved service providers may include:

- (1) academies and training centers established in conjunction with a Texas Science, Technology, Engineering, and Mathematics (T-STEM) center;
- (2) regional education service centers;
- (3) institutions of higher education; and
- (4) private organizations with significant experience in providing mathematics instruction, as determined by the commissioner.

(d) An instructional coaching or professional development program supported by a grant under this section must demonstrate significant past effectiveness in improving mathematics instruction in middle schools, junior high schools, and high schools serving a significant number of students identified as students at risk of dropping out of school, as described by Section 29.081(d). An instructional coaching or professional development program may include:

- (1) providing classes to teachers on effective mathematics instruction;
- (2) providing tutoring or mentoring to teachers regarding effective mathematics instruction;
- (3) providing incentives to teachers to participate in the program; or
- (4) engaging in any other activities determined by the commissioner as likely to improve the instructional skills of teachers providing mathematics instruction.

CONFERENCE

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

(e) The commissioner shall adopt rules necessary to implement the pilot program.

No equivalent provision.

SENATE VERSION

(e) The commissioner shall adopt rules necessary to implement the pilot program.

SECTION \_\_. Subchapter J, Chapter 21, Education Code, is amended by adding Section 21.4551 to read as follows:

Sec. 21.4551. TEACHER READING ACADEMIES.

(a) The commissioner shall develop and make available reading academies for teachers who provide instruction to students at the sixth through eighth grade levels.

(b) A reading academy developed under this section must include training in:

(1) for a teacher providing instruction in reading to students at the seventh or eighth grade level:

(A) administration of the reading instrument required by Section 28.006(c-1); and

(B) interpretation of the results of the reading instrument required by Section 28.006(c-1) and strategies, based on scientific research regarding effective reading instruction, for long-term intensive intervention to target identified student needs in word recognition, vocabulary, fluency, and comprehension;

(2) for a teacher providing instruction in reading to students at the sixth, seventh, or eighth grade level:

(A) strategies to be implemented in English language arts and other subject areas for multisyllable word reading, vocabulary development, and comprehension of expository and narrative text;

(B) an adaptation framework that enables teachers to

CONFERENCE

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

respond to differing student strengths and needs, including adaptations for students of limited English proficiency or students receiving special education services under Subchapter A, Chapter 29;  
(C) collaborative strategies to increase active student involvement and motivation to read; and  
(D) other areas identified by the commissioner as essential components of reading instruction; and  
(3) for a teacher providing instruction in mathematics, science, or social studies to students at the sixth, seventh, or eighth grade level:  
(A) strategies for incorporating reading instruction into the curriculum for the subject area taught by the teacher; and  
(B) other areas identified by the commissioner.  
(c) The commissioner by rule shall require a teacher to attend a reading academy if the teacher provides instruction in reading, mathematics, science, or social studies to students at the sixth, seventh, or eighth grade level at a campus that is considered academically unacceptable under Section 39.132 on the basis of student performance on the reading assessment instrument administered under Section 39.023(a) to students in any grade level at the campus.  
(d) The commissioner shall adopt criteria for selection of teachers, other than teachers described by Subsection (c), who may attend a reading academy.  
(e) From funds appropriated for that purpose, a teacher who attends a reading academy is entitled to receive a stipend in the amount determined by the commissioner.

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

A stipend received under this subsection is not considered in determining whether a district is paying the teacher the minimum monthly salary under Section 21.402.

(f) On request of the commissioner, regional education service centers shall assist the commissioner and agency with training and other activities relating to the development and operation of reading academies. The commissioner may seek additional assistance from other public and private providers.

(g) From funds appropriated for purposes of this section, the commissioner shall conduct or contract with a public or private entity to conduct a comprehensive evaluation of the reading academies developed under this section.

The evaluation must:

(1) use qualitative, quantitative, and expert review methodologies, including:

(A) direct observations;

(B) follow-up interviews and surveys with participating teachers and administrators; and

(C) analysis of student data submitted through the Public Education Information Management System (PEIMS) and student assessment results to measure reading progress achieved by students receiving instruction from teachers who attended a reading academy in comparison to:

(i) reading progress achieved by those students in preceding years; and

(ii) reading progress achieved by students receiving instruction from teachers who did not attend a reading

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

academy; and

(2) include an analysis of financial data to assess the cost-effectiveness of the reading academies.

(h) Not later than December 1, 2010, the commissioner shall prepare and deliver to each member of the legislature a report describing the results of the evaluation required by Subsection (g). Subsection (g) and this subsection expire September 1, 2011.

No equivalent provision.

SECTION \_\_. Subchapter J, Chapter 21, Education Code, is amended by adding Section 21.461 to read as follows:

Sec. 21.461. PROFESSIONAL DEVELOPMENT INSTITUTES REGARDING EDUCATION OF STUDENTS WITH DISABILITIES. (a) The commissioner shall develop and make available professional development institutes for teachers and paraprofessionals relating to research-based instructional services for students with disabilities, including autism spectrum disorders.

(b) A professional development institute developed under this section must address:

(1) disability-specific information necessary to enable a teacher or paraprofessional to work effectively in the classroom with students with disabilities;

(2) instructional techniques proven by scientifically based research to be effective in teaching the curriculum required under Section 28.002 to students with disabilities; and

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(3) appropriate management of behaviors related to a student's disability that may affect the student's performance.

(c) The commissioner shall adopt criteria for selection of teachers and paraprofessionals authorized to attend a professional development institute developed under this section. The commissioner must give priority to teachers and paraprofessionals who have a significant level of professional contact with students with autism spectrum disorders.

(d) From funds appropriated for the purpose, the commissioner shall pay a stipend to each teacher or paraprofessional who completes a professional development institute developed under this section. The commissioner shall determine the amount of the stipend paid under this subsection.

SECTION 5. Subchapter J, Chapter 21, Education Code, is amended by adding Section 21.462 to read as follows:  
Sec. 21.462. MATHEMATICS, SCIENCE, AND TECHNOLOGY TEACHER PREPARATION ACADEMIES. (a) From funds appropriated for that purpose, the Texas Higher Education Coordinating Board shall establish academies at institutions of higher education to improve the instructional skills of teachers certified under Subchapter B and train students enrolled in a teacher preparation program to perform at the highest levels in mathematics, science, and technology. The coordinating board may adopt rules as necessary to

SECTION 5. Subchapter J, Chapter 21, Education Code, is amended by adding Section 21.462 to read as follows:  
Sec. 21.462. MATHEMATICS, SCIENCE, AND TECHNOLOGY TEACHER PREPARATION ACADEMIES. (a) From funds appropriated for that purpose, the Texas Higher Education Coordinating Board shall establish academies at institutions of higher education to improve the instructional skills of teachers certified under Subchapter B and train students enrolled in a teacher preparation program to perform at the highest levels in mathematics, science, and technology. The coordinating board may adopt rules as necessary to

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

administer this section.

(b) Before an institution of higher education establishes an academy under this section, the institution must apply through a competitive process, as determined by the Texas Higher Education Coordinating Board, and meet any requirements established by the coordinating board for designation as an academy under this section and continued funding. The institution of higher education must have a teacher preparation program approved by the State Board for Educator Certification or be affiliated with an approved program in a manner that allows participants to meet the certification requirements under Sections 21.0482, 21.0483, and 21.0484.

(c) The Texas Higher Education Coordinating Board and the State Board for Educator Certification shall adopt rules to coordinate the requirements of each board to facilitate the ability of a graduate of an academy established under this section to obtain a master teacher certificate under Section 21.0482, 21.0483, or 21.0484.

(d) A participant in an academy program must be:

(1) an experienced teacher who:

(A) is recommended by a school district; and

(B) has at least five years' experience teaching mathematics, science, or technology in assignments for which the teacher met all certification requirements; or

(2) a teacher preparation program candidate who has or will graduate with a degree in mathematics, science, or technology.

(e) An academy program shall:

(1) offer a **master's-level** degree as part of the program

SENATE VERSION

administer this section.

(b) Before an institution of higher education establishes an academy under this section, the institution must apply through a competitive process, as determined by the Texas Higher Education Coordinating Board, and meet any requirements established by the coordinating board for designation as an academy under this section and continued funding. The institution of higher education must have a teacher preparation program approved by the State Board for Educator Certification or be affiliated with a program approved by the board.

(c) A participant in an academy program must be:

(1) an experienced teacher who:

(A) is recommended by a school district; and

(B) has at least five years experience teaching mathematics, science, or technology in assignments for which the teacher met all certification requirements; or

(2) a teacher preparation program candidate who has or will graduate with a degree in mathematics, science, or technology.

(d) An academy program shall:

(1) offer a **masters-level** degree as part of the program

CONFERENCE

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

on a schedule that allows a teacher participant to complete the program and degree while employed as a teacher;

(2) coordinate with the mathematics, science, and technology departments of the institution of higher education operating the program to facilitate the ability of:

(A) academy participants to take advanced courses and qualify for degrees; and

(B) teacher preparation program candidates pursuing mathematics, science, or technology degrees to participate in academy programs;

(3) integrate advanced subject-matter coursework with instructional methodology and curriculum delivery; and

(4) focus on strengthening instructional skills.

(f) An academy program may:

(1) provide financial assistance for the purpose of allowing participants to complete the program and obtain a master teacher certificate under Section 21.0482, 21.0483, or 21.0484;

(2) include programs in leadership skills to develop training, mentoring, and coaching skills;

(3) deliver coursework electronically for some or all of the program; and

(4) provide for ongoing professional development and coordination with specific public school instructional programs.

(g) The commissioner of education shall, to the extent funds are appropriated for that purpose:

(1) develop training materials under Sections 21.454 and

SENATE VERSION

on a schedule that allows a teacher participant to complete the program and degree while employed as a teacher;

(2) coordinate with the mathematics, science, and technology departments of the institution of higher education operating the program to facilitate the ability of:

(A) academy participants to take advanced courses and qualify for degrees; and

(B) teacher preparation program candidates pursuing mathematics, science, or technology degrees to participate in academy programs;

(3) integrate advanced subject-matter coursework with instructional methodology and curriculum delivery; and

(4) focus on strengthening instructional skills.

(e) An academy program may:

(1) provide financial assistance for the purpose of allowing participants to complete the program and obtain a master teacher certificate under Section 21.0482, 21.0483, or 21.0484;

(2) include programs in leadership skills to develop training, mentoring, and coaching skills;

(3) deliver coursework electronically for some or all of the program; and

(4) provide for ongoing professional development and coordination with specific public school instructional programs.

CONFERENCE

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

21.456 consistent with the academy training and master mathematics, science, and technology certification;  
(2) coordinate the activities of professional development institutes in mathematics under Section 21.455 with activities of academies established under this section;  
and  
(3) target grants under Sections 21.411, 21.412, and 21.413 to support experienced teachers participating in an academy program.

No equivalent provision.

SENATE VERSION

SECTION \_\_. Section 28.006, Education Code, is amended by adding Subsections (c-1) and (g-1) to read as follows:

(c-1) Each school district shall administer at the beginning of the seventh grade a reading instrument adopted by the commissioner to each student whose performance on the assessment instrument in reading administered under Section 39.023(a) to the student in grade six did not demonstrate reading proficiency, as determined by the commissioner. The district shall administer the reading instrument in accordance with the commissioner's recommendations under Subsection (a)(1).

(g-1) A school district shall provide additional reading instruction and intervention to each student in seventh grade assessed under Subsection (c-1), as appropriate to improve the student's reading skills in the relevant areas identified through the assessment instrument. Training and support for activities required by this subsection

CONFERENCE

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

shall be provided by regional education service centers and teacher reading academies established under Section 21.4551, and may be provided by other public and private providers.

SECTION 6. Section 28.008, Education Code, is amended by adding Subsection (d-1) to read as follows:  
(d-1) Beginning with the 2008-2009 school year, the State Board of Education shall incorporate college readiness standards and expectations into the essential knowledge and skills of the foundation curriculum under Section 28.002(a)(1) for courses in which students in grades nine through 12 generally enroll, as determined by board rule. This subsection expires December 1, 2012.

Same as House version.

No equivalent provision.

SECTION \_\_. Section 28.0211, Education Code, is amended by adding Subsection (l-1) and amending Subsection (m) to read as follows:  
(l-1) The commissioner may adopt rules requiring a school district that receives federal funding under Title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. Section 6301 et seq.) to use that funding to provide supplemental educational services under 20 U.S.C. Section 6316 in conjunction with the accelerated instruction provided under this section, provided that the rules may not conflict with federal law governing the use of that funding.

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(m) The commissioner shall certify, not later than July 1 of each school year or as soon as practicable thereafter, whether sufficient funds have been appropriated statewide for the purposes of this section. A determination by the commissioner is final and may not be appealed. For purposes of certification, the commissioner may not consider Foundation School Program funds. This section may be implemented only if the commissioner certifies that sufficient funds have been appropriated during a school year for administering the accelerated instruction programs specified under this section, including teacher training for that purpose.

SECTION 7. Section 28.0212, Education Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) The agency shall establish minimum standards for a personal graduation plan under this section.

(e) The commissioner may adopt rules as necessary to administer this section.

SECTION 7. Section 28.0212, Education Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) The agency shall establish minimum standards for a personal graduation plan under this section.

(e) Each school district is encouraged to establish for each student entering grade nine a personal graduation plan that identifies a course of study that:

(1) promotes:

(A) college and workforce readiness; and

(B) career placement and advancement; and

(2) facilitates the student's transition from secondary to postsecondary education.

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SECTION 8. Subchapter C, Chapter 29, Education Code, is amended by adding Sections 29.095 through 29.098 to read as follows:

Sec. 29.095. GRANTS FOR STUDENT CLUBS. (a) In this section:

(1) "Committee" means the High School Completion and Success Initiative Committee established under Subchapter L, Chapter 39.

(2) "Student at risk of dropping out of school" has the meaning assigned by Section 29.081(d).

(b) The committee shall administer a pilot program to provide grants to school districts to fund student club activities for students at risk of dropping out of school. From funds appropriated for purposes of this subchapter, the committee shall spend an amount not to exceed \$5 million in any state fiscal biennium on the program.

(c) The committee may recommend and the commissioner may award a grant as provided by Section 39.360 in an amount not to exceed \$5,000 in a school year to a school district on behalf of a student club at a district high school campus that is eligible under the criteria established under Section 39.360. To be eligible for a grant, the student club and the club's sponsor must be sanctioned by the campus and district. A grant awarded under this program must be matched by other federal, state, or local funds, including donations, in an amount equal to the amount of the grant. A district shall seek donations or sponsorships from local businesses or community organizations to raise the matching funds. The committee may recommend and the commissioner

SENATE VERSION

SECTION 8. Subchapter C, Chapter 29, Education Code, is amended by adding Sections 29.095 through 29.098 to read as follows:

Sec. 29.095. GRANTS FOR STUDENT CLUBS. (a) In this section:

(1) "Council" means the High School Completion and Success Initiative Council established under Subchapter L, Chapter 39.

(2) "Student at risk of dropping out of school" has the meaning assigned by Section 29.081(d).

(b) The commissioner shall administer a pilot program to provide grants to school districts to fund student club activities for students at risk of dropping out of school. From funds appropriated for purposes of this subchapter, the commissioner shall spend an amount not to exceed \$4 million in any state fiscal biennium on the program.

(c) The commissioner may award a grant in an amount not to exceed \$5,000 in a school year to a school district on behalf of a student club at a district high school campus that is eligible under the criteria established under Section 39.358. To be eligible for a grant, the student club and the club's sponsor must be sanctioned by the campus and district. A grant awarded under this program must be matched by other federal, state, or local funds, including donations, in an amount equal to the amount of the grant. A district shall seek donations or sponsorships from local businesses or community organizations to raise the matching funds.

The commissioner may award a grant on behalf of more

CONFERENCE

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

may award a grant as provided by Section 39.360 on behalf of more than one student club at a campus in the same school year.

(d) The committee shall establish application criteria for receipt of a grant under this section. The criteria must require confirmation that the appropriate campus-level planning and decision-making committee established under Subchapter F, Chapter 11, and the school district board of trustees have approved a plan that includes:

- (1) a description of the student club;
- (2) a statement of the student club's goals, intent, and activities;
- (3) a statement of the source of funds to be used to match the grant;
- (4) a budget for the student club;
- (5) a statement showing that the student club's finances are sustainable; and
- (6) any other information the committee requires.

(e) The committee shall establish the minimum requirements for a local grant agreement, including requiring:

- (1) the agreement to be signed by the sponsor of a student club receiving a grant and another authorized school district officer; and
- (2) the district and the student club to participate in an evaluation, as determined by the committee, of the club's program and the program's effect on student achievement and dropout rates.

(f) A student club may use funds awarded under this section to support academic or co-curricular club

SENATE VERSION

than one student club at a campus in the same school year.

(d) The commissioner shall establish application criteria for receipt of a grant under this section. The criteria must require confirmation that the appropriate campus-level planning and decision-making committee established under Subchapter F, Chapter 11, and the school district board of trustees have approved a plan that includes:

- (1) a description of the student club;
- (2) a statement of the student club's goals, intent, and activities;
- (3) a statement of the source of funds to be used to match the grant;
- (4) a budget for the student club;
- (5) a statement showing that the student club's finances are sustainable; and
- (6) any other information the council requires.

(e) The commissioner shall establish the minimum requirements for a local grant agreement, including requiring:

- (1) the agreement to be signed by the sponsor of a student club receiving a grant and another authorized school district officer; and
- (2) the district and the student club to participate in an evaluation, as determined by the council, of the club's program and the program's effect on student achievement and dropout rates.

(f) A student club may use funds awarded under this section to support academic or co-curricular club

CONFERENCE

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

activities, other than athletics, in which at least 50 percent of the participating students have been identified as students at risk of dropping out of school. A student club may use funds for materials, sponsor stipends, and other needs that directly support the club's activities. A student club must use the entire amount of the grant to directly fund the club's activities described in the plan approved as provided by Subsection (d). A student club may not use more than 50 percent of a grant to pay sponsor stipends.

(g) The school district board of trustees shall ensure that funds awarded under this section are expended in compliance with Subsection (f). At the end of the school year, a student club that receives a grant must submit a report to the board of trustees summarizing the club's activities and the extent to which the club met the club's goals and achieved the club's intent. The decision of the board of trustees under this subsection relating to compliance with Subsection (f) is final and may not be appealed.

Sec. 29.096. COLLABORATIVE DROPOUT REDUCTION PILOT PROGRAM. (a) In this section, "committee" means the High School Completion and Success Initiative Committee established under Subchapter L, Chapter 39.

(b) Using funds appropriated for that purpose, the committee shall establish a pilot program under which a school district or open-enrollment charter school may receive a grant to implement a local collaborative dropout reduction program.

SENATE VERSION

activities, other than athletics, in which at least 50 percent of the participating students have been identified as students at risk of dropping out of school. A student club may use funds for materials, sponsor stipends, and other needs that directly support the club's activities. A student club must use the entire amount of the grant to directly fund the club's activities described in the plan approved as provided by Subsection (d). A student club may not use more than 50 percent of a grant to pay sponsor stipends.

(g) The school district board of trustees shall ensure that funds awarded under this section are expended in compliance with Subsection (f). At the end of the school year, a student club that receives a grant must submit a report to the board of trustees summarizing the club's activities and the extent to which the club met the club's goals and achieved the club's intent. The decision of the board of trustees under this subsection relating to compliance with Subsection (f) is final and may not be appealed.

Sec. 29.096. COLLABORATIVE DROPOUT REDUCTION PILOT PROGRAM. (a) In this section, "council" means the High School Completion and Success Initiative Council established under Subchapter L, Chapter 39.

(b) Using funds appropriated for that purpose in an amount not to exceed \$4 million each year, the commissioner shall establish a pilot program under which a school district or open-enrollment charter school may receive a grant to implement a local collaborative

CONFERENCE

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

(c) A school district or open-enrollment charter school is eligible to participate and receive a grant under this section under the eligibility criteria established under **Section 39.360.**

(d) The **committee** shall establish application criteria for receiving a grant under this section. The criteria must require a school district or open-enrollment charter school that applies for a grant to collaborate with local businesses, other local governments or law enforcement agencies, nonprofit organizations, faith-based organizations, **or** institutions of higher education to deliver proven, research-based intervention services. The goal of the program is to coordinate services and programs among local entities to:

- (1) comprehensively reduce the number of students who drop out of school in that community; and
- (2) increase the job skills, employment opportunities, and continuing education opportunities of students who might otherwise have dropped out of school.

(e) The **committee** shall establish minimum standards for a local collaborative agreement, including a requirement that the agreement must be signed by an authorized school district or open-enrollment charter school officer and an authorized representative of each of the other participating entities that is a partner in the collaboration. The program must:

- (1) limit participation in the program to students authorized to participate by a parent or other person standing in parental relationship;

SENATE VERSION

dropout reduction program.

(c) A school district or open-enrollment charter school is eligible to participate and receive a grant under this section under the eligibility criteria established under **Section 39.358.**

(d) The **commissioner** shall establish application criteria for receiving a grant under this section. The criteria must require a school district or open-enrollment charter school that applies for a grant to collaborate with local businesses, other local governments or law enforcement agencies, nonprofit organizations, faith-based organizations, **and** institutions of higher education to deliver proven, research-based intervention services. The goal of the program is to coordinate services and programs among local entities to:

- (1) comprehensively reduce the number of students who drop out of school in that community; and
- (2) increase the job skills, employment opportunities, and continuing education opportunities of students who might otherwise have dropped out of school.

(e) The **commissioner** shall establish minimum standards for a local collaborative agreement, including a requirement that the agreement must be signed by an authorized school district or open-enrollment charter school officer and an authorized representative of each of the other participating entities that is a partner in the collaboration. The program must:

- (1) limit participation in the program to students authorized to participate by a parent or other person standing in parental relationship;

CONFERENCE

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

- (2) have as a primary goal graduation from high school under at least the recommended high school program;
- (3) provide for local businesses or other employers to offer paid employment or internship opportunities and advanced career and vocational training;
- (4) include an outreach component and a lead educational staff member to identify and involve eligible students and public and private entities in participating in the program;
- (5) serve a population of students of which at least 50 percent are identified as students at risk of dropping out of school, as described by Section 29.081(d);
- (6) allocate not more than 15 percent of grant funds and matching funds, as determined by the **committee**, to administrative expenses;
- (7) include matching funds from any of the participating entities; and
- (8) include any other requirements as determined by the **committee**.
- (f) A local collaborative agreement under this section may:
  - (1) be coordinated with other services provided to students or their families by public or private entities;
  - (2) provide for local businesses to support the program, including:
    - (A) encouraging employees to engage in mentoring students and other school-related volunteer activities; and
    - (B) using matching funds to provide paid time off for volunteer activities under Paragraph (A) and other

SENATE VERSION

- (2) have as a primary goal graduation from high school under at least the recommended high school program;
- (3) provide for local businesses or other employers to offer paid employment or internship opportunities and advanced career and vocational training;
- (4) include an outreach component and a lead educational staff member to identify and involve eligible students and public and private entities in participating in the program;
- (5) serve a population of students of which at least 50 percent are identified as students at risk of dropping out of school, as described by Section 29.081(d);
- (6) allocate not more than 15 percent of grant funds and matching funds, as determined by the **commissioner**, to administrative expenses;
- (7) include matching funds from any of the participating entities; and
- (8) include any other requirements as determined by the **council**.
- (f) A local collaborative agreement under this section may:
  - (1) be coordinated with other services provided to students or their families by public or private entities;
  - (2) provide for local businesses to support the program, including:
    - (A) encouraging employees to engage in mentoring students and other school-related volunteer activities; and
    - (B) using matching funds to provide paid time off for volunteer activities under Paragraph (A) and other

CONFERENCE

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

activities related to encouraging school involvement of parents of students enrolled in the program;

(3) allow grant funds to reimburse reasonable costs of participating entities;

(4) provide for electronic course delivery by a school district, open-enrollment charter school, or an institution of higher education; and

(5) be hosted or housed by a chamber of commerce, local workforce agency, local employer, or other public or private participating entity.

(g) The **committee** may approve innovative instructional techniques for **course credit** in the enrichment curriculum leading to high school graduation under a **collaborative program** and shall develop accountability measures appropriate to those programs. From funds appropriated, the commissioner may fund electronic courses that are part of a collaborative program and that are otherwise eligible for state funds. Funding for an electronic course may not exceed the total amount of state and local funding for a student to which the school district or open-enrollment charter school would otherwise be entitled.

(h) Nothing in this section authorizes the award of a high school diploma other than in compliance with Section 28.025.

(i) The commissioner shall adopt rules necessary to administer the pilot program under this section.

Sec. 29.097. INTENSIVE TECHNOLOGY-BASED ACADEMIC INTERVENTION PILOT PROGRAM.

(a) In this section:

SENATE VERSION

activities related to encouraging school involvement of parents of students enrolled in the program;

(3) allow grant funds to reimburse reasonable costs of participating entities;

(4) provide for electronic course delivery by a school district, **an** open-enrollment charter school, or an institution of higher education; and

(5) be hosted or housed by a chamber of commerce, local workforce agency, local employer, or other public or private participating entity.

(g) The **commissioner** may approve innovative instructional techniques for **courses** in the enrichment curriculum leading to high school graduation under a **local collaborative dropout reduction program** and shall develop accountability measures appropriate to those programs. From funds appropriated, the commissioner may fund electronic courses that are part of a collaborative program and that are otherwise eligible for state funds. Funding for an electronic course may not exceed the total amount of state and local funding for a student to which the school district or open-enrollment charter school would otherwise be entitled.

(h) Nothing in this section authorizes the award of a high school diploma other than in compliance with Section 28.025.

(i) The commissioner shall adopt rules necessary to administer the pilot program under this section.

Sec. 29.097. INTENSIVE TECHNOLOGY-BASED ACADEMIC INTERVENTION PILOT PROGRAM.

(a) In this section:

CONFERENCE

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

(1) "Committee" means the High School Completion and Success Initiative **Committee** established under Subchapter L, Chapter 39.

(2) "Pilot program" means the intensive technology-based academic intervention pilot program.

(b) From funds appropriated for that purpose, the **committee** shall establish a pilot program for the commissioner to award grants to participating campuses to provide intensive technology-based supplementary instruction in English, mathematics, science, or social studies to students in grades nine through 12 identified as being at risk of dropping out of school, as described by Section 29.081(d). Instruction techniques and technology used by a campus under this section must be based on the best available research, as determined by the **committee**, regarding college and workforce readiness.

(c) The commissioner may select for participation in the pilot program only a campus that is eligible under the criteria established under **Section 39.360**.

(d) A program supported by a grant under this section to provide intensive technology-based supplementary instruction at a campus **must**:

(1) include comprehensive course plans and teacher guides that are aligned with one or more subjects of the foundation curriculum described by Section 28.002(a)(1);

(2) include technology-based supplementary instruction;

(3) include **at least four cumulative days of** training, professional development, and mentoring for teachers;

SENATE VERSION

(1) "**Council**" means the High School Completion and Success Initiative **Council** established under Subchapter L, Chapter 39.

(2) "Pilot program" means the intensive technology-based academic intervention pilot program.

(b) From funds appropriated for that purpose **in an amount not to exceed \$3 million each year**, the **commissioner** shall establish a pilot program for the commissioner to award grants to participating campuses to provide intensive technology-based supplementary instruction in English, mathematics, science, or social studies to students in grades nine through 12 identified as being at risk of dropping out of school, as described by Section 29.081(d). Instruction techniques and technology used by a campus under this section must be based on the best available research, as determined by the **council**, regarding college and workforce readiness.

(c) The commissioner may select for participation in the pilot program only a campus that is eligible under the criteria established under **Section 39.358**.

(d) A program supported by a grant under this section to provide intensive technology-based supplementary instruction at a campus **may**:

(1) include comprehensive course plans and teacher guides that are aligned with one or more subjects of the foundation curriculum described by Section 28.002(a)(1);

(2) include technology-based supplementary instruction;

(3) include training, professional development, and mentoring for teachers;

CONFERENCE

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

(4) provide students individual access to technology-based supplementary instruction at least 90 minutes each week;

(5) provide teachers daily access to required technology;

(6) demonstrate significant effectiveness in high schools serving students identified as being at risk of dropping out of school, as described by Section 29.081(d);

(7) be selected in consultation with the teachers at the affected campus; and

(8) be implemented in partnership with institutions of higher education.

(e) The primary purpose of a program supported by a grant under this section to provide intensive technology-based supplementary instruction at a campus is to benefit students identified as being at risk of dropping out of school, as described by Section 29.081(d), but grant funds may be used to benefit a campus-wide program if the use of the funds does not defeat the primary purpose provided by this subsection.

(f) A grant awarded under this section:

(1) may not exceed \$50 for each participating student; and

(2) must be matched by other federal, state, or local funds, including private donations.

(g) For purposes of Subsection (f)(2), a school district is encouraged to use funds allocated under Section 42.2516(b)(3).

(h) A grant awarded under this section may not be used to replace federal, state, or local funds previously spent on an instructional program, but may be used to expand

SENATE VERSION

(4) provide students individual access to technology-based supplementary instruction at least 90 minutes each week;

(5) demonstrate significant effectiveness in high schools serving students identified as being at risk of dropping out of school, as described by Section 29.081(d);

(6) be selected in consultation with the teachers at the affected campus; and

(7) be implemented in partnership with institutions of higher education.

(e) The primary purpose of a program supported by a grant under this section to provide intensive technology-based supplementary instruction at a campus is to benefit students identified as being at risk of dropping out of school, as described by Section 29.081(d), but grant funds may be used to benefit a campus-wide program if the use of the funds does not defeat the primary purpose provided by this subsection.

(f) A grant awarded under this section:

(1) may not exceed \$50 for each participating student; and

(2) must be matched by other federal, state, or local funds, including private donations.

(g) For purposes of Subsection (f)(2), a school district is encouraged to use funds allocated under Section 42.2516(b)(3).

(h) A grant awarded under this section may not be used to replace federal, state, or local funds previously spent on an instructional program, but may be used to expand

CONFERENCE

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

an existing program.

(i) The entire amount of a grant awarded under this section:

(1) must fund the program described in the application for the grant; and

(2) may be used for:

(A) supplementary instructional support systems;

(B) technology used primarily for the delivery of supplementary instruction;

(C) teacher training and professional development; and

(D) other necessary costs, as determined by the **committee**.

Sec. 29.098. INTENSIVE SUMMER PROGRAMS. (a) In this section, "pilot program" means the intensive summer pilot program for students identified as being at risk of dropping out of school or college.

(b) From funds appropriated for that purpose, the **commissioner of higher education** by rule shall establish a pilot program to award grants to participating campuses to provide intensive academic instruction during the summer semester to promote college and workforce readiness to students identified as being at risk of dropping out of school or college. A grant awarded under this section may be used to fund any of the following categories of programs:

(1) a program administered by an institution of higher education to provide intensive academic instruction in English language arts, mathematics, and science to facilitate the student's transition from high school to a

SENATE VERSION

an existing program.

(i) The entire amount of a grant awarded under this section:

(1) must fund the program described in the application for the grant; and

(2) may be used for:

(A) supplementary instructional support systems;

(B) technology used primarily for the delivery of supplementary instruction;

(C) teacher training and professional development; and

(D) other necessary costs, as determined by the **commissioner**.

Sec. 29.098. INTENSIVE SUMMER PROGRAMS. (a) In this section, "pilot program" means the intensive summer pilot program for students identified as being at risk of dropping out of school or college.

(b) From funds appropriated for that purpose, the **commissioner of education and the commissioner of higher education** by rule shall establish a pilot program to award grants to participating campuses to provide intensive academic instruction during the summer semester to promote college and workforce readiness to students identified as being at risk of dropping out of school or college. A grant awarded under this section may be used to fund any of the following categories of programs:

(1) a program administered by an institution of higher education to provide intensive academic instruction in English language arts, mathematics, and science to facilitate the student's transition from high school to a

CONFERENCE

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

postsecondary institution;

(2) a program administered by a school district in partnership with an institution of higher education to provide intensive academic instruction in English language arts, mathematics, and science to promote high school completion and college readiness; and

(3) a program administered by a school district in partnership with an institution of higher education to provide intensive academic instruction in reading and mathematics to students in grades six through eight to promote high school completion and college readiness.

(c) The commissioner of higher education may select for participation in the pilot program only a campus that is eligible under the criteria established under Section 39.360.

(d) A grant may be awarded to an institution of higher education for a program administered under Subsection (b)(1) only if at least 50 percent of the students served in the program:

(1) have a score on the Scholastic Assessment Test (SAT) or American College Test (ACT) that is equal to a score less than the national mean score;

(2) have been awarded a grant under the federal Pell grant program;

(3) are at least 20 years of age on the date the student initially enrolls in the institution of higher education; or

(4) have enrolled or will initially enroll as a part-time student.

(e) A program supported by a grant to provide intensive summer instruction under this section must:

SENATE VERSION

postsecondary institution;

(2) a program administered by a school district in partnership with an institution of higher education to provide intensive academic instruction in English language arts, mathematics, and science to promote high school completion and college readiness; and

(3) a program administered by a school district in partnership with an institution of higher education to provide intensive academic instruction in reading and mathematics to students in grades six through eight to promote high school completion and college readiness.

(c) The commissioner of education may select for participation in the pilot program only a campus that is eligible under the criteria established under Section 39.358.

(d) A grant may be awarded to an institution of higher education for a program administered under Subsection (b)(1) only if at least 50 percent of the students served in the program:

(1) have a score on the Scholastic Assessment Test (SAT) or American College Test (ACT) that is equal to a score less than the national mean score;

(2) have been awarded a grant under the federal Pell grant program;

(3) are at least 20 years of age on the date the student initially enrolls in the institution of higher education; or

(4) have enrolled or will initially enroll as a part-time student.

(e) A program supported by a grant to provide intensive summer instruction under this section must:

CONFERENCE

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

- (1) provide rigorous academic instruction;
- (2) provide at least four weeks of instruction; and
- (3) for a program described by Subsection (b)(2) or (3), be designed and implemented in partnership with an institution of higher education.
- (f) To the extent practicable, an institution of higher education shall create work-study opportunities for students enrolled in teacher preparation programs to assist in providing instruction in programs described by this section.
- (g) A grant awarded under this section:
  - (1) may not exceed \$750 for each participating student;
  - and
  - (2) must be matched by not less than \$250 for each participating student in other federal, state, or local funds, including private donations.
- (h) For purposes of Subsection (g)(2), a school district is encouraged to use funds allocated under Section 42.2516(b)(3).
- (i) A grant awarded under this section may not be used to replace federal, state, or local funds previously spent on a summer intensive program, but may be used to expand an existing program.
- (j) The entire amount of a grant awarded under this section:
  - (1) must fund the program described in the application for the grant; and
  - (2) may be used for:
    - (A) instructional materials;
    - (B) technology used primarily for the delivery of

SENATE VERSION

- (1) provide rigorous academic instruction;
- (2) provide at least four weeks of instruction; and
- (3) for a program described by Subsection (b)(2) or (3), be designed and implemented in partnership with an institution of higher education.
- (f) To the extent practicable, an institution of higher education shall create work-study opportunities for students enrolled in teacher preparation programs to assist in providing instruction in programs described by this section.
- (g) A grant awarded under this section:
  - (1) may not exceed \$750 for each participating student;
  - and
  - (2) must be matched by not less than \$250 for each participating student in other federal, state, or local funds, including private donations.
- (h) For purposes of Subsection (g)(2), a school district is encouraged to use funds allocated under Section 42.2516(b)(3).
- (i) A grant awarded under this section may not be used to replace federal, state, or local funds previously spent on a summer intensive program, but may be used to expand an existing program.
- (j) The entire amount of a grant awarded under this section:
  - (1) must fund the program described in the application for the grant; and
  - (2) may be used for:
    - (A) instructional materials;
    - (B) technology used primarily for the delivery of

CONFERENCE

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

supplementary instruction;

(C) teacher training and professional development, including educator stipends; and

(D) other necessary costs, as determined by the commissioner of higher education.

(k) The commissioner of education and the commissioner of higher education shall jointly develop or adopt assessment instruments to diagnose students' readiness to perform college-level work, assess the cumulative knowledge of students participating in a program under this section, and ensure the rigorous quality of the instruction provided. To the extent practicable and appropriate, existing state-adopted assessment instruments should be used for purposes of this subsection.

(l) All students enrolled in a program under this section shall be administered an assessment instrument developed or adopted under Subsection (k).

(m) The commissioner of education, in coordination with the Texas Higher Education Coordinating Board, shall adopt a series of optional questions to be included in an assessment instrument administered under Subsection (l). The optional questions must be developed in a manner consistent with any college readiness standards adopted under Sections 39.113 and 51.3062.

(n) Instructional materials adopted by the State Board of Education shall be used for instruction in a program under Subsection (b)(2) or (3). The State Board of Education may adopt any additional instructional

SENATE VERSION

supplementary instruction;

(C) teacher training and professional development, including educator stipends; and

(D) other necessary costs, as determined by the commissioner of education.

(k) Instructional materials adopted by the State Board of Education shall be used for instruction in a program under Subsection (b)(2) or (3). The State Board of Education may adopt any additional instructional

CONFERENCE

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

materials as necessary for a program under Subsection (b)(2) or (3). The Texas Higher Education Coordinating Board may adopt instructional materials as necessary for students enrolled in a program under Subsection (b)(1).  
(o) The State Board of Education and the Texas Higher Education Coordinating Board shall include information technology instructional resources that incorporate established best practices for instruction among approved instructional materials for intensive summer programs under this section to enhance the effectiveness of the programs.

SECTION 9. Subchapter Z, Chapter 29, Education Code, is amended by adding Section 29.911 to read as follows:

Sec. 29.911. "EDUCATION: GO GET IT" WEEK. (a) To educate middle school, junior high school, and high school students about the importance of higher education, each school district and each open-enrollment charter school offering any of those grade levels shall designate one week during the school year as "Education: Go Get It" Week.

(b) During the designated week, each middle school, junior high school, and high school shall provide students with comprehensive grade-appropriate information regarding the pursuit of higher education. The information provided must include information regarding:

(1) higher education options available to students;

SENATE VERSION

materials as necessary for a program under Subsection (b)(2) or (3). The Texas Higher Education Coordinating Board may adopt instructional materials as necessary for students enrolled in a program under Subsection (b)(1).  
(l) The State Board of Education and the Texas Higher Education Coordinating Board shall include information technology instructional resources that incorporate established best practices for instruction among approved instructional materials for intensive summer programs under this section to enhance the effectiveness of the programs.

SECTION 9. Subchapter Z, Chapter 29, Education Code, is amended by adding Sections 29.911, 29.917, 29.918, and 29.919 to read as follows:

Sec. 29.911. "EDUCATION: GO GET IT" WEEK. (a) To educate middle school, junior high school, and high school students about the importance of higher education, each school district and each open-enrollment charter school offering any of those grade levels shall designate one week during the school year as "Education: Go Get It" Week.

(b) During the designated week, each middle school, junior high school, and high school shall provide students with comprehensive grade-appropriate information regarding the pursuit of higher education. The information provided must include information regarding:

(1) higher education options available to students;

CONFERENCE

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

(2) standard admission requirements for institutions of higher education, including:  
(A) overall high school grade point average;  
(B) required curriculum; and  
(C) scores necessary on generally recognized tests or assessment instruments used in admissions determinations, including the Scholastic Assessment Test and the American College Test;  
(3) automatic admission of certain students to general academic teaching institutions as provided by Section 51.803; and  
(4) financial aid availability and requirements, including the financial aid information provided by counselors under Section 33.007(b).  
(c) In addition to the information provided under Subsection (b), each middle school, junior high school, and high school shall provide to the students during the designated week at least one public speaker to promote the importance of higher education.

SECTION 10. Subchapter Z, Chapter 29, Education Code, is amended by adding Sections 29.917 and 29.918 to read as follows:

Sec. 29.917. HIGHER EDUCATION AND WORKFORCE READINESS PROGRAMS. (a) From funds appropriated for the purpose, the commissioner may award grants to organizations that provide volunteers to teach classroom or after-school programs to enhance:

SENATE VERSION

(2) standard admission requirements for institutions of higher education, including:  
(A) overall high school grade point average;  
(B) required curriculum; and  
(C) scores necessary on generally recognized tests or assessment instruments used in admissions determinations, including the Scholastic Assessment Test and the American College Test;  
(3) automatic admission of certain students to general academic teaching institutions as provided by Section 51.803; and  
(4) financial aid availability and requirements, including the financial aid information provided by counselors under Section 33.007(b).  
(c) In addition to the information provided under Subsection (b), each middle school, junior high school, and high school shall provide to the students during the designated week at least one public speaker to promote the importance of higher education.

Sec. 29.917. HIGHER EDUCATION AND WORKFORCE READINESS PROGRAMS. (a) From funds appropriated for the purpose, the commissioner may award grants to organizations that provide volunteers to teach classroom or after-school programs to enhance:

CONFERENCE

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

- (1) college readiness;
  - (2) workforce readiness;
  - (3) dropout prevention; or
  - (4) personal financial literacy.
  - (b) To implement or administer a program under this section, the commissioner may accept gifts, grants, and donations from public or private entities.
  - (c) The commissioner may conduct a study of the programs under this section to determine the success of the programs in preparing students for higher education and participation in the workforce.
- Sec. 29.918. DROPOUT PREVENTION STRATEGIES. (a) Notwithstanding **Section 42.152**, a school district or open-enrollment charter school with a high dropout rate, as determined by the commissioner, must submit a plan to the commissioner describing the manner in which the district or charter school intends to use the compensatory education allotment under Section 42.152 for developing and implementing research-based strategies for dropout prevention. The district or charter school shall submit the plan not later than December 1 of each school year preceding the school year in which the district or charter school will receive the compensatory education allotment to which the plan applies.
- (b) A school district or open-enrollment charter school to which this section applies may not spend or obligate more than 25 percent of the district's or charter school's

SENATE VERSION

- (1) college readiness;
  - (2) workforce readiness;
  - (3) dropout prevention; or
  - (4) personal financial literacy.
  - (b) To implement or administer a program under this section, the commissioner may accept gifts, grants, and donations from public or private entities.
  - (c) The commissioner may conduct a study of the programs under this section to determine the success of the programs in preparing students for higher education and participation in the workforce.
- Sec. 29.918. DROPOUT PREVENTION STRATEGIES. (a) Notwithstanding **Section 39.114 or 42.152**, a school district or open-enrollment charter school with a high dropout rate, as determined by the commissioner, must submit a plan to the commissioner describing the manner in which the district or charter school intends to use the compensatory education allotment under Section 42.152 **and the high school allotment under Section 42.2516(b)(3)** for developing and implementing research-based strategies for dropout prevention. The district or charter school shall submit the plan not later than December 1 of each school year preceding the school year in which the district or charter school will receive the compensatory education allotment **or high school allotment** to which the plan applies.
- (b) A school district or open-enrollment charter school to which this section applies may not spend or obligate more than 25 percent of the district's or charter school's

CONFERENCE

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

compensatory education allotment unless the commissioner approves the plan submitted under Subsection (a). The commissioner shall complete an initial review of the district's or charter school's plan not later than March 1 of the school year preceding the school year in which the district or charter school will receive the compensatory education allotment to which the plan applies.

(c) The commissioner shall adopt rules to administer this section. The commissioner may impose sanctions under Section 39.131 or 39.1321 if a school district or open-enrollment charter school fails to timely comply with this section.

SENATE VERSION

compensatory education allotment **or high school allotment** unless the commissioner approves the plan submitted under Subsection (a). The commissioner shall complete an initial review of the district's or charter school's plan not later than March 1 of the school year preceding the school year in which the district or charter school will receive the compensatory education allotment **or high school allotment** to which the plan applies.

(c) The commissioner shall adopt rules to administer this section. The commissioner may impose sanctions under Section 39.131 or 39.1321 if a school district or open-enrollment charter school fails to timely comply with this section.

**Sec. 29.919. TECHNOLOGY-BASED SUPPLEMENTAL INSTRUCTION PILOT PROGRAM.** (a) The commissioner shall establish a pilot program under which state grant funds are provided to finance technology-based supplemental instruction to students at the sixth through 12th grade levels at participating campuses.  
(b) A campus is eligible to participate in the program and receive state grant funds if the campus is located in a school district that:  
(1) has an enrollment of fewer than 5,000 students; and  
(2) is not located in an area defined by the United States Office of Management and Budget as a standard metropolitan statistical area as of January 1, 2007.  
(c) The commissioner shall develop an application and selection process for selecting campuses to participate in

CONFERENCE

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

the program. The commissioner shall give priority to a campus that offers a relatively limited course selection to students, in comparison to the course selections generally offered to students in metropolitan areas.

(d) A campus selected to participate in the program is entitled to receive state grant funds in an amount not to exceed \$200 each school year for each student in an eligible grade level served through the program. The state grant funds must be used to provide technology-based supplemental instruction for students at the eligible grade levels. Permissible expenditures under the program include costs incurred to provide:

(1) research-based instructional support;

(2) teacher training;

(3) academic tutoring or counseling;

(4) distance learning opportunities that use the Internet and are aligned with the essential knowledge and skills adopted under Section 28.002 for the subject areas of English language arts, social studies, mathematics, science, and languages other than English, as applicable;

and

(5) distance learning opportunities that enable students to earn college credit in the subject areas of English language arts, social studies, mathematics, science, or languages other than English.

(e) As a condition of receiving a state grant, a campus must contribute additional funding for activities provided at the campus through the program, in an amount equal to at least \$100 each school year for each student in an eligible grade level served through the program. The

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

additional funding required by this subsection may consist of local funds, private funds, or state funds other than grant funds provided under this section. For program activities provided at the high school level, the high school allotment provided under Section 42.2516(b)(3) may be used to meet the additional funding requirement prescribed by this subsection.

(f) A campus participating in the program must provide students with individual access to technology-based supplemental instruction for at least 10 hours each week.

(g) The commissioner shall pay the costs of the program using funds available for that purpose, not to exceed \$4 million each fiscal year or a greater amount specified by the General Appropriations Act.

(h) Using funds available for the program in an amount not to exceed \$150,000 each fiscal year, the commissioner shall contract for an evaluation of the program's effectiveness in improving student performance. Not later than December 1, 2008, the commissioner shall deliver an interim report containing the results of the evaluation. Not later than December 1, 2010, the commissioner shall deliver a final report regarding the program to the legislature.

(i) The commissioner shall adopt rules necessary to implement this section.

(j) This section expires September 1, 2011.

SECTION 11. Section 39.051(b), Education Code, is amended to read as follows:

No equivalent provision.

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(b) Performance on the indicators adopted under this section shall be compared to state-established standards. The degree of change from one school year to the next in performance on each indicator adopted under this section shall also be considered. The indicators must be based on information that is disaggregated by race, ethnicity, gender, and socioeconomic status and must include:

(1) the results of assessment instruments required under Sections 39.023(a), (c), and (l), aggregated by grade level and subject area;

(2) dropout rates, including dropout rates and district completion rates for grade levels 9 through 12, computed in accordance with standards and definitions adopted by the National Center for Education Statistics of the United States Department of Education;

(3) high school graduation rates, computed in accordance with standards and definitions adopted in compliance with the No Child Left Behind Act of 2001 (Pub. L. No. 107-110);

(4) student attendance rates;

(5) the percentage of graduating students who attain scores on the secondary exit-level assessment instruments required under Subchapter B that are equivalent to a passing score on the assessment instrument required under Section 51.3062;

(6) the percentage of graduating students who meet the course requirements established for the recommended high school program by State Board of Education rule;

(7) the results of the Scholastic Assessment Test (SAT), the American College Test (ACT), articulated

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

postsecondary degree programs described by Section 61.852, and certified workforce training programs described by Chapter 311, Labor Code;

(8) the percentage of students, aggregated by grade level, provided accelerated instruction under Section 28.0211(c), the results of assessments administered under that section, the percentage of students promoted through the grade placement committee process under Section 28.0211, the subject of the assessment instrument on which each student failed to perform satisfactorily, and the performance of those students in the school year following that promotion on the assessment instruments required under Section 39.023;

(9) for students who have failed to perform satisfactorily on an assessment instrument required under Section 39.023(a) or (c), the numerical progress of those students grouped by percentage on subsequent assessment instruments required under those sections, aggregated by grade level and subject area;

(10) the percentage of students exempted, by exemption category, from the assessment program generally applicable under this chapter;

(11) the percentage of students of limited English proficiency exempted from the administration of an assessment instrument under Sections 39.027(a)(3) and (4);

(12) the percentage of students in a special education program under Subchapter A, Chapter 29, assessed through assessment instruments developed or adopted under Section 39.023(b);

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

- (13) the measure of progress toward preparation for postsecondary success; ~~and~~
- (14) the measure of progress toward dual language proficiency under Section 39.034(b), for students of limited English proficiency, as defined by Section 29.052; and
- (15) the measure of a reduction or increase in any disparity between students who are educationally disadvantaged and all other students in:
- (A) performance on assessment instruments administered under Subchapter B; and
- (B) high school graduation rates computed under Subdivision (3).

SECTION 12. Subchapter F, Chapter 39, Education Code, is amended by adding Section 39.115 to read as follows:

Sec. 39.115. HIGH SCHOOL INNOVATION GRANT INITIATIVE. (a) From funds appropriated for that purpose, the High School Completion and Success Initiative Committee established under Subchapter L may establish a grant program under which grants are awarded to secondary campuses and school districts to support:

- (1) the implementation of innovative high school improvement programs that are based on the best available research, as determined by the committee, regarding high school reform, dropout prevention, and preparing students for postsecondary coursework or

SENATE VERSION

SECTION 10. Subchapter F, Chapter 39, Education Code, is amended by adding Section 39.115 to read as follows:

Sec. 39.115. HIGH SCHOOL INNOVATION GRANT INITIATIVE. (a) From funds appropriated for that purpose, the commissioner may establish a grant program under which grants are awarded to secondary campuses and school districts to support:

- (1) the implementation of innovative high school improvement programs that are based on the best available research regarding high school reform, dropout prevention, and preparing students for postsecondary coursework or employment;

CONFERENCE

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

employment; and

(2) enhancing education practices that have been demonstrated by significant evidence of effectiveness, as determined by the committee.

(b) To receive a grant under this section, the High School Completion and Success Initiative Committee may require a campus or school district to:

(1) obtain local matching funds; or

(2) meet other conditions, including developing a personal graduation plan under Section 28.0212 for each student enrolled at the campus or in a district high school.

SENATE VERSION

(2) enhancing education practices that have been demonstrated by significant evidence of effectiveness;

and

(3) the alignment of grants and programs to the strategic plan adopted under Section 39.357.

(b) Before awarding a grant under this section, the commissioner may require a campus or school district to:

(1) obtain local matching funds; or

(2) meet other conditions, including developing a personal graduation plan under Section 28.0212 for each student enrolled at the campus or in a district high school.

(c) The commissioner may:

(1) accept gifts, grants, or donations from a private foundation to implement a grant program under this section; and

(2) coordinate gifts, grants, or donations with other available funding to implement a grant program under this section.

(d) The commissioner may use funds appropriated under this section to support technical assistance services for school districts and open-enrollment charter schools to implement a high school improvement program under this section.

Sec. 39.116. INITIATIVE FOR RETAINING QUALITY EDUCATORS. (a) To help prevent dropouts and disruptions that may result from certain mandatory sanctions, a school district may:

CONFERENCE

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(1) notwithstanding Section 39.1324(b), retain at a campus a principal who has been employed at the campus in that capacity during the two-year period described by Section 39.1324(a) and whose campus has demonstrated a pattern of significant academic improvement by students at the campus.

SECTION 13. Chapter 39, Education Code, is amended by adding Subchapter L to read as follows:

SUBCHAPTER L. HIGH SCHOOL COMPLETION AND SUCCESS INITIATIVE

Sec. 39.351. DEFINITION. In this subchapter, "committee" means the High School Completion and Success Initiative **Committee**.

Sec. 39.352. HIGH SCHOOL COMPLETION AND SUCCESS INITIATIVE **COMMITTEE**. (a) The High School Completion and Success Initiative **Committee** is established to coordinate high school completion efforts.

(b) The **committee** is composed of:

- (1) the commissioner of education;
- (2) the commissioner of higher education; and
- (3) seven members appointed by the commissioner of education.

(c) In making appointments required by Subsection (b)(3), the commissioner of education shall appoint:

- (1) three members from a list of nominations provided

SECTION 11. Chapter 39, Education Code, is amended by adding Subchapter L to read as follows:

SUBCHAPTER L. HIGH SCHOOL COMPLETION AND SUCCESS INITIATIVE

Sec. 39.351. DEFINITION. In this subchapter, "council" means the High School Completion and Success Initiative **Council**.

Sec. 39.352. HIGH SCHOOL COMPLETION AND SUCCESS INITIATIVE **COUNCIL**. (a) The High School Completion and Success Initiative **Council** is established to identify strategic priorities for and make recommendations to improve the effectiveness, coordination, and alignment of high school completion and college and workforce readiness efforts.

(b) The **council** is composed of:

- (1) the commissioner of education;
- (2) the commissioner of higher education; and
- (3) seven members appointed by the commissioner of education.

(c) In making appointments required by Subsection (b)(3), the commissioner of education shall appoint:

- (1) three members from a list of nominations provided

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

by the governor;

(2) two members from a list of nominations provided by the lieutenant governor; and

(3) two members from a list of nominations provided by the speaker of the house of representatives.

(d) In making nominations under Subsection (c), the governor, lieutenant governor, and speaker of the house of representatives shall nominate persons who have distinguished experience in:

(1) developing and implementing high school reform strategies; and

(2) promoting college and workforce readiness.

Sec. 39.353. TERMS. Members of the committee appointed under Section 39.352(b)(3) serve terms of two years and may be reappointed for additional terms.

Sec. 39.354. PRESIDING OFFICER. The commissioner of education serves as the presiding officer of the committee.

Sec. 39.355. COMMITTEE MEETINGS. Meetings of the committee are subject to Chapter 551, Government Code.

Sec. 39.356. COMPENSATION AND REIMBURSEMENT. A member of the committee is not entitled to compensation for service on the board but is entitled to reimbursement for actual and necessary expenses incurred in performing committee duties.

Sec. 39.357. COMMITTEE STAFF AND FUNDING. (a) Except as otherwise provided, staff members of the agency, with the assistance of the Texas Higher Education Coordinating Board, shall provide

SENATE VERSION

by the governor;

(2) two members from a list of nominations provided by the lieutenant governor; and

(3) two members from a list of nominations provided by the speaker of the house of representatives.

(d) In making nominations under Subsection (c), the governor, lieutenant governor, and speaker of the house of representatives shall nominate persons who have distinguished experience in:

(1) developing and implementing high school reform strategies; and

(2) promoting college and workforce readiness.

Sec. 39.353. TERMS. Members of the council appointed under Section 39.352(b)(3) serve terms of two years and may be reappointed for additional terms.

Sec. 39.354. PRESIDING OFFICER. The commissioner of education serves as the presiding officer of the council.

Sec. 39.355. COMPENSATION AND REIMBURSEMENT. A member of the council is not entitled to compensation for service on the council but is entitled to reimbursement for actual and necessary expenses incurred in performing council duties.

Sec. 39.356. COUNCIL STAFF AND FUNDING. (a) Except as otherwise provided, staff members of the agency, with the assistance of the Texas Higher Education Coordinating Board, shall provide

CONFERENCE

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

administrative support for the committee.

(b) Funding for the administrative and operational expenses of the committee shall be provided by appropriation to the agency for that purpose and by gifts, grants, and donations solicited and accepted by the agency for that purpose.

Sec. 39.358. ADVISORY PANELS. (a) The committee may establish advisory panels to assist the committee under this subchapter.

(b) An advisory panel member may be an educator, researcher, or any other knowledgeable person as determined by the committee.

Sec. 39.359. STRATEGIC PLAN. (a) The committee shall adopt a strategic plan under this subchapter to:

(1) address the manner in which federal and state funds appropriated or received for the purposes of high school reform, dropout prevention, and preparation of students for postsecondary coursework or employment shall be distributed;

(2) specify strategies to identify, support, and expand programs to improve high school completion rates and college and workforce readiness;

(3) develop and recommend the award of grants as provided by Section 39.360 that support the strategic plan adopted under this section, including grants awarded under Sections 21.4511, 21.4541, 29.095, 29.096, 29.097, 29.098, and 39.115;

(4) establish criteria for scoring grant applications subject to the strategic plan and for recommending the award of grants as provided by Section 39.360 on the

SENATE VERSION

administrative support for the council.

(b) Funding for the administrative and operational expenses of the council shall be provided by appropriation to the agency for that purpose and by gifts, grants, and donations solicited and accepted by the agency for that purpose.

Sec. 39.357. STRATEGIC PLAN. (a) The council shall adopt a strategic plan under this subchapter to:

(1) specify strategies to identify, support, and expand programs to improve high school completion rates and college and workforce readiness;

(2) establish specific goals with which to measure the success of the strategies identified under Subdivision (1) in improving high school completion rates and college and workforce readiness;

(3) identify strategies for alignment and coordination of federal and other funding sources that may be pursued for high school reform, dropout prevention, and preparation of students for postsecondary coursework or

CONFERENCE

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

basis of the criteria adopted:

(5) recommend the award of grants as provided by Section 39.360 to school districts, open-enrollment charter schools, institutions of higher education, regional education service centers, or nonprofit organizations to meet the goals of the committee's strategic plan; and

(6) ensure that appropriate research and program evaluation is conducted as provided by this subchapter.

(b) The commissioner of education and the commissioner of higher education shall adopt rules as necessary to administer the strategic plan adopted by the committee under this section.

Sec. 39.360. ELIGIBILITY CRITERIA FOR CERTAIN GRANT PROGRAMS. (a) A school district or campus is eligible to participate in programs under Sections 21.4541, 29.095, 29.096, 29.097, and 29.098 if the district or campus:

(1) exhibited during the 2004-2005, 2005-2006, and

SENATE VERSION

employment; and

(4) identify key objectives for appropriate research and program evaluation conducted as provided by this subchapter.

(b) The commissioner of education and the commissioner of higher education shall adopt rules as necessary to administer the strategic plan adopted by the council under this section.

(c) The commissioner of education or the commissioner of higher education may not, in a manner inconsistent with the strategic plan, spend money, award a grant, or enter into a contract in connection with a program relating to high school success and completion.

(d) Notwithstanding Subsection (c), the commissioner of education, commissioner of higher education, or State Board of Education may use funds appropriated for high school success and completion to continue a project, grant, or initiative relating to high school success and completion that was developed before January 1, 2007.

This subsection expires March 15, 2008.

Sec. 39.358. ELIGIBILITY CRITERIA FOR CERTAIN GRANT PROGRAMS. A school district or campus is eligible to participate in programs under Sections 21.4541, 29.095, 29.096, 29.097, and 29.098 if the district or campus exhibited during each of the three preceding school years characteristics that strongly

CONFERENCE

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

2006-2007 school years characteristics that strongly correlate with high school dropout rates; and

(2) is located in a community that, based on the most recent census data, exhibits demographic characteristics that strongly correlate with high dropout rates.

(b) The commissioner of education or the commissioner of higher education, as appropriate, in consultation with the state demographer, shall develop eligibility criteria based on relevant state and federal data that:

(1) identifies eligible high schools to receive grants under each program; and

(2) ensures that each group of eligible high schools provides services to at least 150,000 students.

Sec. 39.361. GRANT APPLICATION REVIEW. From funds appropriated for high school completion and success, the board shall set aside not more than \$500,000 annually to contract with one or more persons who have experience in reviewing grant applications to score grant applications subject to the criteria established under the strategic plan and make funding recommendations to the committee.

Sec. 39.362. PRIVATE FOUNDATION PARTNERSHIPS. (a) The board may coordinate with private foundations that have made a substantial investment in the improvement of high schools in this state to maximize the impact of public and private investments.

(b) A private foundation is not required to obtain the approval of the committee under Subsection (a) before

SENATE VERSION

correlate with high dropout rates.

CONFERENCE

Sec. 39.359. PRIVATE FOUNDATION PARTNERSHIPS. (a) The commissioner of education or the commissioner of higher education, as appropriate, and the council may coordinate with private foundations that have made a substantial investment in the improvement of high schools in this state to maximize the impact of public and private investments.

(b) A private foundation is not required to obtain the approval of the appropriate commissioner or the council

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

allocating resources to a school in this state.

Sec. 39.363. GRANT PROGRAM EVALUATION. (a) **From** funds appropriated for high school completion and success, **the commissioner of education shall set aside not more than \$1.5 million annually** to contract for the evaluation of programs supported by grants approved under this subchapter. In awarding a contract under this subsection, the commissioner shall consider centers for education research established under Section 1.005.

(b) A person who receives a grant approved under this subchapter must consent to an evaluation under this section as a condition of receiving the grant.

(c) The commissioner shall ensure that **a rigorous evaluation** is conducted under this section. Results of the evaluation shall be provided through the online clearinghouse of information relating to the best practices of campuses and school districts established under Section 7.009.

Sec. 39.364. **COMMITTEE** RECOMMENDATIONS.

(a) Based on the strategic plan adopted under this section, the **committee** shall make recommendations to the commissioner of education or the commissioner of higher education, as applicable, **using the review and evaluation processes established by the committee for the award** of federal and state funds appropriated or received for high school reform, college readiness, and dropout prevention.

(b) The **committee** shall include recommendations under

SENATE VERSION

under Subsection (a) before allocating resources to a school in this state.

Sec. 39.360. GRANT PROGRAM EVALUATION. (a) **The commissioner of education shall annually set aside not more than five percent of the** funds appropriated for high school completion and success to contract for the evaluation of programs supported by grants approved under this subchapter. In awarding a contract under this subsection, the commissioner shall consider centers for education research established under Section 1.005.

(b) A person who receives a grant approved under this subchapter must consent to an evaluation under this section as a condition of receiving the grant.

(c) The commissioner shall ensure that **an evaluation** conducted under this section **includes an assessment of whether student achievement has improved**. Results of the evaluation shall be provided through the online clearinghouse of information relating to the best practices of campuses and school districts established under Section 7.009.

Sec. 39.361. **COUNCIL** RECOMMENDATIONS. (a)

Based on the strategic plan adopted under this section, the **council** shall make recommendations to the commissioner of education or the commissioner of higher education, as applicable, **for the use** of federal and state funds appropriated or received for high school reform, college readiness, and dropout prevention, **including grants awarded under Sections 21.4511, 21.4541, 29.095-29.098, 29.917, 29.919, and 39.115.**

(b) The **council** shall include recommendations under

CONFERENCE

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

this section for:

- (1) program design;
- (2) criteria for awarding grants and evaluating programs;
- and
- (3) program funding levels.

(c) The commissioner of education or the commissioner of higher education, as applicable, shall consider the committee's recommendations and based on those recommendations may award grants to school districts, open-enrollment charter schools, institutions of higher education, regional education service centers, and nonprofit organizations to meet the goals of the committee's strategic plan.

(d) If the commissioner of education or the commissioner of higher education, as applicable, decides not to award a grant contrary to the committee's recommendation, the commissioner shall provide a written explanation of the commissioner's decision.

(e) The commissioner of education or the commissioner of higher education may not award a grant under this section without the recommendation of the committee.

Sec. 39.365. FUNDING FOR CERTAIN PROGRAMS.

(a) From funds appropriated, the agency shall transfer

SENATE VERSION

this section for:

- (1) key elements of program design;
- (2) criteria for awarding grants and evaluating programs;
- (3) program funding priorities; and
- (4) program evaluation as provided by this subchapter.

(c) The commissioner of education or the commissioner of higher education, as applicable, shall consider the council's recommendations and based on those recommendations may award grants to school districts, open-enrollment charter schools, institutions of higher education, regional education service centers, and nonprofit organizations to meet the goals of the council's strategic plan.

(d) The commissioner of education or the commissioner of higher education, as applicable;

(1) is not required under this section to allocate funds to a program or initiative recommended by the council; and

(2) may not allocate funds under this section without the recommendation of the council.

Sec. 39.362. FUNDING PROVIDED TO SCHOOL DISTRICTS. From funds appropriated, the commissioner of education may provide funding to school districts to permit a school district to obtain technical assistance in preparing a grant proposal for a grant program administered under this subchapter.

Sec. 39.363. FUNDING FOR CERTAIN PROGRAMS.

(a) From funds appropriated, the Texas Higher

CONFERENCE

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

\$8.75 million each year to the Texas Higher Education Coordinating Board to establish mathematics, science, and technology teacher preparation academies under Section 21.462 and implement and administer the program under Section 29.098.

(b) The Texas Higher Education Coordinating Board shall establish mathematics, science, and technology teacher preparation academies under Section 21.462 and implement and administer the program under Section 29.098 in a manner consistent with the goals of this subchapter and the goals in "Closing the Gaps," the state's master plan for higher education.

Sec. 39.366. REPORTS. (a) Not later than December 1 of each even-numbered year, the committee shall prepare and deliver a report to the legislature that recommends any statutory changes the committee considers appropriate to promote high school completion and college and workforce readiness.

(b) Not later than March 1 and September 1 of each year, the commissioner of education shall prepare and deliver a progress report to the presiding officers of the standing committees of each house of the legislature with primary jurisdiction over public education, the Legislative Budget Board, and the Governor's Office of Policy and Planning on:

(1) the implementation of Sections 7.031, 21.4511,

SENATE VERSION

Education Coordinating Board shall allocate \$8.75 million each year to establish mathematics, science, and technology teacher preparation academies under Section 21.462 and implement and administer the program under Section 29.098.

(b) The Texas Higher Education Coordinating Board shall establish mathematics, science, and technology teacher preparation academies under Section 21.462 and implement and administer the program under Section 29.098 in a manner consistent with the goals of this subchapter and the goals in "Closing the Gaps," the state's master plan for higher education.

Sec. 39.364. PRIVATE FUNDING. The commissioner of education or the commissioner of higher education, as appropriate, may accept gifts, grants, or donations to fund a grant administered under this subchapter.

Sec. 39.365. REPORTS. (a) Not later than December 1 of each even-numbered year, the agency shall prepare and deliver a report to the legislature that recommends any statutory changes the council considers appropriate to promote high school completion and college and workforce readiness.

(b) Not later than March 1 and September 1 of each year, the commissioner of education shall prepare and deliver a progress report to the presiding officers of the standing committees of each house of the legislature with primary jurisdiction over public education, the Legislative Budget Board, and the Governor's Office of Policy and Planning on:

(1) the implementation of Sections 7.031, 21.4511,

CONFERENCE

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

21.4541, 21.462, 28.008(d-1), 28.0212(d), 29.095-29.098, 29.918, and 39.115 and this subchapter; and

(2) the programs supported by grants approved under this subchapter.

Sec. 39.367. RULES. The commissioner of education and the commissioner of higher education shall adopt rules as necessary to administer this subchapter and any programs under the authority of the commissioner of education or the commissioner of higher education and the committee under this subchapter.

No equivalent provision.

SENATE VERSION

21.4541, 21.462, 28.008(d-1), 28.0212(d), 29.095-29.098, 29.911, 29.917-29.919, and 39.115 and this subchapter;

(2) the programs supported by grants approved under this subchapter; and

(3) the alignment of grants and programs to the strategic plan adopted under Section 39.357.

Sec. 39.366. RULES. The commissioner of education and the commissioner of higher education shall adopt rules as necessary to administer this subchapter and any programs under the authority of the commissioner of education or the commissioner of higher education and the council under this subchapter.

SECTION 12. Section 42.158, Education Code, is amended by amending Subsection (d) and adding Subsection (d-1) to read as follows:

(d) Subject to Subsection (d-1), the [The] amount appropriated for allotments under this section may not exceed \$25 million in a school year. If the total amount of allotments to which districts are entitled under this section for a school year exceeds the amount appropriated [for allotments] under this subsection [section], the commissioner shall reduce each district's allotment under this section in the manner provided by Section 42.253(h).

(d-1) In addition to the appropriation amount described by Subsection (d), the amount of \$1 million may be appropriated each school year to supplement the

CONFERENCE

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

allotment to which a school district is entitled under this section that may be provided using the appropriation amount described by Subsection (d). The commissioner shall first apply the funds appropriated under this subsection to prevent any reduction under Subsection (d) in the allotment for attendance at an eligible high school instructional facility, subject to the maximum amount of \$250 for each student in average daily attendance. Any funds remaining after preventing all reductions in amounts due for high school instructional facilities may be applied proportionally to all other eligible instructional facilities, subject to the maximum amount of \$250 for each student in average daily attendance.

SECTION 14. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.0801 to read as follows:

Sec. 61.0801. RESEARCH AND PROGRAM TO FOCUS ON MINORITY STUDENT ACHIEVEMENT.

(a) The board may enter into an agreement with a nonprofit educational leadership organization that qualifies for an exemption from federal taxes under Section 501(c)(3), Internal Revenue Code of 1986, to:

(1) conduct, coordinate, collect, and evaluate research relating to eliminating educational and other achievement gaps among ethnic and racial minority students, with a particular focus on eliminating

No equivalent provision.

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

achievement gaps among African American students;  
and

(2) develop programs, policies, and strategies to address the achievement gaps described by Subdivision (1).

(b) An organization that enters into an agreement under this section shall report to the board by a date as determined by the board:

(1) the findings of the research conducted under Subsection (a)(1); and

(2) any recommendations relating to:

(A) the research conducted under Subsection (a)(1); and

(B) the programs, policies, and strategies developed to address the achievement gaps as described by Subsection (a)(2).

(c) The board shall present the report described by Subsection (b) to the legislature and the governor.

(d) An organization that enters into an agreement under this section or the board may solicit and accept gifts and grants from any public or private source to conduct the research described by this section.

(e) The board may use money appropriated for the purposes of this section and any gifts and grants received under Subsection (c) to establish and operate the research project described by this section.

SECTION 15. (a) Section 52.01, Family Code, is amended by adding Subsection (e) to read as follows:

(e) A law-enforcement officer who has probable cause to believe that a child is in violation of the compulsory

No equivalent provision.

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

school attendance law under Section 25.085, Education Code, may take the child into custody for the purpose of returning the child to the school campus of the child to ensure the child's compliance with compulsory school attendance requirements.

(b) Section 25.091, Education Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) A peace officer who has probable cause to believe that a child is in violation of the compulsory school attendance law under Section 25.085 may take the child into custody for the purpose of returning the child to the school campus of the child to ensure the child's compliance with compulsory school attendance requirements.

(c) Notwithstanding any other provision of this Act, Section 52.01(e), Family Code, and Section 25.091(b-1), Education Code, as added by this section take effect September 1, 2007.

SECTION 16. (a) The commissioner of education shall prepare and deliver to the governor, lieutenant governor, speaker of the house of representatives, and the presiding officers of the standing committees of each house of the legislature with primary jurisdiction over public education a preliminary report on or before December 1, 2008, and a final report on or before December 1, 2010, as described by Subsection (b) of this section.

(b) The reports referred to in Subsection (a) of this

SENATE VERSION

SECTION 13. (a) The commissioner of education shall prepare and deliver to the governor, **the** lieutenant governor, the speaker of **the** house of representatives, and the presiding officers of the standing committees of each house of the legislature with primary jurisdiction over public education a preliminary report on or before December 1, 2008, and a final report on or before December 1, 2010, as described by Subsection (b) of this section.

(b) The reports referred to in Subsection (a) of this

CONFERENCE

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

section must include an assessment of the impact of programs for which grants have been awarded under Subchapter L, Chapter 39, Education Code, as added by this Act, on:

- (1) student performance on assessment instruments administered under Subchapter B, Chapter 39, Education Code;
- (2) high school completion rates;
- (3) college readiness of high school students;
- (4) teacher effectiveness in instruction;
- (5) cost-effectiveness of the programs; and
- (6) any other factors the commissioner of education determines relevant.

No equivalent provision.

SENATE VERSION

section must include an assessment of the impact of programs for which grants have been awarded under Subchapter L, Chapter 39, Education Code, as added by this Act, on:

- (1) student performance on assessment instruments administered under Subchapter B, Chapter 39, Education Code;
- (2) high school completion rates;
- (3) college readiness of high school students;
- (4) teacher effectiveness in instruction;
- (5) cost-effectiveness of the programs; and
- (6) any other factors the commissioner of education determines relevant.

SECTION \_\_. Subchapter C, Chapter 46, Education Code, is amended by adding Section 46.062 to read as follows:

Sec. 46.062. REFINANCING REQUIRED. (a) In this section, "total debt service" means the amount of principal and unpaid interest on a bond from issuance to final maturity.

(b) A school district that receives state assistance under Subchapter A or B for payment of the principal of and interest on eligible bonds shall refinance the indebtedness evidenced by the eligible bonds if the refinancing would reduce the total debt service for the bonds by at least three percent.

(c) A school district described by Subsection (b) must evaluate on a regular basis whether savings at the level

CONFERENCE

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

specified by that subsection may be achieved by the district.

(d) A school district may achieve the refinancing required under this section by issuing refunding bonds or entering into another appropriate financial transaction. To the extent that a district may achieve the refinancing through a method that results in relatively significant immediate savings, as opposed to gradual savings over an extended period of time, the district shall give preference to that method.

(e) If the agency determines that a school district has potentially failed to refinance indebtedness as required by this section, the agency shall notify the district of the agency's determination and request that the district, not later than the 90th day after the date of notification:

(1) complete refinancing the indebtedness and provide evidence of the completion to the agency; or

(2) demonstrate to the agency's satisfaction that refinancing is not required by this section.

(f) Notwithstanding any other provision of this chapter, a school district that fails to comply with Subsection (e)(1) or (2) is, until the district complies to the agency's satisfaction, ineligible for state assistance under Subchapter A or B for payment of the principal of and interest on eligible bonds, other than refunding bonds, that are issued by the district after the date on which the district is determined by the agency to have failed to comply.

(g) Before each regular session of the legislature, the Legislative Budget Board, in conjunction with the

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

calculation of the funding elements required under Section 42.007, shall determine the amount by which the amount to be appropriated for the school facilities programs under this chapter may be reduced as a result of refinancing required under this section. The amount of money that is not required to be appropriated for the school facilities programs as a result of refinancing, as determined by the board, may be appropriated only for the purpose of providing grants under Section 7.062.

(h) The commissioner shall adopt rules implementing this section, including rules specifying the manner and frequency of the evaluation required under Subsection (c).

No equivalent provision.

SECTION \_\_. Subsection (l), Section 28.0211, Education Code, is repealed.

No equivalent provision.

SECTION \_\_. For purposes of Subsection (c-1), Section 28.006, Education Code, as added by this Act, the commissioner of education shall adopt the reading instrument developed by the Texas Education Agency under the Adolescent Literacy Initiative established in accordance with Rider 48b, page III-14, Chapter 1369, Acts of the 79th Legislature, Regular Session, 2005 (General Appropriations Act).

No equivalent provision.

SECTION \_\_. The commissioner of education shall

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

establish the teacher reading academies required by Section 21.4551, Education Code, as added by this Act, not later than June 1, 2008, and require teachers to begin attending the academies in accordance with that section on the basis of student performance data for the 2007-2008 school year.

No equivalent provision.

No equivalent provision.

SECTION \_\_. (a) Effective August 1, 2008, Subchapter D, Chapter 12, Education Code, is repealed.  
(b) Except as provided by Section 11A.1041, Education Code, as added by this Act, each open-enrollment charter school operating or holding a charter to operate on August 1, 2008, shall be dissolved in accordance with Subchapter J, Chapter 11A, Education Code, as added by this Act.

No equivalent provision.

SECTION \_\_. Subtitle C, Title 2, Education Code, is amended by adding Chapter 11A to read as follows:  
CHAPTER 11A. PUBLIC CHARTER DISTRICTS  
SUBCHAPTER A. GENERAL PROVISIONS  
Sec. 11A.001. DEFINITIONS. In this chapter:  
(1) "Charter holder" means the entity to which a charter is granted under this chapter.  
(2) "Governing body of a charter holder" means the board of directors, board of trustees, or other governing

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

body of a charter holder.

(3) "Governing body of a public charter district" means the board of directors, board of trustees, or other governing body of a public charter district. The term includes the governing body of a charter holder if that body acts as the governing body of the public charter district.

(4) "Management company" means a person, other than a charter holder, who provides management services for a public charter district.

(5) "Management services" means services related to the management or operation of a public charter district, including:

(A) planning, operating, supervising, and evaluating the public charter district's educational programs, services, and facilities;

(B) making recommendations to the governing body of the public charter district relating to the selection of school personnel;

(C) managing the public charter district's day-to-day operations as its administrative manager;

(D) preparing and submitting to the governing body of the public charter district a proposed budget;

(E) recommending policies to be adopted by the governing body of the public charter district, developing appropriate procedures to implement policies adopted by the governing body of the public charter district, and overseeing the implementation of adopted policies; and

(F) providing leadership for the attainment of student performance at the public charter district based on the

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

indicators adopted under Section 39.051 or by the governing body of the public charter district.

(6) "Officer of a public charter district" means:

(A) the principal, director, or other chief operating officer of a public charter district or campus; or

(B) a person charged with managing the finances of a public charter district.

Sec. 11A.002. AUTHORIZATION. (a) In accordance with this chapter, the State Board of Education may grant a charter on the application of an eligible entity for a public charter district to operate in a facility of a commercial or nonprofit entity, an eligible entity, or a school district, including a home-rule school district. In this subsection, "eligible entity" means:

(1) an institution of higher education as defined under Section 61.003;

(2) a private or independent institution of higher education as defined under Section 61.003;

(3) an organization that is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c)(3) of that code; or

(4) a governmental entity in this state.

(b) The State Board of Education may grant a charter for a public charter district only to an applicant that meets all financial, governing, and operational standards adopted by the commissioner under this chapter.

(c) The State Board of Education may not grant more than a total of 215 charters for public charter districts.

(d) An educator employed by a school district before the

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

effective date of a charter for a public charter district operated at a school district facility may not be transferred to or employed by the public charter district over the educator's objection.

Sec. 11A.003. AUTHORITY UNDER CHARTER. A public charter district:

(1) shall provide instruction to and assess a number of students at a number of elementary or secondary grade levels, as provided by the charter, sufficient to permit the agency to assign an accountability rating under Chapter 39;

(2) is governed under the governing structure required by this chapter and described by the charter;

(3) retains authority to operate under the charter contingent on satisfactory student performance as provided by the charter in accordance with Section 11A.103; and

(4) does not have authority to impose taxes.

Sec. 11A.004. STATUS. A public charter district or campus is part of the public school system of this state.

Sec. 11A.005. IMMUNITY FROM LIABILITY. In matters related to operation of a public charter district, a public charter district is immune from liability to the same extent as a school district, and its employees and volunteers are immune from liability to the same extent as school district employees and volunteers. Except as provided by Section 11A.154, a member of the governing body of a public charter district or of a charter holder is immune from liability to the same extent as a school district trustee.

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Sec. 11A.006. REFERENCE TO OPEN-ENROLLMENT CHARTER SCHOOL. A reference in law to an open-enrollment charter school means a public charter district or public charter campus, as applicable.

[Sections 11A.007-11A.050 reserved for expansion]

SUBCHAPTER B. APPLICABILITY OF CERTAIN LAWS

Sec. 11A.051. GENERAL APPLICABILITY OF LAWS, RULES, AND ORDINANCES TO PUBLIC CHARTER DISTRICT. (a) Except as provided by Subsection (b) or (c), a public charter district is subject to federal and state laws and rules governing public schools and to municipal zoning ordinances governing public schools.

(b) A public charter district is subject to this code and rules adopted under this code only to the extent the applicability to a public charter district of a provision of this code or a rule adopted under this code is specifically provided.

(c) Notwithstanding Subsection (a), a campus of a public charter district located in whole or in part in a municipality with a population of 20,000 or less is not subject to a municipal zoning ordinance governing public schools.

Sec. 11A.052. APPLICABILITY OF TITLE. (a) A public charter district has the powers granted to schools under this title.

(b) A public charter district is subject to:

(1) a provision of this title establishing a criminal offense; and

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) under Section 42.006;

(B) reporting an educator's misconduct under Section 21.006;

(C) criminal history records under Subchapter C, Chapter 22;

(D) reading instruments and accelerated reading instruction programs under Section 28.006;

(E) satisfactory performance on assessment instruments and accelerated instruction under Section 28.0211;

(F) intensive programs of instruction under Section 28.0213;

(G) high school graduation under Section 28.025;

(H) special education programs under Subchapter A, Chapter 29, including a requirement that special education teachers obtain appropriate certification;

(I) bilingual education under Subchapter B, Chapter 29, including a requirement that bilingual education teachers obtain appropriate certification;

(J) prekindergarten programs under Subchapter E, Chapter 29;

(K) extracurricular activities under Section 33.081;

(L) discipline management practices or behavior management techniques under Section 37.0021;

(M) health and safety under Chapter 38; and

(N) public school accountability under Subchapters B, C, D, G, and I, Chapter 39.

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(c) A public charter district is entitled to the same level of services provided to school districts by regional education service centers. The commissioner shall adopt rules that provide for the representation of public charter districts on the boards of directors of regional education service centers.

(d) The commissioner may by rule permit a public charter district to voluntarily participate in any state program available to school districts, including a purchasing program, if the public charter district complies with all terms of the program.

(e) Chapter 26 applies to a public charter district and a parent of a student enrolled in the public charter district in the same manner as a school district or parent of a student enrolled in the school district. In this subsection, "parent" has the meaning assigned by Section 26.002.

Sec. 11A.053. APPLICABILITY OF OPEN MEETINGS AND PUBLIC INFORMATION LAWS.

(a) With respect to the operation of a public charter district, the governing body of a charter holder and the governing body of a public charter district are considered to be governmental bodies for purposes of Chapters 551 and 552, Government Code.

(b) With respect to the operation of a public charter district, any requirement in Chapter 551 or 552, Government Code, that applies to a school district, the board of trustees of a school district, or public school students applies to a public charter district, the governing body of a charter holder, the governing body of a public charter district, or students in attendance at a public

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

charter district campus.

Sec. 11A.054. APPLICABILITY OF LAWS RELATING TO LOCAL GOVERNMENT RECORDS.

(a) With respect to the operation of a public charter district, a public charter district is considered to be a local government for purposes of Subtitle C, Title 6, Local Government Code, and Subchapter J, Chapter 441, Government Code.

(b) Records of a public charter district, a charter holder, or a management company that relate to a public charter district are government records for all purposes under state law.

(c) Any requirement in Subtitle C, Title 6, Local Government Code, or Subchapter J, Chapter 441, Government Code, that applies to a school district, the board of trustees of a school district, or an officer or employee of a school district applies to a public charter district or management company, the governing body of a charter holder, the governing body of a public charter district, or an officer or employee of a public charter district or management company except that the records of a public charter district or management company that ceases to operate shall be transferred in the manner prescribed by Subsection (d).

(d) The records of a public charter district or management company that ceases to operate shall be transferred in the manner specified by the commissioner to a custodian designated by the commissioner. The commissioner may designate any appropriate entity to serve as custodian, including the agency, a regional

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

education service center, or a school district. In designating a custodian, the commissioner shall ensure that the transferred records, including student and personnel records, are transferred to a custodian capable of:

- (1) maintaining the records;
- (2) making the records readily accessible to students, parents, former school employees, and other persons entitled to access; and
- (3) complying with applicable state or federal law restricting access to the records.

(e) If the charter holder of a public charter district that ceases to operate or an officer or employee of the district or a management company refuses to transfer school records in the manner specified by the commissioner under Subsection (d), the commissioner may ask the attorney general to petition a court for recovery of the records. If the court grants the petition, the court shall award attorney's fees and court costs to the state.

(f) A record described by this section is a public school record for purposes of Section 37.10(c)(2), Penal Code.

Sec. 11A.055. APPLICABILITY OF LAWS RELATING TO PUBLIC PURCHASING AND CONTRACTING. (a) This section applies to a public charter district unless the district's charter otherwise describes procedures for purchasing and contracting and the procedures are approved by the State Board of Education.

(b) A public charter district is considered to be:

- (1) a governmental entity for purposes of:

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(A) Subchapter D, Chapter 2252, Government Code;  
(B) Subchapter A, Chapter 2254, Government Code;  
and  
(C) Subchapter B, Chapter 271, Local Government Code; and  
(2) a local government for purposes of Sections 2256.009-2256.016, Government Code.  
(c) To the extent consistent with this section, a requirement in a law listed in this section that applies to a school district or the board of trustees of a school district applies to a public charter district, the governing body of a charter holder, or the governing body of a public charter district.  
Sec. 11A.056. APPLICABILITY OF LAWS RELATING TO CONFLICT OF INTEREST. (a) A member of the governing body of a charter holder, a member of the governing body of a public charter district, or an officer of a public charter district is considered to be a local public official for purposes of Chapter 171, Local Government Code. For purposes of that chapter:  
(1) a member of the governing body of a charter holder or a member of the governing body or officer of a public charter district is considered to have a substantial interest in a business entity if a person related to the member or officer in the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code, has a substantial interest in the business entity under Section 171.002, Local Government Code; and  
(2) a teacher at a public charter district may serve as a

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

member of the governing body of the charter holder or the governing body of the public charter district if the teachers serving on the governing body:

(A) do not constitute a quorum of the governing body or any committee of the governing body; and

(B) comply with the requirements of Sections 171.003-171.007, Local Government Code.

(b) To the extent consistent with this section, a requirement of a law listed in this section that applies to a school district or the board of trustees of a school district applies to a public charter district, the governing body of a charter holder, or the governing body of a public charter district.

(c) An employee who is not a teacher may serve as a member of the governing body of a charter holder or the governing body of a public charter district if:

(1) the charter holder operating the public charter district where the individual is employed and serves as a member of the governing body operated an open-enrollment charter school under Subchapter D, Chapter 12, on August 31, 2007;

(2) the individual was employed by the charter holder and serving as a member of the governing body on August 31, 2007, in compliance with former Section 12.1054;

(3) the individual had been continuously so employed and serving since a date on or before January 1, 2007; and

(4) the charter holder meets or exceeds the fiscal and academic standards described by Section 11A.1041(a)(1)

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

for the preceding school year, as determined by the commissioner.

(d) If under Subsection (c) an individual continues to be employed and serve as a member of the governing body, the individual may not participate in any deliberation or voting on the appointment, reappointment, confirmation of the appointment or reappointment, employment, reemployment, change in the status, compensation, or dismissal of the individual if that action applies only to the individual and is not taken regarding a bona fide class or category of employees. In addition, the individual may not hear, consider, or act on any grievance or complaint concerning the individual or a matter with which the individual has dealt in the individual's capacity as an employee.

Sec. 11A.057. APPLICABILITY OF NEPOTISM LAWS. (a) A public charter district, including the governing body of a public charter district and any district employee with final authority to hire a district employee, is subject to a prohibition, restriction, or requirement, as applicable, imposed by state law or by a rule adopted under state law, relating to nepotism under Chapter 573, Government Code.

(b) Notwithstanding Subsection (a), a member of the governing body of a charter holder or public charter district may not be related in the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code, to another member of the governing body of the charter holder or public charter district.

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(c) This section does not apply to an appointment, confirmation of an appointment, or vote for an appointment or confirmation of an appointment of an individual to a position if:

(1) the charter holder operating the public charter district where the individual is employed or serves as a member of the governing body operated an open-enrollment charter school under Subchapter D, Chapter 12, on August 31, 2007;

(2) the individual was employed or serving in the position on August 31, 2007, in compliance with former Section 12.1055;

(3) the individual has been continuously employed or serving since a date on or before January 1, 2007; and

(4) the charter holder meets or exceeds the fiscal and academic standards described by Section 11A.1041(a)(1) for the preceding school year, as determined by the commissioner.

(d) If, under Subsection (c), an individual continues to be employed or serve in a position, the public official to whom the individual is related in a prohibited degree may not participate in any deliberation or voting on the appointment, reappointment, confirmation of the appointment or reappointment, employment, reemployment, change in status, compensation, or dismissal of the individual if that action applies only to the individual and is not taken regarding a bona fide class or category of employees.

[Sections 11A.058-11A.100 reserved for expansion]

SUBCHAPTER C. CHARTER ISSUANCE AND

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

ADMINISTRATION

Sec. 11A.101. APPLICATION. (a) The State Board of Education shall adopt:

(1) an application form and a procedure that must be used to apply for a charter for a public charter district;

and

(2) criteria to use in selecting a program for which to grant a charter.

(b) The application form must provide for including the information required under Section 11A.103 to be contained in a charter.

(c) The State Board of Education may approve or deny an application based on criteria it adopts and on financial, governing, and operational standards adopted by the commissioner under this chapter. The criteria the board adopts must include:

(1) criteria relating to improving student performance and encouraging innovative programs; and

(2) criteria relating to the educational benefit for students residing in the geographic area to be served by the proposed public charter district, as compared to any significant financial difficulty that a loss in enrollment may have on any school district whose enrollment is likely to be affected by the public charter district.

(d) A public charter district may not begin operating under this chapter unless the commissioner has certified that the applicant has acceptable administrative and accounting systems and procedures in place for the operation of the proposed public charter district.

Sec. 11A.102. NOTIFICATION OF CHARTER

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

APPLICATION. The commissioner by rule shall adopt a procedure for providing notice to each member of the legislature that represents the geographic area to be served by the proposed public charter district, as determined by the commissioner, on receipt by the State Board of Education of an application for a charter for a public charter district under Section 11A.101.

Sec. 11A.103. CONTENT. (a) Each charter granted under this chapter must:

(1) describe the educational program to be offered, which must include the required curriculum as provided by Section 28.002;

(2) establish educational goals, which must include acceptable student performance as determined under Chapter 39;

(3) specify the grade levels to be offered, which must be sufficient to permit the agency to assign an accountability rating under Chapter 39;

(4) describe the facilities to be used;

(5) describe the geographical area served by the program, which may not be statewide; and

(6) specify any type of enrollment criteria to be used.

(b) A charter holder of a public charter district shall consider including in the district's charter a requirement that the district develop and administer personal graduation plans under Section 28.0212.

(c) The terms of a charter may not include plans for future increases in student enrollment, grade levels, campuses, or geographical area, except that:

(1) the charter may contain a plan for adding grade

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

levels as necessary to comply with Section 11A.253(c) or (d); and

(2) the commissioner may approve such an increase in a charter revision request under Section 11A.106.

Sec. 11A.104. FORM. A charter for a public charter district shall be in the form of a license issued by the State Board of Education to the charter holder.

Sec. 11A.1041. GRANT OF CHARTER REQUIRED FOR CERTAIN ENTITIES. (a) Notwithstanding Section 11A.101, the commissioner shall immediately grant a charter under this chapter to the following entities on or before August 1, 2008:

(1) an eligible entity, other than an eligible entity described by Subdivision (2) or (3), holding a charter under Subchapter D, Chapter 12, as that subchapter existed on January 1, 2007, if:

(A) for fiscal year 2006, the annual audit report for the entity was timely filed in compliance with Section 44.008 and reported:

(i) total assets that exceeded or equaled total liabilities;

or

(ii) total liabilities that exceeded total assets by not more than 20 percent of total expenditures;

(B) except as provided by Subsection (c) or (d), at least 25 percent of all students enrolled at the entity's open-enrollment charter school and administered an assessment instrument under Section 39.023(a), (c), or (l) performed satisfactorily on the assessment instrument in mathematics, as determined by the school's assessment instrument results for the 2006-2007 school year; and

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(C) except as provided by Subsection (c) or (d), at least 25 percent of all students enrolled at the entity's open-enrollment charter school and administered an assessment instrument under Section 39.023(a), (c), or (l) performed satisfactorily on the assessment instrument in reading or English language arts, as applicable, as determined by the school's assessment instrument results for the 2006-2007 school year;

(2) a governmental entity holding a charter under Subchapter D, Chapter 12, as that subchapter existed on January 1, 2007; and

(3) an eligible entity holding a charter under Subchapter D, Chapter 12, as that subchapter existed on January 1, 2007, if at least 85 percent of students enrolled in the school reside in a residential facility.

(b) For purposes of Subsection (a)(1)(A), an entity that fails to submit an audit report under Section 44.008 for fiscal year 2006 before September 1, 2007, is considered for fiscal year 2006 to have total liabilities that exceed total assets by more than 20 percent of total expenditures, unless the commissioner determines that unusual circumstances contributed to the failure to submit a report and allows submission after September 1, 2007.

(c) If an eligible entity described by Subsection (a)(1) does not meet the academic performance requirements of Subsections (a)(1)(B) and (C), the commissioner shall immediately grant a charter under this chapter to the entity on or before August 1, 2008, if:

(1) at least 25 percent of all students enrolled at the

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

entity's open-enrollment charter school and administered an assessment instrument under Section 39.023(a), (c), or (1) performed satisfactorily on the assessment instrument in mathematics, as determined by averaging the school's assessment instrument results for the 2005-2006 and 2006-2007 school years; and

(2) at least 25 percent of all students enrolled at the entity's open-enrollment charter school and administered an assessment instrument under Section 39.023(a), (c), or (1) performed satisfactorily on the assessment instrument in reading or English language arts, as applicable, as determined by averaging the school's assessment instrument results for the 2005-2006 and 2006-2007 school years.

(d) If an eligible entity described by Subsection (a)(1) does not meet the academic performance requirements of Subsections (a)(1)(B) and (C) or Subsection (c), and the entity's open-enrollment charter school is located in a county designated by the Federal Emergency Management Agency as a disaster area that qualified for public assistance due to Hurricane Rita and was closed for 10 or more instructional days between September 21, 2005, and November 3, 2005, the commissioner shall immediately grant a charter under this chapter to the entity on or before August 1, 2008, if:

(1) at least 25 percent of all students enrolled at the entity's open-enrollment charter school and administered an assessment instrument under Section 39.023(a), (c), or (1) performed satisfactorily on the assessment instrument in mathematics as determined by averaging the school's

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

assessment instrument results for the 2004-2005 and 2006-2007 school years; and

(2) at least 25 percent of all students enrolled at the entity's open-enrollment charter school and administered an assessment instrument under Section 39.023(a), (c), or (l) performed satisfactorily on the assessment instrument in reading or English language arts, as applicable, as determined by averaging the school's assessment instrument results for the 2004-2005 and 2006-2007 school years.

(e) Assessment instrument results for fewer than five students are not considered for purposes of Subsection (a)(1)(B) or (C).

(f) The commissioner shall determine which entities are eligible for a charter under this section as soon as practicable.

(g) The content and terms of a charter granted to an eligible entity under this section must be the same as those under which the entity operated under Subchapter D, Chapter 12, as that subchapter existed on January 1, 2007, except that where the terms conflict with this chapter, this chapter prevails.

(h) An eligible entity holding multiple charters before January 1, 2007, may not combine those charters into one charter for a public charter district but must retain each of those charters. Each charter retained under this subsection counts towards the limit imposed under Section 11A.002(c).

(i) Section 11A.157 does not apply to an entity granted a charter under this section.

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(j) A decision of the commissioner under this section is not subject to an appeal to a district court.

(k) This section expires January 1, 2010.

Sec. 11A.1042. DETERMINATION OF ACCEPTABLE PERFORMANCE. (a) For purposes of Section 11A.1041(a), the commissioner shall compute the percentage of students who performed satisfactorily on an assessment instrument in a manner consistent with this section.

(b) The commissioner may only consider the performance of a student who was enrolled as of the date for reporting enrollment for the fall semester under the Public Education Information Management System (PEIMS). This subsection does not prevent the commissioner from considering the performance of a student who retakes an exit-level assessment instrument under Section 39.023(c) in grade 11 or 12 regardless of whether the student was enrolled as of the date for reporting enrollment for the fall semester.

(c) In computing performance under this section, the commissioner must:

(1) add the results for third through 11th grade assessment instruments in English and third through sixth grade assessment instruments in Spanish across grade levels tested at all campuses operated by the charter holder and evaluate those results for all students;

(2) combine the results for third through ninth grade assessment instruments in reading and 10th and 11th grade assessment instruments in English language arts and evaluate those results as a single subject;

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(3) separately determine student performance for reading and mathematics as a percentage equal to the sum of students who performed satisfactorily on the specific subject area assessment instrument in all grade levels tested at all campuses operated by the charter holder divided by the number of students who took the specific subject area assessment instrument in grade levels tested at all campuses operated by the charter holder; and

(4) include the results, as applicable, for a subsequent administration of an exit-level assessment instrument under Section 39.023(c) to a student in grade 11 or 12.

(d) To the extent consistent with this section, the commissioner shall use the methodology used to compute passing rates for reading and mathematics assessment instruments for purposes of determining accountability ratings under Chapter 39 for the 2006-2007 school year.

(e) This section expires January 1, 2010.

Sec. 11A.105. CHARTER GRANTED. Each charter the State Board of Education grants for a public charter district must:

(1) satisfy this chapter; and

(2) include the information that is required under Section 11A.103 consistent with the information provided in the application and any modification the board requires.

Sec. 11A.106. REVISION. (a) A revision of a charter of a public charter district may be made only with the approval of the commissioner.

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

- (b) Not more than once each year, a public charter district may request approval to revise the maximum student enrollment described by the district's charter.
- (c) The commissioner may not approve a charter revision that increases a public charter district's enrollment, increases the grade levels offered, increases the number of campuses, or changes the boundaries of the geographic area served by the program unless the commissioner determines that:
- (1) the public charter district has operated one or more campuses for at least three school years;
  - (2) the public charter district is not rated accredited-warned or accredited-probation under Subchapter D, Chapter 39;
  - (3) each campus operated by the charter holder of the public charter district has been rated at least academically acceptable under Subchapter D, Chapter 39, for each of its most recent three years of operation;
  - (4) no campus operated by the public charter district has been identified as needing technical assistance under Section 39.1322 for its most recent two years of operation;
  - (5) the public charter district has been rated superior, above standard, standard, or the equivalent, under the financial accountability system under Subchapter I, Chapter 39; and
  - (6) the charter revision is in the best interest of students of this state.
- (d) In making a determination under Subsection (c)(6), the commissioner shall review all available information

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

relating to the charter holder, including the charter holder's:

- (1) academic and financial performance;
- (2) history of compliance with applicable laws;
- (3) staffing, financial, and organizational data; and
- (4) other information regarding the charter holder's capacity to successfully implement the requested charter revision.

(e) The commissioner may not approve a charter revision that proposes an increase in:

- (1) a public charter district's enrollment, unless the charter holder adopts a business plan for implementing the enrollment increase that includes components identified by the commissioner; or
- (2) the grade levels offered by a public charter district, unless the charter holder adopts an educational plan for the additional grade levels that includes components identified by the commissioner.

(f) The commissioner may approve a charter revision authorizing a public charter district to serve students in a geographical area that is not contiguous with the existing boundaries of the district, but may not approve a statewide geographical boundary.

(g) Subsections (c), (d), and (e) do not apply to a request under Subsection (b) by a public charter district operated by a governmental entity that provides instructional services within a residential detention, treatment, or adjudication facility. This subsection does not otherwise affect the commissioner's authority to grant or deny a request for a charter revision made by an entity to which

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

this subsection applies.

Sec. 11A.107. BASIS FOR MODIFICATION, PLACEMENT ON PROBATION, OR REVOCATION.

(a) The commissioner may modify, place on probation, or revoke the charter of a public charter district if the commissioner determines under Section 11A.108 that the charter holder:

(1) committed a material violation of the charter;

(2) failed to satisfy generally accepted accounting standards of fiscal management;

(3) failed to protect the health, safety, welfare, or best interests of the students enrolled at the public charter district; or

(4) failed to comply with this chapter or another applicable law or rule.

(b) The commissioner shall revoke the charter of a public charter district without a hearing if all campuses operated by the public charter district have been ordered closed under Section 39.131(a) or 39.1324(d), (e), or (f).

Sec. 11A.108. PROCEDURE FOR MODIFICATION, PLACEMENT ON PROBATION, OR REVOCATION.

(a) The commissioner shall adopt a procedure to be used for modifying, placing on probation, or revoking the charter of a public charter district under Section 11A.107(a).

(b) The procedure adopted under Subsection (a) must provide an opportunity for a hearing to the charter holder.

Sec. 11A.109. APPEAL OF MODIFICATION, PLACEMENT ON PROBATION, OR REVOCATION.

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

A charter holder may appeal a modification, placement on probation, or revocation under this subchapter only in the manner provided by the applicable procedures adopted by the commissioner under Section 11A.108. The charter holder may not otherwise appeal to the commissioner and may not appeal to a district court.

Sec. 11A.110. EFFECT OF REVOCATION OR SURRENDER OF CHARTER. If the commissioner revokes a charter of a public charter district, if a district is ordered closed under Chapter 39, or if a public charter district surrenders its charter, the district may not:

- (1) continue to operate under this chapter; or
- (2) receive state funds under this chapter.

[Sections 11A.111-11A.150 reserved for expansion]

SUBCHAPTER D. GOVERNING BODIES OF CHARTER HOLDERS, PUBLIC CHARTER DISTRICTS, AND MANAGEMENT COMPANIES

Sec. 11A.151. RESPONSIBILITY FOR PUBLIC CHARTER DISTRICT. The governing body of a charter holder is responsible for the management, operation, and accountability of the public charter district, regardless of whether the governing body delegates the governing body's powers and duties to another person.

Sec. 11A.152. COMPOSITION OF GOVERNING BODY OF CHARTER HOLDER. The governing body of a charter holder must be composed of at least five members.

Sec. 11A.153. RESTRICTIONS ON SERVING AS MEMBER OF GOVERNING BODY OF CHARTER

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

HOLDER OR PUBLIC CHARTER DISTRICT OR AS OFFICER OR EMPLOYEE. (a) Except as provided by Subsection (b), a person may not serve as a member of the governing body of a charter holder, as a member of the governing body of a public charter district, or as an officer or employee of a public charter district if the person:

(1) has been convicted of a felony or a misdemeanor involving moral turpitude;

(2) has been convicted of an offense listed in Section 37.007(a);

(3) has been convicted of an offense listed in Article 62.001(5), Code of Criminal Procedure; or

(4) has a substantial interest in a management company.

(b) A person who has been convicted of an offense described by Subsection (a)(1), (2), or (3) may serve as a member of the governing body of a charter holder, as a member of the governing body of a public charter district, or as an officer or employee of a public charter district if the commissioner determines that the person is fit to serve in that capacity. In making a determination under this subsection, the commissioner shall consider:

(1) the factors described by Section 53.022, Occupations Code, for determining the extent to which a conviction relates to an occupation;

(2) the factors described by Section 53.023, Occupations Code, for determining the fitness of a person to perform the duties and discharge the responsibilities of an occupation; and

(3) other appropriate factors, as determined by the

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

commissioner.

(c) For purposes of Subsection (a)(4), a person has a substantial interest in a management company if the person or a relative within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code:

(1) has a controlling interest in the company;

(2) owns more than 10 percent of the voting interest in the company;

(3) owns more than \$25,000 of the fair market value of the company;

(4) has a direct or indirect participating interest by shares, stock, or otherwise, regardless of whether voting rights are included, in more than 10 percent of the profits, proceeds, or capital gains of the company;

(5) is a member of the board of directors or other governing body of the company;

(6) serves as an elected officer of the company; or

(7) is an employee of the company.

Sec. 11A.154. LIABILITY OF MEMBERS OF GOVERNING BODY OF CHARTER HOLDER. (a) Notwithstanding the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes), Chapter 22, Business Organizations Code, or other law, on request of the commissioner, the attorney general shall bring suit against a member of the governing body of a charter holder for breach of a fiduciary duty by the member, including misapplication of public funds.

(b) The attorney general may bring suit under

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Subsection (a) for:

(1) damages;

(2) injunctive relief; or

(3) any other equitable remedy determined to be appropriate by the court.

(c) This section is cumulative of all other remedies.

Sec. 11A.155. TRAINING FOR MEMBERS OF GOVERNING BODY OF CHARTER HOLDER. (a)

The commissioner shall adopt rules prescribing training for members of governing bodies of charter holders.

(b) The rules adopted under Subsection (a) may:

(1) specify the minimum amount and frequency of the training;

(2) require the training to be provided by:

(A) the agency and regional education service centers;

(B) entities other than the agency and service centers, subject to approval by the commissioner; or

(C) both the agency, service centers, and other entities;  
and

(3) require training to be provided concerning:

(A) basic school law, including school finance;

(B) health and safety issues;

(C) accountability requirements related to the use of public funds; and

(D) other requirements relating to accountability to the public, such as open meetings requirements under Chapter 551, Government Code, and public information requirements under Chapter 552, Government Code.

Sec. 11A.156. BYLAWS; ANNUAL REPORT. (a) A charter holder shall file with the commissioner a copy of

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

its articles of incorporation and bylaws, or comparable documents if the charter holder does not have articles of incorporation or bylaws, within the period and in the manner prescribed by the commissioner.

(b) Each public charter district shall file annually with the commissioner the following information in a form prescribed by the commissioner:

(1) the name, address, and telephone number of each officer and member of the governing body of the charter holder; and

(2) the amount of annual compensation the public charter district pays to each officer and member of the governing body.

Sec. 11A.157. QUARTERLY FINANCIAL REPORTS REQUIRED. During a public charter district's first year of operation, the charter holder shall submit quarterly financial reports to the commissioner. The commissioner by rule shall determine the form and content of the financial reports under this section.

Sec. 11A.158. PEIMS INFORMATION. The governing body of a public charter district shall comply with Section 42.006.

Sec. 11A.159. LIABILITY OF MANAGEMENT COMPANY. (a) A management company that provides management services to a public charter district is liable for damages incurred by the state or a school district as a result of the failure of the company to comply with its contractual or other legal obligation to provide services to the district.

(b) On request of the commissioner, the attorney general

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

may bring suit on behalf of the state against a management company liable under Subsection (a) for:

(1) damages, including any state funding received by the company and any consequential damages suffered by the state;

(2) injunctive relief; or

(3) any other equitable remedy determined to be appropriate by the court.

(c) This section is cumulative of all other remedies and does not affect:

(1) the liability of a management company to the charter holder; or

(2) the liability of a charter holder, a member of the governing body of a charter holder, or a member of the governing body of a public charter district to the state.

Sec. 11A.160. LOANS FROM MANAGEMENT COMPANY PROHIBITED. (a) The charter holder or the governing body of a public charter district may not accept a loan from a management company that has a contract to provide management services to:

(1) the district; or

(2) another public charter district that operates under a charter granted to the charter holder.

(b) A charter holder or the governing body of a public charter district that accepts a loan from a management company may not enter into a contract with that management company to provide management services to the district.

Sec. 11A.161. CONTRACT FOR MANAGEMENT SERVICES. Any contract, including a contract renewal,

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

between a public charter district and a management company proposing to provide management services to the district must require the management company to maintain all records related to the management services separately from any other records of the management company.

Sec. 11A.162. CERTAIN MANAGEMENT SERVICES CONTRACTS PROHIBITED. The commissioner may prohibit, deny renewal of, suspend, or revoke a contract between a public charter district and a management company providing management services to the district if the commissioner determines that the management company has:

(1) failed to provide educational or related services in compliance with the company's contractual or other legal obligation to any public charter district in this state or to any other similar entity in another state;

(2) failed to protect the health, safety, or welfare of the students enrolled at a public charter district served by the company;

(3) violated this chapter or a rule adopted under this chapter; or

(4) otherwise failed to comply with any contractual or other legal obligation to provide services to the district.

[Sections 11A.163-11A.200 reserved for expansion]

SUBCHAPTER E. FUNDING AND FINANCIAL OPERATIONS

Sec. 11A.201. STATE FUNDING. (a) To the extent consistent with Subsection (c), a charter holder is entitled to receive for the public charter district funding under

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Chapter 42 as if the public charter district were a school district without a local share for purposes of Section 42.252 and without any local revenue ("LR") for purposes of Section 42.302. In determining funding for a public charter district, adjustments under Sections 42.102, 42.103, and 42.105 and the district enrichment tax rate ("DTR") under Section 42.302 are based on the average adjustment and average district enrichment tax rate for the state.

(b) To the extent consistent with Subsection (c), a public charter district is entitled to funds that are available to school districts from the agency or the commissioner, including grants and other discretionary funding, unless the statute authorizing the funding explicitly provides that a public charter district is not entitled to the funding.

(c) A charter holder is entitled to receive for a public charter district funding under this section only if the holder:

(1) provides information for the Public Education Information Management System (PEIMS) as required by this chapter;

(2) submits to the commissioner appropriate fiscal and financial records as required by this chapter and the commissioner; and

(3) receives an annual unqualified opinion in the standard audit report filed pursuant to Section 11A.210.

(d) The commissioner shall suspend the funding of a charter holder that fails to comply with Subsection (c) until the commissioner determines that the charter holder is in compliance or has cured any noncompliance and has

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

adopted adequate procedures to prevent future noncompliance.

(e) The commissioner may adopt rules to provide and account for state funding of public charter districts under this section. A rule adopted under this section may be similar to a provision of this code that is not similar to a provision listed in Section 11A.052(b) if the commissioner determines that the rule is related to financing of public charter districts and is necessary or prudent to provide or account for state funds.

Sec. 11A.202. INSTRUCTIONAL FACILITIES ALLOTMENTS. (a) In this section, "instructional facility" has the meaning assigned by Section 46.001.

(b) In accordance with this section, a charter holder is initially eligible for instructional facilities allotments for a campus of a public charter district for which the charter holder has been granted a charter if:

(1) the campus has for the two preceding school years been rated recognized or exemplary under Subchapter D, Chapter 39; and

(2) on the most recent audit of the financial operations of the district conducted pursuant to Section 11A.210, the district has satisfied generally accepted accounting standards of fiscal management as evidenced by an unqualified opinion in the standard audit report issued and filed pursuant to Section 11A.210.

(c) Once a public charter district campus satisfies the initial eligibility requirements under Subsection (b)(1) and receives an allotment under this section, the campus continues to remain eligible until the campus receives an

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

accountability rating of academically acceptable for three consecutive school years under Subchapter D, Chapter 39, at which point the campus is again subject to the eligibility requirements of Subsection (b)(1).

(d) The commissioner annually shall review the eligibility of a public charter district campus for purposes of this section.

(e) Except as otherwise provided by this section, a charter holder that is eligible for an allotment under this section is entitled to an annual allotment in an amount determined by the commissioner, not to exceed \$1,000 or a different amount provided by appropriation, for each student in average daily attendance during the preceding year at a public charter district campus that satisfies the initial eligibility requirements under Subsection (b)(1).

(f) A charter holder who receives funds under this section may use the funds only for a public charter district campus for which the funds were paid under Subsection (e) and only to:

(1) purchase real property on which to construct an instructional facility for the campus;

(2) purchase, lease, construct, expand, or renovate instructional facilities for the campus;

(3) pay debt service in connection with instructional facilities purchased or improved for the campus; or

(4) maintain and operate instructional facilities for the campus.

(g) A decision of the commissioner under Subsection (e) is final and may not be appealed.

(h) The commissioner shall by rule establish procedures

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

to ensure that funds a charter holder claims to be using for purposes of Subsection (f)(3) are used only for that purpose.

Sec. 11A.203. STATUS AND USE OF FUNDS. (a) Funds received under Section 11A.201 or 11A.202 by a charter holder;

(1) are considered to be public funds for all purposes under state law;

(2) are held in trust by the charter holder for the benefit of this state and the students of the public charter district;

(3) may be used only for a purpose for which a school may use local funds under Section 45.105(c) in the case of funds received under Section 11A.201, and may be used only for a purpose specified under Section 11A.202(f) in the case of funds received under Section 11A.202; and

(4) pending their use, must be deposited into a bank, as defined by Section 45.201, with which the charter holder has entered into a depository contract under Section 11A.204.

(b) Funds deposited under Subsection (a)(4) may be directly deposited into an account controlled by a bond trustee acting for the charter holder pursuant to a bond indenture agreement requiring direct deposit.

(c) The commissioner shall adopt rules for identifying public funds in accordance with Subsection (a).

(d) The commissioner may bring an action in district court in Travis County for injunctive or other relief to enforce this section. In identifying public funds held by a charter holder, the court shall use the criteria adopted

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

by the commissioner under Subsection (c). Except as otherwise provided by this subsection, the court shall enter any order under this subsection concerning public funds held by the charter holder necessary to best serve the interests of the students of a public charter district. In the case of a public charter district that has ceased to operate, the court shall enter any order under this subsection concerning public funds held by the charter holder necessary to best serve the interests of this state.

Sec. 11A.204. DEPOSITORY CONTRACT; BOND.

(a) Each bank selected as a school depository for a public charter district and the charter holder shall enter into a depository contract, bond, or other necessary instrument setting forth the duties and agreements pertaining to the depository, in a form and with the content prescribed by the State Board of Education.

(b) The depository bank shall attach to the contract and file with the charter holder a bond in an initial amount equal to the estimated highest daily balance, determined by the charter holder, of all deposits that the charter holder will have in the depository during the term of the contract, less any applicable Federal Deposit Insurance Corporation insurance. The bond must be payable to the charter holder and must be signed by the depository bank and by a surety company authorized to engage in business in this state. The depository bank shall increase the amount of the bond if the charter holder determines the increase is necessary to adequately protect the funds of the charter holder deposited with the depository bank.

(c) The bond shall be conditioned on:

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

- (1) the faithful performance of all duties and obligations imposed by law on the depository;
- (2) the payment on presentation of all checks or drafts on order of the charter holder, in accordance with its orders entered by the charter holder according to law;
- (3) the payment on demand of any demand deposit in the depository;
- (4) the payment, after the expiration of the period of notice required, of any time deposit in the depository;
- (5) the faithful keeping of school funds by the depository and the accounting for the funds according to law; and
- (6) the faithful paying over to the successor depository all balances remaining in the accounts.
- (d) The bond and the surety on the bond must be approved by the charter holder. A premium on the depository bond may not be paid out of charter holder funds related to operation of the public charter district.
- (e) The charter holder shall file a copy of the depository contract and bond with the agency.
- (f) Instead of the bond required under Subsection (b), the depository bank may deposit or pledge, with the charter holder or with a trustee designated by the charter holder, approved securities, as defined by Section 45.201, in an amount sufficient to adequately protect the funds of the charter holder deposited with the depository bank. A depository bank may give a bond and deposit or pledge approved securities in an aggregate amount sufficient to adequately protect the funds of the charter holder deposited with the depository bank. The charter

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

holder shall periodically designate the amount of approved securities or the aggregate amount of the bond and approved securities necessary to adequately protect the charter holder. The charter holder may not designate an amount less than the balance of charter holder funds on deposit with the depository bank from day to day, less any applicable Federal Deposit Insurance Corporation insurance. The depository bank may substitute approved securities on obtaining the approval of the charter holder. For purposes of this subsection, the approved securities are valued at their market value.

Sec. 11A.205. EFFECT OF ACCEPTING STATE FUNDING. A charter holder who accepts state funds under Section 11A.201 or 11A.202 agrees to be subject to all requirements, prohibitions, and sanctions authorized under this chapter.

Sec. 11A.206. PROPERTY PURCHASED OR LEASED WITH STATE FUNDS. (a) Property purchased or leased with funds received by a charter holder under Section 11A.201 or 11A.202:

(1) is considered to be public property for all purposes under state law;

(2) is held in trust by the charter holder for the benefit of this state and the students of the public charter district; and

(3) may be used only for a purpose for which a school district may use school district property.

(b) The commissioner shall:

(1) take possession and assume control of the property described by Subsection (a) of a public charter district

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

that ceases to operate; and

(2) supervise the disposition of the property in accordance with law.

(c) This section does not affect the priority of a security interest in or lien on property established by a creditor in compliance with law if the security interest or lien arose in connection with the sale or lease of the property to the charter holder.

(d) The commissioner shall adopt rules for identifying public property in accordance with Subsection (a).

(e) The commissioner may bring an action in district court in Travis County for injunctive or other relief to enforce this section. In identifying public property held by a charter holder, the court shall use the criteria adopted by the commissioner under Subsection (d). Except as otherwise provided by this subsection, the court shall enter any order under this subsection concerning public property held by the charter holder necessary to best serve the interests of the students of a public charter district. In the case of a public charter district that has ceased to operate, the court shall enter any order under this subsection concerning public property held by the charter holder necessary to best serve the interests of this state. The court may order title to real or personal public property held by the charter holder transferred to a trust established for the purpose of managing the property or may make other disposition of the property necessary to best serve the interests of this state.

Sec. 11A.207. USE OF MUNICIPAL FUNDS FOR

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

PUBLIC CHARTER DISTRICT LAND OR FACILITIES. A municipality to which a charter is granted under this chapter may borrow funds, issue obligations, or otherwise spend its funds to acquire land or acquire, construct, expand, or renovate school buildings or facilities and related improvements for its public charter district within the city limits of the municipality in the same manner the municipality is authorized to borrow funds, issue obligations, or otherwise spend its funds in connection with any other public works project.

Sec. 11A.208. TEXTBOOKS; FUNDING FOR TECHNOLOGY. A public charter district is entitled to textbooks under Chapter 31 and funding for technology under Subchapter A, Chapter 32, and is subject to those provisions as if the public charter district were a school district.

Sec. 11A.209. ANNUAL BUDGET. The governing body of a charter holder shall annually adopt a budget for the district.

Sec. 11A.210. ANNUAL AUDIT. The governing body of a charter holder shall conduct an annual audit in a manner that complies with Section 44.008.

Sec. 11A.211. STATE FUNDING UNDER CERTAIN SCHOOL DISTRICT AGREEMENTS. Notwithstanding any other provision of Chapter 41 or 42, and in addition to any other funds to which a school district may be entitled, a school district that enters into an agreement with a charter school operating under a charter granted under this chapter to provide education

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

services to a student enrolled in the school district is entitled to receive the greater of the following amounts of state funding:

(1) the amount the charter school would receive under Section 11A.201 if the student were enrolled in the charter school; or

(2) the amount to which the school district is entitled under Chapters 41 and 42 for the student.

[Sections 11A.212-11A.250 reserved for expansion]

SUBCHAPTER F. OPERATION OF PUBLIC CHARTER DISTRICT

Sec. 11A.251. ADMISSION POLICY. (a) Except as provided by this section, a public charter district may not discriminate in admission policy on the basis of sex, national origin, ethnicity, religion, disability, or academic, artistic, or athletic ability or the district the child would otherwise attend in accordance with this code.

(b) A public charter district is not required to admit a person if the person:

(1) has engaged in conduct or misbehavior within the preceding year that has resulted in:

(A) removal to a disciplinary alternative education program; or

(B) expulsion;

(2) has engaged in delinquent conduct or conduct in need of supervision and is on probation or other conditional release for the conduct; or

(3) has been convicted of a criminal offense and is on probation or other conditional release.

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(c) A public charter district admission policy may require a student to demonstrate artistic ability if the school specializes in performing arts.

Sec. 11A.252. ADMISSION OF STUDENTS. (a) For admission to a public charter district campus, the governing body of the district shall:

(1) require the applicant to complete and submit an application not later than a reasonable deadline the district establishes; and

(2) on receipt of more acceptable applications for admission under this section than available positions in the school:

(A) fill the available positions by lottery; or

(B) subject to Subsection (b), fill the available positions in the order in which applications received before the application deadline were received.

(b) A public charter district may fill applications for admission under Subsection (a)(2)(B) only if the district published a notice of the opportunity to apply for admission to the district. A notice published under this subsection must:

(1) state the application deadline;

(2) be published in a newspaper of general circulation in the community in which the district campus is located not later than the seventh day before the application deadline; and

(3) be made available on the public charter district's Internet website, if available.

(c) A public charter district may exempt an applicant from the requirements of Subsection (a)(2) if the

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

applicant is:

(1) the child or grandchild of a member of the governing body of the charter holder at the time the district's charter was first granted;

(2) the child of an employee of the district or the charter holder; or

(3) a sibling of a student who is enrolled in the district.

(d) A public charter district that specializes in one or more performing arts may require an applicant to audition for admission to the school.

Sec. 11A.253. STUDENT ENROLLMENT. (a) Except as provided by Subsection (b) or as otherwise determined impracticable by the commissioner, during a public charter district's first year of operation, the district must have a student enrollment of at least 100 and not more than 500 at any time during the school year.

(b) A public charter district may have a student enrollment of less than 100 if approved by the commissioner.

(c) Not later than a public charter district's third year of operation, at least 25 percent of the district's students must be enrolled in one or more grade levels for which assessment instruments are administered under Sections 39.023(a), (c), and (l).

(d) The commissioner may grant a waiver from the requirements of Subsection (c) for a public charter district that opens a campus serving prekindergarten or kindergarten students and agrees to:

(1) add at least one higher grade level class each school year after opening the campus; and

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(2) until the campus complies with Subsection (c), adopt accountability measures to assess the performance of the students not assessed under Section 39.023(a).

(e) The commissioner may grant a waiver from the requirements of Subsection (c) for a public charter district that was operating an open-enrollment charter school campus on January 1, 2007, serving prekindergarten, kindergarten, and first, second, and third grade students if the public charter district:

(1) adopts one or more nationally norm-referenced assessment instruments approved by the commissioner;

(2) administers the assessment instruments to its second grade students at intervals and in the manner specified by commissioner rule; and

(3) meets the applicable standards for student performance on the assessment instruments, as determined by commissioner rule.

(f) The commissioner shall adopt rules necessary to implement this section.

Sec. 11A.254. TUITION AND FEES RESTRICTED.

(a) A public charter district may not charge tuition to an eligible student who applies for admission to the district under this chapter.

(b) The governing body of a public charter district may require a student to pay any fee that the board of trustees of a school district may charge under Section 11.158(a).

The governing body may not require a student to pay a fee that the board of trustees of a school district may not charge under Section 11.158(b).

Sec. 11A.255. TRANSPORTATION. A public charter

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

district shall provide transportation to each student attending the school to the same extent a school district is required by law to provide transportation to district students.

Sec. 11A.256. REMOVAL OF STUDENTS TO DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM; EXPULSION OF STUDENTS. (a) The governing body of a public charter district shall adopt a code of conduct for the district or for each campus in the district.

(b) The code of conduct must include:

(1) standards for student behavior, including the types of prohibited behaviors and the possible consequences of misbehavior; and

(2) the district's due process procedures regarding expulsion of a student.

(c) A final decision of the governing body of a public charter district regarding action taken under the code of conduct may not be appealed.

(d) A public charter district may not expel a student for:

(1) low academic performance; or

(2) a reason that is not authorized by Section 37.007 or specified in the district's code of conduct as conduct that may result in expulsion.

(e) Section 37.002 does not apply to a public charter district except to the extent specified by the governing body of the public charter district in the district's code of conduct.

Sec. 11A.257. IMPROVED LEARNING ENVIRONMENT. A public charter district may, if the

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

district determines that the rule would improve the learning environment at a district campus, adopt a rule that:

(1) requires students at a district campus to wear school uniforms; or

(2) establishes a same-sex campus or classroom.

[Sections 11A.258-11A.300 reserved for expansion]

SUBCHAPTER G. PUBLIC CHARTER DISTRICT EMPLOYEES

Sec. 11A.301. MINIMUM TEACHER QUALIFICATIONS. A person employed as a teacher by a public charter district must hold a baccalaureate degree.

Sec. 11A.302. NOTICE OF PROFESSIONAL EMPLOYEE QUALIFICATIONS. (a) Each public charter district shall provide to the parent or guardian of each student enrolled at a campus in the district written notice of the qualifications of each professional employee, including each teacher, employed at the campus.

(b) The notice must include:

(1) any professional or educational degree held by the employee;

(2) a statement of any certification under Subchapter B, Chapter 21, held by the employee; and

(3) any relevant experience of the employee.

Sec. 11A.303. MEMBERSHIP IN TEACHER RETIREMENT SYSTEM OF TEXAS. (a) An employee of a public charter district who qualifies for membership in the Teacher Retirement System of Texas

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

shall be covered under the system to the same extent a qualified employee of a school district is covered.

(b) For each employee of a public charter district covered under the system, the public charter district is responsible for making any contribution that otherwise would be the legal responsibility of a school district, and the state is responsible for making contributions to the same extent it would be legally responsible if the employee were a school district employee.

Sec. 11A.304. WAGE INCREASE FOR CERTAIN PROFESSIONAL STAFF. (a) This section applies to a charter holder that on January 1, 2006, operated an open-enrollment charter school.

(b) Each school year, using state funds received by the charter holder for that purpose under Subsection (e), a charter holder that participated in the program under Chapter 1579, Insurance Code, for the 2005-2006 school year shall provide employees of the charter holder, other than administrators, compensation in the form of annual salaries, incentives, or other compensation determined appropriate by the charter holder that results in an average compensation increase for classroom teachers, full-time librarians, full-time counselors, and full-time school nurses who are employed by the charter holder and who would be entitled to a minimum salary under Section 21.402 if employed by a school district, in an amount at least equal to \$2,500.

(c) Using state funds received by the charter holder for that purpose under Subsection (f), a charter holder that participated in the program under Chapter 1579,

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Insurance Code, for the 2005-2006 school year shall provide employees of the charter holder, other than administrators, compensation in the form of annual salaries, incentives, or other compensation determined appropriate by the charter holder that results in average compensation increases as follows:

(1) for full-time employees other than employees who would be entitled to a minimum salary under Section 21.402 if employed by a school district, an average increase at least equal to \$500; and

(2) for part-time employees, an average increase at least equal to \$250.

(d) Each school year, using state funds received by the charter holder for that purpose under Subsection (g), a charter holder that did not participate in the program under Chapter 1579, Insurance Code, for the 2005-2006 school year shall provide employees of the charter holder, other than administrators, compensation in the form of annual salaries, incentives, or other compensation determined appropriate by the charter holder that results in an average compensation increase for classroom teachers, full-time librarians, full-time counselors, and full-time school nurses who are employed by the charter holder and who would be entitled to a minimum salary under Section 21.402 if employed by a school district, in an amount at least equal to \$2,000.

(e) Each school year, in addition to any amounts to which a charter holder is entitled under this chapter, a charter holder that participated in the program under

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Chapter 1579, Insurance Code, for the 2005-2006 school year is entitled to state aid in an amount, as determined by the commissioner, equal to the product of \$2,500 multiplied by the number of classroom teachers, full-time librarians, full-time counselors, and full-time school nurses employed by the charter holder at a public charter district campus.

(f) In addition to any amounts to which a charter holder is entitled under this chapter, a charter holder that participated in the program under Chapter 1579, Insurance Code, for the 2005-2006 school year is entitled to state aid in an amount, as determined by the commissioner, equal to the sum of:

(1) the product of \$500 multiplied by the number of full-time employees other than employees who would be entitled to a minimum salary under Section 21.402 if employed by a school district; and

(2) the product of \$250 multiplied by the number of part-time employees.

(g) Each school year, in addition to any amounts to which a charter holder is entitled under this chapter, a charter holder that did not participate in the program under Chapter 1579, Insurance Code, for the 2005-2006 school year is entitled to state aid in an amount, as determined by the commissioner, equal to the product of \$2,000 multiplied by the number of classroom teachers, full-time librarians, full-time counselors, and full-time school nurses employed by the charter holder at a public charter district campus.

(h) A payment under this section is in addition to wages

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

the charter holder would otherwise pay the employee during the school year.

[Sections 11A.305-11A.350 reserved for expansion]

SUBCHAPTER H. POWERS AND DUTIES OF COMMISSIONER

Sec. 11A.351. AUDIT. (a) To the extent consistent with this section, the commissioner may audit the records of:

(1) a public charter district or campus;

(2) a charter holder; and

(3) a management company.

(b) An audit under Subsection (a) must be limited to matters directly related to the management or operation of a public charter district, including any financial, student, and administrative records.

(c) Unless the commissioner has specific cause to conduct an additional audit, the commissioner may not conduct more than one on-site audit of a public charter district under this section during any fiscal year, including any audit of financial, student, and administrative records. For purposes of this subsection, an audit of a charter holder or management company associated with a public charter district is not considered an audit of the district.

Sec. 11A.352. SUBPOENA. (a) The commissioner may issue a subpoena to compel the attendance and testimony of a witness or the production of materials relevant to an audit or investigation under this chapter.

(b) A subpoena may be issued throughout the state and may be served by any person designated by the

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

commissioner.

(c) If a person fails to comply with a subpoena issued under this section, the commissioner, acting through the attorney general, may file suit to enforce the subpoena in a district court in Travis County or in the county in which the audit or investigation is conducted. The court shall order compliance with the subpoena if the court finds that good cause exists to issue the subpoena.

(d) This section expires September 1, 2009.

Sec. 11A.353. SANCTIONS. (a) The commissioner shall take any of the actions described by Subsection (b) or by Section 39.131(a), to the extent the commissioner determines necessary, if a public charter district, as determined by a report issued under Section 39.076(b):

- (1) commits a material violation of the district's charter;
- (2) fails to satisfy generally accepted accounting standards of fiscal management; or
- (3) fails to comply with this chapter or another applicable rule or law.

(b) The commissioner may temporarily withhold funding, suspend the authority of a public charter district to operate, or take any other reasonable action the commissioner determines necessary to protect the health, safety, or welfare of students enrolled at a district campus based on evidence that conditions at the district campus present a danger to the health, safety, or welfare of the students.

(c) After the commissioner acts under Subsection (b), the public charter district may not receive funding and may not resume operating until a determination is made

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

that:

(1) despite initial evidence, the conditions at the district campus do not present a danger of material harm to the health, safety, or welfare of students; or

(2) the conditions at the district campus that presented a danger of material harm to the health, safety, or welfare of students have been corrected.

(d) Not later than the third business day after the date the commissioner acts under Subsection (b), the commissioner shall provide the charter holder an opportunity for a hearing. This subsection does not apply to an action taken by the commissioner under Chapter 39.

(e) Immediately after a hearing under Subsection (d), the commissioner must cease the action under Subsection (b) or initiate action under Section 11A.108.

Sec. 11A.354. CONSULTATION WITH CHARTER HOLDERS. The commissioner shall periodically consult with representatives of charter holders regarding the duties and mission of the agency relating to the operation of public charter districts. The commissioner shall determine the frequency of the consultations.

Sec. 11A.355. EFFECT ON COMMISSIONER'S AUTHORITY. Nothing in this chapter limits the commissioner's authority under Chapter 39.

Sec. 11A.356. RULES. The commissioner may adopt rules for the administration of this chapter.

[Sections 11A.357-11A.400 reserved for expansion]

SUBCHAPTER I. BLUE RIBBON CHARTER CAMPUS PILOT PROGRAM

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Sec. 11A.401. DEFINITIONS. In this subchapter:

(1) "Blue ribbon charter campus" and "campus" mean the public school formed when an eligible entity is granted a blue ribbon charter under this subchapter.

(2) "Eligible entity" means an organization that is exempt from taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c)(3) of that code.

Sec. 11A.402. AUTHORIZATION. (a) In accordance with this subchapter, the commissioner may authorize not more than three charter holders to grant a charter to an eligible entity to operate a blue ribbon charter campus if:

(1) the charter holder proposes to grant the blue ribbon charter to replicate a distinctive education program;

(2) the charter holder has demonstrated the ability to replicate the education program;

(3) the education program has been implemented by the charter holder for at least seven school years; and

(4) the charter school in which the charter holder has implemented the program has been rated recognized or exemplary under Subchapter D, Chapter 39, for at least five school years.

(b) A charter holder that assumed operation of an existing charter school program during the seven years preceding the proposed authorization under Subsection (a) may be authorized to grant a blue ribbon charter under Subsection (a) if:

(1) the performance level of the program at a campus before and after the charter holder assumed operation of

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

the program meets the qualifications described by Subsection (a); and

(2) the charter holder has met the qualifications described by Subsection (a) since assuming operation of the program.

(c) A charter holder may grant a blue ribbon charter only to an eligible entity that meets any financial, governing, and operational standards adopted by the commissioner under this subchapter.

(d) A charter holder may grant not more than two blue ribbon charters under this subchapter.

Sec. 11A.403. APPLICABILITY OF CERTAIN LAWS. (a) A blue ribbon charter campus is considered a public charter district campus for purposes of state and federal law.

(b) A blue ribbon charter granted under this subchapter is not considered for purposes of the limit on the number of public charter districts imposed by Section 11A.002.

Sec. 11A.404. RELATIONSHIP BETWEEN CHARTER HOLDER AND BLUE RIBBON CHARTER CAMPUS. (a) The governing body of the charter holder authorizing a blue ribbon charter is responsible for the management and operation of the campus operated under a blue ribbon charter. A blue ribbon charter campus is subject to the rules and policies of the governing body of the charter holder that granted the blue ribbon charter.

(b) For purposes of academic and financial accountability and all other purposes under this chapter and Chapter 39, a blue ribbon charter campus is

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

considered a campus of the public charter district operated by the charter holder that granted the blue ribbon charter.

(c) A charter holder is entitled to receive funding for a blue ribbon charter campus as if the blue ribbon charter campus were a campus of the public charter district operated by the charter holder.

Sec. 11A.405. APPLICATION FOR AUTHORIZATION. (a) The commissioner by rule shall adopt an application form and procedures for a charter holder to apply for authorization to grant a blue ribbon charter to an eligible entity under this subchapter.

(b) The application must specify:

(1) the criteria that will be used to grant blue ribbon charters;

(2) procedures for governance and management of campuses operating under a blue ribbon charter; and

(3) the performance standard by which continuation of a blue ribbon charter will be determined.

(c) A determination by the commissioner regarding an application under this section is final and may not be appealed.

Sec. 11A.406. REVOCATION OF AUTHORIZATION.

(a) The commissioner may revoke a charter holder's authorization to grant a blue ribbon charter or operate a campus granted a blue ribbon charter if the commissioner determines that the purposes of this subchapter are not being satisfied.

(b) On revocation of a charter holder's authority under this section, the charter holder shall:

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(1) operate a campus granted a blue ribbon charter as a standard campus of the charter holder under this chapter;

or

(2) close the campus effective at the end of the school year in which the commissioner revokes the authorization.

Sec. 11A.407. CONTENT. (a) Each blue ribbon charter granted under this subchapter must:

(1) describe the educational program to be offered, which may be a general or specialized education program;

(2) provide that continuation of the charter is contingent on satisfactory student performance under Subchapter B, Chapter 39, and on compliance with other applicable accountability provisions under Chapter 39;

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

(4) prohibit discrimination in admission on the basis of national origin, ethnicity, race, religion, or disability;

(5) describe the governing structure of the blue ribbon charter campus;

(6) specify any procedure or requirement, in addition to those under Chapter 38, that the campus will follow to ensure the health and safety of students and employees;

and

(7) describe the manner in which the campus and charter holder granting the blue ribbon charter will comply with financial and operational requirements, including requirements related to the Public Education Information

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Management System (PEIMS) under Section 11A.158 and the audit requirements under Section 11A.210.

(b) A charter holder may reserve the right to approve contracts, governance alterations, personnel decisions, and other matters affecting the operation of the blue ribbon charter campus.

(c) A blue ribbon charter must specify the basis and procedure to be used by the charter holder for placing the blue ribbon charter campus on probation or revoking the charter, which must include an opportunity for an informal review of the blue ribbon charter campus and governing body of the campus by the charter holder. A charter holder's decision to place on probation or revoke a blue ribbon charter is final and may not be appealed.

Sec. 11A.408. FORM. A blue ribbon charter issued under this subchapter must be in the form and substance of a written contract signed by the president or equivalent officer of the governing body of the charter holder granting the blue ribbon charter and the president or equivalent officer of the governing body of the eligible entity to which the blue ribbon charter is granted.

Sec. 11A.409. REVISION. A blue ribbon charter granted under this subchapter may be revised with the approval of the charter holder that granted the charter.

[Sections 11A.410-11A.450 reserved for expansion]

SUBCHAPTER J. RECEIVERSHIP FOR CERTAIN OPEN-ENROLLMENT CHARTER SCHOOLS

Sec. 11A.451. DEFINITIONS. In this subchapter:

(1) "Assets" means:

(A) public funds, as determined under Section 12.107,

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

as that section existed on January 1, 2007; and  
(B) public property, as determined under Section 12.128, as that section existed on January 1, 2007.

(2) "Records" means government records, as determined under Section 12.1052, as that section existed on January 1, 2007.

Sec. 11A.452. APPLICABILITY. The commissioner shall appoint a receiver under this subchapter for each open-enrollment charter school that on April 1, 2007, was operating under a charter issued under Subchapter D, Chapter 12, as that subchapter existed on January 1, 2007, and:

(1) is not authorized to operate as a public charter district under this chapter; or

(2) elects not to operate as a public charter district under this chapter.

Sec. 11A.453. APPOINTMENT OF RECEIVER; BOND REQUIRED. (a) The commissioner shall appoint a receiver to protect the assets and direct the dissolution of open-enrollment charter schools subject to this subchapter.

(b) The receiver shall execute a bond in an amount set by the commissioner to ensure the proper performance of the receiver's duties.

(c) Until discharged by the commissioner, the receiver shall perform the duties that the commissioner directs to preserve the assets and direct the dissolution of the open-enrollment charter school under this subchapter.

Sec. 11A.454. POWERS AND DUTIES OF RECEIVER. (a) After appointment and execution of

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

bond under Section 11A.453, the receiver shall take possession of:

(1) assets and records in the possession of the open-enrollment charter school specified by the commissioner; and

(2) any Foundation School Program funds and any other public funds received by the school's charter holder.

(b) On request of the receiver, the attorney general shall file a suit for attachment, garnishment, or involuntary bankruptcy and take any other action necessary for the dissolution of an open-enrollment charter school under this subchapter.

(c) If the charter holder of an open-enrollment charter school or an officer or employee of such a school refuses to transfer school assets or records to a receiver under this subsection, the receiver may ask the attorney general to petition a court for recovery of the assets or records. If the court grants the petition, the court shall award attorney's fees and court costs to the state.

(d) A record described by this section is a public school record for purposes of Section 37.10(c)(2), Penal Code.

Sec. 11A.455. DISPOSITION OF ASSETS. (a) A receiver shall wind up the affairs of an open-enrollment charter school and, except as provided by Subsection (b), reduce its assets to cash for the purpose of discharging all existing liabilities and obligations of the school. In winding up the affairs of a school, the receiver shall cooperate in any bankruptcy proceeding affecting the school. The receiver shall distribute any remaining balance to the commissioner.

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(b) A receiver shall offer free of charge any equipment and supplies of an open-enrollment charter school dissolved under this subchapter to school districts, giving priority to districts based on the percentage of the charter school's students that reside in the districts.

(c) The commissioner shall use money in the foundation school fund and money received under this section to pay the costs described by Section 11A.458 and discharge liabilities and obligations of open-enrollment charter schools under this subchapter. The commissioner shall deposit any remaining balance in the foundation school fund.

Sec. 11A.456. DISPOSITION OF RECORDS. (a) The records of an open-enrollment charter school subject to this subchapter shall be transferred in the manner specified by the commissioner to a custodian designated by the commissioner. The commissioner may designate any appropriate entity to serve as custodian of records, including the agency, a regional education service center, or a school district. In designating a custodian, the commissioner shall ensure that the transferred records, including student and personnel records, are transferred to a custodian capable of:

- (1) maintaining the records;
- (2) making the records readily accessible to students, parents, former school employees, and other persons entitled to access; and
- (3) complying with applicable state or federal law restricting access to the records.

(b) The commissioner is entitled to access to any records

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

transferred to a custodian under this section as the commissioner determines necessary for auditing, investigative, or monitoring purposes.

Sec. 11A.457. LIABILITY. A receiver is not personally liable for actions taken by the receiver under this subchapter.

Sec. 11A.458. COSTS OF RECEIVERSHIP. The commissioner may authorize reimbursement of reasonable costs related to the receivership, including:

(1) payment of fees to the receiver for the receiver's services; and

(2) payment of fees to attorneys, accountants, or any other person that provides goods or services necessary to the operation of the receivership.

Sec. 11A.459. EXEMPTION FROM COMPETITIVE BIDDING. The competitive bidding requirements of this code and the contracting requirements of Chapter 2155, Government Code, do not apply to the appointment of a receiver, attorney, accountant, or other person appointed under this subchapter.

No equivalent provision.

SECTION \_\_. Subchapter D, Chapter 12, Education Code, is amended by adding Section 12.1058 to read as follows:

Sec. 12.1058. APPLICABILITY OF PUBLIC CHARTER DISTRICT PROVISIONS. (a) An open-enrollment charter school is subject to Sections 11A.201, 11A.204, 11A.205, 11A.206, and 11A.210.

(b) The commissioner may bring an action for injunctive

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

or other relief as provided by Section 11A.203(d) to enforce Section 12.107.

(c) For purposes of this section, a reference in a law described by this section to a public charter district means an open-enrollment charter school.

No equivalent provision.

SECTION \_\_. Subchapter E, Chapter 12, Education Code, is amended by amending Sections 12.151, 12.152, and 12.156 and adding Section 12.157 to read as follows:  
Sec. 12.151. DEFINITIONS ~~[DEFINITION]~~. In this subchapter, "institution of higher education" and "public senior college or university" have ~~[has]~~ the meanings ~~[meaning]~~ assigned by Section 61.003.

Sec. 12.152. AUTHORIZATION. ~~[(a)]~~ In accordance with this subchapter and Chapter 11A ~~[Subchapter D]~~, the State Board of Education may grant a charter on the application of a public senior college or university for a public ~~[an open-enrollment]~~ charter district ~~[school]~~ to operate on the campus of the public senior college or university or in the same county in which the campus of the public senior college or university is located.

Sec. 12.156. APPLICABILITY OF CERTAIN PROVISIONS. (a) Except as otherwise provided by this subchapter, Chapter 11A ~~[Subchapter D]~~ applies to a college or university charter school as though the college or university charter school were granted a charter under that chapter ~~[subchapter]~~.

(b) A charter granted under this subchapter is not considered for purposes of the limit on the number of

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

public [open-enrollment] charter districts [schools]  
imposed by Section 11A.002 [12.101(b)].

(c) A college or university charter school is not subject to a prohibition, restriction, or requirement relating to:

(1) open meetings and public information under Section 11A.053;

(2) maintenance of records under Section 11A.054;

(3) purchasing and contracting under Section 11A.055;

(4) conflict of interest under Section 11A.056;

(5) nepotism under Section 11A.057;

(6) composition of a governing body under Section 11A.152;

(7) restrictions on serving as a member of a governing body or as an officer or employee under Section 11A.153;

(8) liability of members of a governing body under Section 11A.154;

(9) training for members of a governing body under Section 11A.155;

(10) bylaws and annual reports under Section 11A.156;

(11) quarterly financial reports under Section 11A.157;  
and

(12) depository bond and security requirements under Section 11A.204.

(d) A college or university charter school and the governing body of the school are subject to regulations and procedures that govern a public senior college or university relating to open meetings, records retention, purchasing, contracting, conflicts of interest, and nepotism.

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Sec. 12.157. ADVANCED TECHNICAL ACADEMIES. (a) A college or university charter school may operate as an advanced technical academy. The school's educational program must:

- (1) focus on advanced career and technology education;
- (2) provide for a course of study that enables a participating student to combine high school courses and college-level courses during grade levels nine through 12;
- (3) allow a participating student to complete high school and, on or before the fifth anniversary of the date of the student's first day of high school, receive a high school diploma and either:
  - (A) an associate's degree or a certificate for a trade or occupation; or
  - (B) at least 60 semester credit hours toward a baccalaureate degree;
- (4) include articulation agreements with other institutions of higher education to provide a participating student access to postsecondary educational and training opportunities at the institution of higher education;
- (5) provide a participating student flexibility in class scheduling and academic mentoring;
- (6) include input from employers in the program's design; and
- (7) incorporate partnerships with one or more of the following to provide paid internship opportunities for a participating student:
  - (A) local chambers of commerce;
  - (B) local employers;

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(C) the Texas Workforce Commission through local workforce development boards; and  
(D) members of an industry cluster identified under Section 481.0295, Government Code.  
(b) Each articulation agreement under Subsection (a)(4) must address:  
(1) curriculum alignment;  
(2) instructional materials;  
(3) the instructional calendar;  
(4) courses of study;  
(5) eligibility of students for higher education financial assistance;  
(6) student enrollment and attendance;  
(7) grading periods and policies; and  
(8) administration of statewide assessment instruments under Subchapter B, Chapter 39.  
(c) The P-16 Council established under Section 61.076 shall provide guidance in case of any conflict that arises between parties to an articulation agreement under Subsection (a)(4).  
(d) A college or university charter school operating as an advanced technical academy under this section is entitled to receive funding under Section 11A.201 in proportion to the amount of time spent by the student on courses for which the student will receive credit toward a high school diploma, in accordance with rules adopted by the commissioner, while completing the course of study established by the applicable articulation agreement under Subsection (a)(4).

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

SENATE VERSION

SECTION \_\_. Section 5.001, Education Code, is amended by adding Subdivision (5-a) and amending Subdivision (6) to read as follows:

(5-a) "Public charter campus" means a campus operated by a public charter district.

(6) "Public charter district [~~Open enrollment charter school~~]" means a public school authorized by [~~that has been granted~~] a charter under Chapter 11A [~~Subchapter D, Chapter 12~~].

CONFERENCE

No equivalent provision.

SECTION \_\_. Section 7.003, Education Code, is amended to read as follows:

Sec. 7.003. LIMITATION ON AUTHORITY. An educational function not specifically delegated to the agency or the board under this code is reserved to and shall be performed by school districts or [~~open enrollment~~] charter schools.

No equivalent provision.

SECTION \_\_. Subsections (b) and (d), Section 7.010, Education Code, are amended to read as follows:

(b) Each school district, public charter district [~~open enrollment charter school~~], and institution of higher education shall participate in an electronic student records system that satisfies standards approved by the commissioner of education and the commissioner of higher education.

(d) The commissioner of education or the commissioner of higher education may solicit and accept grant funds to

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

maintain the electronic student records system and to make the system available to school districts, public charter districts [~~open enrollment charter schools~~], and institutions of higher education.

No equivalent provision.

SECTION \_\_. Subsection (b), Section 7.028, Education Code, is amended to read as follows:

(b) The board of trustees of a school district or the governing body of a public charter district [~~an open enrollment charter school~~] has primary responsibility for ensuring that the district [~~or school~~] complies with all applicable requirements of state educational programs.

No equivalent provision.

SECTION \_\_. Subchapter B, Chapter 7, Education Code, is amended by adding Section 7.029 to read as follows:

Sec. 7.029. STUDY OF DROPOUT RECOVERY CHARTER SCHOOLS. (a) The agency shall:

(1) study innovative dropout recovery charter schools in this state and other states; and

(2) prepare a report regarding the findings of the study.

(b) The report required under Subsection (a) must:

(1) identify any highly effective dropout recovery charter schools;

(2) identify the areas of the state with the highest number of students identified as at risk of dropping out of school, as defined by Section 29.081(d), and establish locations where dropout recovery charter schools will

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

have the greatest impact on recovering dropouts in those areas;

(3) identify possible incentives for public charter districts and campuses that enroll dropouts;

(4) identify possible incentives for businesses that cooperate with public charter districts to establish opportunities for employment, including internship programs, for students enrolled in a dropout recovery charter school;

(5) identify persons involved in dropout recovery programs and what those persons determine are key components of an effective dropout recovery program;

(6) provide results of the effectiveness of the following on the success of a dropout recovery program:

(A) open entry and exit into and out of the program, with a student able to master course curriculum at the student's pace;

(B) flexible scheduling and a year-round program;

(C) teachers trained to handle the academic and emotional needs of the student;

(D) a career-oriented course curriculum with a focus on the practical application of the curriculum;

(E) a clear code of student conduct and consistent enforcement of the rules of that code;

(F) extensive support services offered for the health and welfare of the student;

(G) employment opportunities arranged through the program for the benefit of the student's schedule; and

(H) multiple options for a student to choose in tailoring the program to the needs of the student; and

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(7) recommend legislation or other actions necessary to implement a dropout recovery charter school pilot program in the areas of the state with the highest number of students identified as at risk of dropping out of school and in other areas determined by the agency to have a need for the program.

(c) Not later than December 1, 2008, the agency shall deliver the report produced under Subsection (a) to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the standing committees of each house of the legislature with primary jurisdiction over public education.

(d) This section expires January 1, 2009.

No equivalent provision.

SECTION \_\_. Subdivision (17), Subsection (b), Section 7.055, Education Code, is amended to read as follows:

(17) The commissioner shall distribute funds to public charter districts [~~open enrollment charter schools~~] as required under Chapter 11A [~~Subchapter D, Chapter 12~~].

No equivalent provision.

SECTION \_\_. Subdivision (9), Subsection (c), Section 7.102, Education Code, is amended to read as follows:

(9) The board may grant a charter for a public charter district [~~an open enrollment charter or approve a charter revision~~] as provided by Chapter 11A [~~Subchapter D, Chapter 12~~].

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

No equivalent provision.

SECTION \_\_. Subsection (e), Section 11.003, Education Code, is amended to read as follows:

(e) The commissioner may require a public charter district [~~an open enrollment charter school~~] to enter into a cooperative shared services arrangement for administrative services if the commissioner determines, after an audit conducted under Section 11A.351 [~~12.1163~~], that such a cooperative shared services arrangement would promote the efficient operation of the district [~~school~~].

No equivalent provision.

SECTION \_\_. Section 12.002, Education Code, is amended to read as follows:

Sec. 12.002. CLASSES OF CHARTER. The classes of charter under this chapter are:

- (1) a home-rule school district charter as provided by Subchapter B;
- (2) a campus or campus program charter as provided by Subchapter C; or
- (3) a college or university [~~an open enrollment~~] charter as provided by Subchapter E [~~D~~].

No equivalent provision.

SECTION \_\_. Subsections (b) and (c), Section 21.058, Education Code, are amended to read as follows:

(b) Notwithstanding Section 21.041(b)(7), not later than the fifth day after the date the board receives notice under Article 42.018, Code of Criminal Procedure, of the conviction of a person who holds a certificate under this

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

subchapter, the board shall:

(1) revoke the certificate held by the person; and  
(2) provide to the person and to any school district or public charter district [~~open enrollment charter school~~] employing the person at the time of revocation written notice of:

(A) the revocation; and

(B) the basis for the revocation.

(c) A school district or public charter district [~~open enrollment charter school~~] that receives notice under Subsection (b) of the revocation of a certificate issued under this subchapter shall:

(1) immediately remove the person whose certificate has been revoked from campus or from an administrative office, as applicable, to prevent the person from having any contact with a student; and

(2) as soon as practicable, terminate the employment of the person in accordance with the person's contract and with this subchapter.

No equivalent provision.

SECTION \_\_. Subsection (b), Section 21.652, Education Code, is amended to read as follows:

(b) In adopting rules under this section, the commissioner shall include rules governing eligibility for and participation by a public charter district [~~an open enrollment charter school~~] in the program.

No equivalent provision.

SECTION \_\_. Subsection (c), Section 21.702, Education

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Code, is amended to read as follows:

(c) In adopting rules under this section, the commissioner shall include rules governing eligibility for and participation by a public charter district [~~an open-enrollment charter school~~] in the program.

No equivalent provision.

SECTION \_\_. Subsections (b) and (c), Section 22.083, Education Code, are amended to read as follows:

(b) A public charter district [~~An open-enrollment charter school~~] shall obtain from any law enforcement or criminal justice agency all criminal history record information that relates to:

(1) a person whom the district [~~school~~] intends to employ in any capacity; or

(2) a person who has indicated, in writing, an intention to serve as a volunteer with the district [~~school~~].

(c) A school district, public charter district [~~open-enrollment charter school~~], private school, regional education service center, or shared services arrangement may obtain from any law enforcement or criminal justice agency all criminal history record information that relates to:

(1) a volunteer or employee of the district, school, service center, or shared services arrangement; or

(2) an employee of or applicant for employment by a person that contracts with the district, school, service center, or shared services arrangement to provide services, if:

(A) the employee or applicant has or will have

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

continuing duties related to the contracted services; and  
(B) the duties are or will be performed on school property or at another location where students are regularly present.

No equivalent provision.

SECTION \_\_. Section 22.084, Education Code, is amended to read as follows:

Sec. 22.084. ACCESS TO CRIMINAL HISTORY RECORDS OF SCHOOL BUS DRIVERS, BUS MONITORS, AND BUS AIDES. (a) Except as provided by Subsections (c) and (d), a school district, public charter district [~~open enrollment charter school~~], private school, regional education service center, or shared services arrangement that contracts with a person for transportation services shall obtain from any law enforcement or criminal justice agency all criminal history record information that relates to:

- (1) a person employed by the person as a bus driver; or
- (2) a person the person intends to employ as a bus driver.

(b) Except as provided by Subsections (c) and (d), a person that contracts with a school district, public charter district [~~open enrollment charter school~~], private school, regional education service center, or shared services arrangement to provide transportation services shall submit to the district, school, service center, or shared services arrangement the name and other identification data required to obtain criminal history record information of each person described by Subsection (a).

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

If the district, school, service center, or shared services arrangement obtains information that a person described by Subsection (a) has been convicted of a felony or a misdemeanor involving moral turpitude, the district, school, service center, or shared services arrangement shall inform the chief personnel officer of the person with whom the district, school, service center, or shared services arrangement has contracted, and the person may not employ that person to drive a bus on which students are transported without the permission of the board of trustees of the district or service center, the governing body of the public charter district [~~open-enrollment charter school~~], or the chief executive officer of the private school or shared services arrangement.

(c) A commercial transportation company that contracts with a school district, public charter district [~~open-enrollment charter school~~], private school, regional education service center, or shared services arrangement to provide transportation services may obtain from any law enforcement or criminal justice agency all criminal history record information that relates to:

- (1) a person employed by the commercial transportation company as a bus driver, bus monitor, or bus aide; or
- (2) a person the commercial transportation company intends to employ as a bus driver, bus monitor, or bus aide.

(d) If the commercial transportation company obtains information that a person employed or to be employed by the company has been convicted of a felony or a misdemeanor involving moral turpitude, the company

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

may not employ that person to drive or to serve as a bus monitor or bus aide on a bus on which students are transported without the permission of the board of trustees of the district or service center, the governing body of the public charter district [~~open enrollment charter school~~], or the chief executive officer of the private school or shared services arrangement. Subsections (a) and (b) do not apply if information is obtained as provided by Subsection (c).

No equivalent provision.

SECTION \_\_. Subdivision (3), Section 22.101, Education Code, is amended to read as follows:

(3) "Participating charter school" means a public charter district [~~an open enrollment charter school~~] established under Chapter 11A [~~Subchapter D, Chapter 12,~~] that participates in the program established under Chapter 1579, Insurance Code.

No equivalent provision.

SECTION \_\_. Section 25.088, Education Code, is amended to read as follows:

Sec. 25.088. SCHOOL ATTENDANCE OFFICER. The school attendance officer may be selected by:

- (1) the county school trustees of any county;
- (2) the board of trustees of any school district or the boards of trustees of two or more school districts jointly;
- or
- (3) the governing body of a public charter district [~~an open enrollment charter school~~].

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

No equivalent provision.

SECTION \_\_. Subsection (a), Section 25.089, Education Code, is amended to read as follows:

(a) An attendance officer may be compensated from the funds of the county, independent school district, or public charter district [~~open enrollment charter school~~], as applicable.

No equivalent provision.

SECTION \_\_. Subsection (b), Section 25.090, Education Code, is amended to read as follows:

(b) If the governing body of a public charter district [~~an open enrollment charter school~~] has not selected an attendance officer for a district campus, the duties of attendance officer shall be performed by the peace officers of the county in which the campus [~~school~~] is located.

No equivalent provision.

SECTION \_\_. Subsections (d) and (e), Section 25.093, Education Code, are amended to read as follows:

(d) A fine collected under this section shall be deposited as follows:

- (1) one-half shall be deposited to the credit of the operating fund of, as applicable:
  - (A) the school district in which the child attends school;
  - (B) the public charter district [~~open enrollment charter school~~] the child attends; or
  - (C) the juvenile justice alternative education program

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

that the child has been ordered to attend; and  
(2) one-half shall be deposited to the credit of:  
(A) the general fund of the county, if the complaint is filed in the justice court or the constitutional county court; or  
(B) the general fund of the municipality, if the complaint is filed in municipal court.  
(e) At the trial of any person charged with violating this section, the attendance records of the child may be presented in court by any authorized employee of the school district or public charter district [~~open-enrollment charter school~~], as applicable.

No equivalent provision.

SECTION \_\_. Subsections (a) and (b), Section 25.095, Education Code, are amended to read as follows:  
(a) A school district or public charter district [~~open-enrollment charter school~~] shall notify a student's parent in writing at the beginning of the school year that if the student is absent from school on 10 or more days or parts of days within a six-month period in the same school year or on three or more days or parts of days within a four-week period:  
(1) the student's parent is subject to prosecution under Section 25.093; and  
(2) the student is subject to prosecution under Section 25.094 or to referral to a juvenile court in a county with a population of less than 100,000 for conduct that violates that section.  
(b) A school district or public charter district shall notify

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

a student's parent if the student has been absent from school, without excuse under Section 25.087, on three days or parts of days within a four-week period. The notice must:

- (1) inform the parent that:
  - (A) it is the parent's duty to monitor the student's school attendance and require the student to attend school; and
  - (B) the parent is subject to prosecution under Section 25.093; and
- (2) request a conference between school officials and the parent to discuss the absences.

No equivalent provision.

SECTION \_\_. Subsections (a) and (b), Section 25.0951, Education Code, are amended to read as follows:

(a) If a student fails to attend school without excuse on 10 or more days or parts of days within a six-month period in the same school year, a school district or public charter district shall within seven school days of the student's last absence:

- (1) file a complaint against the student or the student's parent or both in a county, justice, or municipal court for an offense under Section 25.093 or 25.094, as appropriate, or refer the student to a juvenile court in a county with a population of less than 100,000 for conduct that violates Section 25.094; or
  - (2) refer the student to a juvenile court for conduct indicating a need for supervision under Section 51.03(b)(2), Family Code.
- (b) If a student fails to attend school without excuse on

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

three or more days or parts of days within a four-week period but does not fail to attend school for the time described by Subsection (a), the school district or public charter district may:

(1) file a complaint against the student or the student's parent or both in a county, justice, or municipal court for an offense under Section 25.093 or 25.094, as appropriate, or refer the student to a juvenile court in a county with a population of less than 100,000 for conduct that violates Section 25.094; or

(2) refer the student to a juvenile court for conduct indicating a need for supervision under Section 51.03(b)(2), Family Code.

No equivalent provision.

SECTION \_\_. Subsections (a), (c), (d), and (e), Section 26.0085, Education Code, are amended to read as follows:

(a) A school district or public charter district [~~open-enrollment charter school~~] that seeks to withhold information from a parent who has requested public information relating to the parent's child under Chapter 552, Government Code, and that files suit as described by Section 552.324, Government Code, to challenge a decision by the attorney general issued under Subchapter G, Chapter 552, Government Code, must bring the suit not later than the 30th calendar day after the date the [~~school~~] district [~~or open-enrollment charter school~~] receives the decision of the attorney general being challenged.

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(c) Notwithstanding any other law, a school district or public charter district [~~open enrollment charter school~~] may not appeal the decision of a court in a suit filed under Subsection (a). This subsection does not affect the right of a parent to appeal the decision.

(d) If the school district or public charter district [~~open enrollment charter school~~] does not bring suit within the period established by Subsection (a), the [~~school~~] district [~~or open enrollment charter school~~] shall comply with the decision of the attorney general.

(e) A school district or public charter district [~~open enrollment charter school~~] that receives a request from a parent for public information relating to the parent's child shall comply with Chapter 552, Government Code. If an earlier deadline for bringing suit is established under Chapter 552, Government Code, Subsection (a) does not apply. This section does not affect the earlier deadline for purposes of Section 552.353(b)(3), Government Code, [~~532.353(b)(3)~~] for a suit brought by an officer for public information.

No equivalent provision.

SECTION \_\_. Subsection (j), Section 28.0211, Education Code, is amended to read as follows:

(j) A school district [~~or open enrollment charter school~~] shall provide students required to attend accelerated programs under this section with transportation to those programs if the programs occur outside of regular school hours.

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

No equivalent provision.

SECTION \_\_. Subsection (f), Section 29.010, Education Code, is amended to read as follows:

(f) This section does not create an obligation for or impose a requirement on a school district [~~or open enrollment charter school~~] that is not also created or imposed under another state law or a federal law.

No equivalent provision.

SECTION \_\_. Subsections (a) and (c), Section 29.012, Education Code, are amended to read as follows:

(a) Except as provided by Subsection (b)(2), not later than the third day after the date a person 22 years of age or younger is placed in a residential facility, the residential facility shall:

(1) if the person is three years of age or older, notify the school district in which the facility is located, unless the facility is a public charter district [~~an open enrollment charter school~~]; or

(2) if the person is younger than three years of age, notify a local early intervention program in the area in which the facility is located.

(c) For purposes of enrollment in a school, a person who resides in a residential facility is considered a resident of the school district or geographical area served by the public charter district campus [~~open enrollment charter school~~] in which the facility is located.

No equivalent provision.

SECTION \_\_. Subsections (c), (d), and (e), Section 29.062, Education Code, are amended to read as follows:

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

- (c) Not later than the 30th day after the date of an on-site monitoring inspection, the agency shall report its findings to the school district [~~or open enrollment charter school~~] and to the division of accreditation.
- (d) The agency shall notify a school district [~~or open enrollment charter school~~] found in noncompliance in writing, not later than the 30th day after the date of the on-site monitoring. The district [~~or open enrollment charter school~~] shall take immediate corrective action.
- (e) If a school district [~~or open enrollment charter school~~] fails to satisfy appropriate standards adopted by the commissioner for purposes of Subsection (a), the agency shall apply sanctions, which may include the removal of accreditation, loss of foundation school funds, or both.

No equivalent provision.

SECTION \_\_. Subsections (a), (b), (b-1), (c), (e), (k), and (l), Section 29.087, Education Code, are amended to read as follows:

- (a) The agency shall develop a process by which a school district or public charter district [~~open enrollment charter school~~] may apply to the commissioner for authority to operate a program to prepare eligible students to take a high school equivalency examination.
- (b) Any school district or public charter district [~~open enrollment charter school~~] may apply for authorization to operate a program under this section. As part of the application process, the commissioner shall require a district [~~or school~~] to provide information regarding the

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

operation of any similar program during the preceding five years.

(b-1) A school district or public charter district [~~open-enrollment charter school~~] authorized by the commissioner on or before August 31, 2003, to operate a program under this section may continue to operate that program in accordance with this section.

(c) A school district or public charter district [~~open-enrollment charter school~~] may not increase enrollment of students in a program authorized by this section by more than five percent of the number of students enrolled in the similar program operated by the district [~~or school~~] during the 2000-2001 school year.

(e) A school district or public charter district [~~open-enrollment charter school~~] shall inform each student who has completed a program authorized by this section of the time and place at which the student may take the high school equivalency examination. Notwithstanding any provision of this section, a student may not take the high school equivalency examination except as authorized by Section 7.111.

(k) The board of trustees of a school district or the governing body [~~board~~] of a public charter district [~~an open-enrollment charter school~~] shall:

- (1) hold a public hearing concerning the proposed application of the district [~~or school~~] before applying to operate a program authorized by this section; and
- (2) subsequently hold a public hearing annually to review the performance of the program.

(l) The commissioner may revoke a school district's or

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

public charter district's [~~open enrollment—charter schools~~] authorization under this section after consideration of relevant factors, including performance of students participating in the district's [~~or schools~~] program on assessment instruments required under Chapter 39, the percentage of students participating in the district's [~~or schools~~] program who complete the program and perform successfully on the high school equivalency examination, and other criteria adopted by the commissioner. A decision by the commissioner under this subsection is final and may not be appealed.

No equivalent provision.

SECTION \_\_. Subsections (a) through (d), (i), and (j), Section 29.155, Education Code, are amended to read as follows:

(a) From amounts appropriated for the purposes of this section, the commissioner may make grants to school districts and public charter districts [~~open enrollment charter schools~~] to implement or expand kindergarten and prekindergarten programs by:

- (1) operating an existing half-day kindergarten or prekindergarten program on a full-day basis; or
- (2) implementing a prekindergarten program at a campus that does not have a prekindergarten program.

(b) A school district or public charter district [~~open enrollment charter school~~] may use funds received under this section to employ teachers and other personnel for a kindergarten or prekindergarten program and acquire curriculum materials or equipment, including computers,

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

for use in kindergarten and prekindergarten programs.

(c) To be eligible for a grant under this section, a school district or public charter district [~~open enrollment charter school~~] must apply to the commissioner in the manner and within the time prescribed by the commissioner.

(d) In awarding grants under this section, the commissioner shall give priority to school districts and public charter districts [~~open enrollment charter schools~~] in which the level of performance of students on the assessment instruments administered under Section 39.023 to students in grade three is substantially below the average level of performance on those assessment instruments for all school districts in the state.

(i) In carrying out the purposes of Subsection (g), a school district or public charter district [~~open enrollment charter school~~] may use funds granted to the district [~~or school~~] under this section [~~subsection~~] in contracting with another entity, including a private entity.

(j) If a school district or public charter district [~~open enrollment charter school~~] returns to the commissioner funds granted under this section, the commissioner may grant those funds to another entity, including a private entity, for the purposes of Subsection (g).

No equivalent provision.

SECTION \_\_. Subsection (b), Section 29.905, Education Code, is amended to read as follows:

(b) The agency shall make the program available to a school on the request of the board of trustees of [~~or~~] the school district of which the school is a part, or if the

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

school is a public charter district [~~an open enrollment charter school~~], on the request of the governing body of the district [~~school~~].

No equivalent provision.

SECTION \_\_. Subchapter C, Chapter 32, Education Code, is amended by adding Section 32.1011 to read as follows:

Sec. 32.1011. APPLICABILITY TO PUBLIC CHARTER DISTRICTS. This subchapter applies to a public charter district as if the public charter district were a school district.

No equivalent provision.

SECTION \_\_. Sections 32.102 through 32.106, Education Code, are amended to read as follows:

Sec. 32.102. AUTHORITY. (a) As provided by this subchapter, a school district [~~or open enrollment charter school~~] may transfer to a student enrolled in the district [~~or school~~]:

(1) any data processing equipment donated to the district [~~or school~~], including equipment donated by:

(A) a private donor; or  
(B) a state eleemosynary institution or a state agency under Section 2175.128, Government Code;

(2) any equipment purchased by the district [~~or school~~], to the extent consistent with Section 32.105; and

(3) any surplus or salvage equipment owned by the district [~~or school~~].

(b) A school district [~~or open enrollment charter school~~]

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

may accept:

- (1) donations of data processing equipment for transfer under this subchapter; and
- (2) any gifts, grants, or donations of money or services to purchase, refurbish, or repair data processing equipment under this subchapter.

Sec. 32.103. ELIGIBILITY; PREFERENCE. (a) A student is eligible to receive data processing equipment under this subchapter only if the student does not otherwise have home access to data processing equipment, as determined by the student's school district ~~[or open enrollment charter school]~~.

(b) In transferring data processing equipment to students, a school district ~~[or open enrollment charter school]~~ shall give preference to educationally disadvantaged students.

Sec. 32.104. REQUIREMENTS FOR TRANSFER. Before transferring data processing equipment to a student, a school district ~~[or open enrollment charter school]~~ must:

- (1) adopt rules governing transfers under this subchapter, including provisions for technical assistance to the student by the district ~~[or school]~~;
- (2) determine that the transfer serves a public purpose and benefits the district ~~[or school]~~; and
- (3) remove from the equipment any offensive, confidential, or proprietary information, as determined by the district ~~[or school]~~.

Sec. 32.105. EXPENDITURE OF PUBLIC FUNDS. A school district ~~[or open enrollment charter school]~~ may

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

spend public funds to:

- (1) purchase, refurbish, or repair any data processing equipment transferred to a student under this subchapter; and
- (2) store, transport, or transfer data processing equipment under this subchapter.

Sec. 32.106. RETURN OF EQUIPMENT. (a) Except as provided by Subsection (b), a student who receives data processing equipment from a school district [~~or open enrollment charter school~~] under this subchapter shall return the equipment to the district [~~or school~~] not later than the earliest of:

- (1) five years after the date the student receives the equipment;
- (2) the date the student graduates;
- (3) the date the student transfers to another school district [~~or open enrollment charter school~~]; or
- (4) the date the student withdraws from school.

(b) Subsection (a) does not apply if, at the time the student is required to return the data processing equipment under that subsection, the district [~~or school~~] determines that the equipment has no marketable value.

No equivalent provision.

SECTION \_\_. Section 33.007, Education Code, is amended to read as follows:

Sec. 33.007. COUNSELING REGARDING HIGHER EDUCATION. (a) Each counselor at an elementary, middle, or junior high school, including a public charter district [~~an open enrollment charter school~~] offering

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

those grades, shall advise students and their parents or guardians regarding the importance of higher education, coursework designed to prepare students for higher education, and financial aid availability and requirements.

(b) During the first school year a student is enrolled in a high school or at the high school level in a public charter district [~~an open enrollment charter school~~], and again during a student's senior year, a counselor shall provide information about higher education to the student and the student's parent or guardian. The information must include information regarding:

- (1) the importance of higher education;
- (2) the advantages of completing the recommended or advanced high school program adopted under Section 28.025(a);
- (3) the disadvantages of taking courses to prepare for a high school equivalency examination relative to the benefits of taking courses leading to a high school diploma;
- (4) financial aid eligibility;
- (5) instruction on how to apply for federal financial aid;
- (6) the center for financial aid information established under Section 61.0776;
- (7) the automatic admission of certain students to general academic teaching institutions as provided by Section 51.803; and
- (8) the eligibility and academic performance requirements for the TEXAS Grant as provided by Subchapter M, Chapter 56[, as added by Chapter 1590,

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

~~Acts of the 76th Legislature, Regular Session, 1999].~~

No equivalent provision.

SECTION \_\_. Section 33.901, Education Code, is amended to read as follows:  
Sec. 33.901. BREAKFAST PROGRAMS. If at least 10 percent of the students enrolled in one or more schools in a school district or enrolled in a public charter district campus ~~[an open enrollment charter school]~~ are eligible for free or reduced-price breakfasts under the national school breakfast program provided for by the Child Nutrition Act of 1966 (42 U.S.C. Section 1773), the governing body of the district ~~or the open enrollment charter school]~~ shall participate in the program and make the benefits of the program available to all eligible students in the schools or campus ~~[school]~~.

No equivalent provision.

SECTION \_\_. Subsection (e), Section 37.007, Education Code, is amended to read as follows:  
(e) In accordance with 20 U.S.C. Section 7151, a local educational agency, including a school district, home-rule school district, or public charter district ~~[open enrollment charter school]~~, shall expel a student who brings a firearm, as defined by 18 U.S.C. Section 921, to school. The student must be expelled from the student's regular campus for a period of at least one year, except that:  
(1) the superintendent or other chief administrative officer of the school district or of the other local

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

educational agency, as defined by 20 U.S.C. Section 7801, may modify the length of the expulsion in the case of an individual student;

(2) the district or other local educational agency shall provide educational services to an expelled student in a disciplinary alternative education program as provided by Section 37.008 if the student is younger than 10 years of age on the date of expulsion; and

(3) the district or other local educational agency may provide educational services to an expelled student who is 10 years of age or older in a disciplinary alternative education program as provided in Section 37.008.

No equivalent provision.

SECTION \_\_. Subsection (j), Section 37.008, Education Code, is amended to read as follows:

(j) If a student placed in a disciplinary alternative education program enrolls in another school district before the expiration of the period of placement, the board of trustees of the district requiring the placement shall provide to the district in which the student enrolls, at the same time other records of the student are provided, a copy of the placement order. The district in which the student enrolls shall inform each educator who will have responsibility for, or will be under the direction and supervision of an educator who will have responsibility for, the instruction of the student of the contents of the placement order. Each educator shall keep the information received under this subsection confidential from any person not entitled to the

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

information under this subsection, except that the educator may share the information with the student's parent or guardian as provided for by state or federal law. The district in which the student enrolls may continue the disciplinary alternative education program placement under the terms of the order or may allow the student to attend regular classes without completing the period of placement. A school district may take any action permitted by this subsection if:

(1) the student was placed in a disciplinary alternative education program by a public charter district [~~an open-enrollment charter school~~] under Section 11A.256 [~~12.131~~] and the public charter district [~~school~~] provides to the school district a copy of the placement order; or

(2) the student was placed in a disciplinary alternative education program by a school district in another state and:

(A) the out-of-state district provides to the school district a copy of the placement order; and

(B) the grounds for the placement by the out-of-state district are grounds for placement in the school district in which the student is enrolling.

No equivalent provision.

SECTION \_\_. Subdivision (2), Subsection (a), Section 37.022, Education Code, is amended to read as follows:

(2) "District or school" includes an independent school district, a home-rule school district, a campus or campus program charter holder, or a public charter district [~~an open-enrollment charter school~~].

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

No equivalent provision.

SECTION \_\_. Section 39.051, Education Code, is amended by adding Subsection (h) to read as follows:  
(h) The commissioner by rule shall adopt accountability measures to be used in assessing the progress of students who in the prior year attended an academically unacceptable charter school that was dissolved in accordance with Subchapter J, Chapter 11A. The results of assessment instruments required under this chapter and administered within one year of the student's enrollment in a school district shall not be used as indicators for a campus or school district that the student attends.

No equivalent provision.

SECTION \_\_. Subsection (c), Section 39.072, Education Code, is amended to read as follows:  
(c) The agency shall evaluate against state standards and shall, not later than August 1 of each year, report the performance of each campus in a district and each public charter district [~~open enrollment charter school~~] on the basis of the campus's performance on the indicators adopted under Sections 39.051(b)(1) through (8). Consideration of the effectiveness of district programs under Subsection (b)(2) or (3) must be based on data collected through the Public Education Information Management System for purposes of accountability under this chapter and include the results of assessments required under Section 39.023.

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

No equivalent provision.

SECTION \_\_. Subsections (c) and (d), Section 39.114, Education Code, are amended to read as follows:

(c) A public charter district [~~An open enrollment charter school~~] is entitled to an allotment under this section in the same manner as a school district.

(d) The commissioner shall adopt rules to administer this section, including rules related to the permissible use of funds allocated under this section to a public charter district [~~an open enrollment charter school~~].

No equivalent provision.

SECTION \_\_. Subsection (a), Section 39.131, Education Code, is amended to read as follows:

(a) If a school district does not satisfy the accreditation criteria under Section 39.071, the academic performance standards under Section 39.072, or any financial accountability standard as determined by commissioner rule, the commissioner shall take any of the following actions to the extent the commissioner determines necessary:

(1) issue public notice of the deficiency to the board of trustees;

(2) order a hearing conducted by the board of trustees of the district for the purpose of notifying the public of the unacceptable performance, the improvements in performance expected by the agency, and the sanctions that may be imposed under this section if the performance does not improve;

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

- (3) order the preparation of a student achievement improvement plan that addresses each academic excellence indicator for which the district's performance is unacceptable, the submission of the plan to the commissioner for approval, and implementation of the plan;
- (4) order a hearing to be held before the commissioner or the commissioner's designee at which the president of the board of trustees of the district and the superintendent shall appear and explain the district's low performance, lack of improvement, and plans for improvement;
- (5) arrange an on-site investigation of the district;
- (6) appoint an agency monitor to participate in and report to the agency on the activities of the board of trustees or the superintendent;
- (7) appoint a conservator to oversee the operations of the district;
- (8) appoint a management team to direct the operations of the district in areas of unacceptable performance or require the district to obtain certain services under a contract with another person;
- (9) if a district has a current accreditation status of accredited-warned or accredited-probation, is rated academically unacceptable, or fails to satisfy financial accountability standards as determined by commissioner rule, appoint a board of managers to exercise the powers and duties of the board of trustees;
- (10) if for two consecutive school years, including the current school year, a district has received an accreditation status of accredited-warned or accredited-

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

probation, has been rated academically unacceptable, or has failed to satisfy financial accountability standards as determined by commissioner rule, revoke the district's accreditation and:

(A) order closure of the district and annex the district to one or more adjoining districts under Section 13.054; or  
(B) in the case of a home-rule school district or public charter district [~~open enrollment charter school~~], order closure of all programs operated under the district's [~~or school's~~] charter; or

(11) if a district has been rated academically unacceptable for two consecutive school years, including the current school year, due to the district's dropout rates, impose sanctions designed to improve high school completion rates, including:

- (A) ordering the development of a dropout prevention plan for approval by the commissioner;
- (B) restructuring the district or appropriate school campuses to improve identification of and service to students who are at risk of dropping out of school, as defined by Section 29.081;
- (C) ordering lower student-to-counselor ratios on school campuses with high dropout rates; and
- (D) ordering the use of any other intervention strategy effective in reducing dropout rates, including mentor programs and flexible class scheduling.

No equivalent provision.

SECTION \_\_. Section 39.1321, Education Code, is amended to read as follows:

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Sec. 39.1321. SANCTIONS FOR PUBLIC CHARTER DISTRICTS [~~CHARTER SCHOOLS~~]. (a) Sanctions authorized under this chapter for a school district or campus, including the provision of technical assistance and campus intervention teams, apply in the same manner to a public charter district [~~an open enrollment charter school~~].

(b) The commissioner shall adopt rules to implement procedures to impose any sanction provision under this chapter as those provisions relate to public charter districts [~~open enrollment charter schools~~].

(c) In adopting rules under this section, the commissioner shall require that the charter of a public charter district [~~an open enrollment charter school~~]:

(1) be automatically revoked if the district [~~charter school~~] is ordered closed under this chapter; and

(2) be automatically modified to remove authorization for an individual campus if the campus is ordered closed under this chapter.

(d) If sanctions are imposed on a public charter district [~~an open enrollment charter school~~] under the procedures provided by this chapter, the district [~~a charter school~~] is not entitled to an additional hearing relating to the modification, placement on probation, revocation, or denial of renewal of a charter as provided by Chapter 11A [~~Subchapter D, Chapter 12~~].

No equivalent provision.

SECTION \_\_. Subsection (a), Section 39.182, Education Code, is amended to read as follows:

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(a) Not later than December 1 of each year, the agency shall prepare and deliver to the governor, the lieutenant governor, the speaker of the house of representatives, each member of the legislature, the Legislative Budget Board, and the clerks of the standing committees of the senate and house of representatives with primary jurisdiction over the public school system a comprehensive report covering the preceding school year and containing:

- (1) an evaluation of the achievements of the state educational program in relation to the statutory goals for the public education system under Section 4.002;
- (2) an evaluation of the status of education in the state as reflected by the academic excellence indicators adopted under Section 39.051;
- (3) a summary compilation of overall student performance on academic skills assessment instruments required by Section 39.023 with the number and percentage of students exempted from the administration of those instruments and the basis of the exemptions, aggregated by grade level, subject area, campus, and district, with appropriate interpretations and analysis, and disaggregated by race, ethnicity, gender, and socioeconomic status;
- (4) a summary compilation of overall performance of students placed in a disciplinary alternative education program established under Section 37.008 on academic skills assessment instruments required by Section 39.023 with the number of those students exempted from the administration of those instruments and the basis of the

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

exemptions, aggregated by district, grade level, and subject area, with appropriate interpretations and analysis, and disaggregated by race, ethnicity, gender, and socioeconomic status;

(5) a summary compilation of overall performance of students at risk of dropping out of school, as defined by Section 29.081(d), on academic skills assessment instruments required by Section 39.023 with the number of those students exempted from the administration of those instruments and the basis of the exemptions, aggregated by district, grade level, and subject area, with appropriate interpretations and analysis, and disaggregated by race, ethnicity, gender, and socioeconomic status;

(6) an evaluation of the correlation between student grades and student performance on academic skills assessment instruments required by Section 39.023;

(7) a statement of the dropout rate of students in grade levels 7 through 12, expressed in the aggregate and by grade level, and a statement of the completion rates of students for grade levels 9 through 12;

(8) a statement of:

(A) the completion rate of students who enter grade level 9 and graduate not more than four years later;

(B) the completion rate of students who enter grade level 9 and graduate, including students who require more than four years to graduate;

(C) the completion rate of students who enter grade level 9 and not more than four years later receive a high school equivalency certificate;

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

- (D) the completion rate of students who enter grade level 9 and receive a high school equivalency certificate, including students who require more than four years to receive a certificate; and
- (E) the number and percentage of all students who have not been accounted for under Paragraph (A), (B), (C), or (D);
- (9) a statement of the projected cross-sectional and longitudinal dropout rates for grade levels 9 through 12 for the next five years, assuming no state action is taken to reduce the dropout rate;
- (10) a description of a systematic, measurable plan for reducing the projected cross-sectional and longitudinal dropout rates to five percent or less for the 1997-1998 school year;
- (11) a summary of the information required by Section 29.083 regarding grade level retention of students and information concerning:
  - (A) the number and percentage of students retained; and
  - (B) the performance of retained students on assessment instruments required under Section 39.023(a);
- (12) information, aggregated by district type and disaggregated by race, ethnicity, gender, and socioeconomic status, on:
  - (A) the number of students placed in a disciplinary alternative education program established under Section 37.008;
  - (B) the average length of a student's placement in a disciplinary alternative education program established under Section 37.008;

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

- (C) the academic performance of students on assessment instruments required under Section 39.023(a) during the year preceding and during the year following placement in a disciplinary alternative education program; and
- (D) the dropout rates of students who have been placed in a disciplinary alternative education program established under Section 37.008;
- (13) a list of each school district or campus that does not satisfy performance standards, with an explanation of the actions taken by the commissioner to improve student performance in the district or campus and an evaluation of the results of those actions;
- (14) an evaluation of the status of the curriculum taught in public schools, with recommendations for legislative changes necessary to improve or modify the curriculum required by Section 28.002;
- (15) a description of all funds received by and each activity and expenditure of the agency;
- (16) a summary and analysis of the instructional expenditures ratios and instructional employees ratios of school districts computed under Section 44.0071;
- (17) a summary of the effect of deregulation, including exemptions and waivers granted under Section 7.056 or 39.112;
- (18) a statement of the total number and length of reports that school districts and school district employees must submit to the agency, identifying which reports are required by federal statute or rule, state statute, or agency rule, and a summary of the agency's efforts to reduce overall reporting requirements;

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(19) a list of each school district that is not in compliance with state special education requirements, including:

(A) the period for which the district has not been in compliance;

(B) the manner in which the agency considered the district's failure to comply in determining the district's accreditation status; and

(C) an explanation of the actions taken by the commissioner to ensure compliance and an evaluation of the results of those actions;

(20) a comparison of the performance of public charter districts [~~open enrollment charter schools~~] and school districts on the academic excellence indicators specified in Section 39.051(b) and accountability measures adopted under Section 39.051(g), with a separately aggregated comparison of the performance of public charter districts [~~open enrollment charter schools~~] predominantly serving students at risk of dropping out of school, as defined by Section 29.081(d), with the performance of school districts;

(21) a summary of the information required by Section 38.0141 regarding student health and physical activity from each school district; and

(22) any additional information considered important by the commissioner or the State Board of Education.

No equivalent provision.

SECTION \_\_. Subsections (a), (c), and (e), Section 39.301, Education Code, are amended to read as follows:

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(a) The commissioner by rule shall provide a process for a school district or public charter district [~~open-enrollment charter school~~] to challenge an agency decision made under this chapter relating to an academic or financial accountability rating that affects the district [~~or school~~].

(c) The commissioner may limit a challenge under this section to a written submission of any issue identified by the school district or public charter district [~~open-enrollment charter school~~] challenging the agency decision.

(e) A school district or public charter district [~~open-enrollment charter school~~] may not challenge an agency decision relating to an academic or financial accountability rating under this chapter in another proceeding if the district [~~or school~~] has had an opportunity to challenge the decision under this section.

No equivalent provision.

SECTION \_\_. Subsection (a), Section 39.302, Education Code, is amended to read as follows:

(a) A school district or public charter district [~~open-enrollment charter school~~] that intends to challenge a decision by the commissioner under this chapter to close the district or a district campus [~~or the charter school~~] or to pursue alternative management of a district campus [~~or the charter school~~] must appeal the decision under the procedures provided for a contested case under Chapter 2001, Government Code.

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

No equivalent provision.

SECTION \_\_. Section 46.012, Education Code, is amended to read as follows:

Sec. 46.012. APPLICABILITY TO PUBLIC CHARTER DISTRICTS [~~OPEN ENROLLMENT CHARTER SCHOOLS~~]. A public charter district [~~An open enrollment charter school~~] is not entitled to an allotment under this subchapter.

No equivalent provision.

SECTION \_\_. Section 46.036, Education Code, is amended to read as follows:

Sec. 46.036. APPLICABILITY TO PUBLIC CHARTER DISTRICTS [~~OPEN ENROLLMENT CHARTER SCHOOLS~~]. A public charter district [~~An open enrollment charter school~~] is not entitled to an allotment under this subchapter.

No equivalent provision.

SECTION \_\_. The heading to Section 53.351, Education Code, is amended to read as follows:

Sec. 53.351. BONDS FOR AUTHORIZED [~~OPEN ENROLLMENT~~] CHARTER SCHOOL FACILITIES.

No equivalent provision.

SECTION \_\_. Subsections (a) and (c) through (g), Section 53.351, Education Code, are amended to read as follows:

(a) The Texas Public Finance Authority shall establish a nonprofit corporation to issue revenue bonds on behalf of authorized [~~open enrollment~~] charter schools for the

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

acquisition, construction, repair, or renovation of educational facilities of those schools.

(c) The corporation has all powers granted under the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes) for the purpose of aiding authorized ~~open enrollment~~ charter schools in providing educational facilities. The corporation may make expenditures from the fund described by Subsection (e) and may solicit and accept grants for deposit into the fund. In addition, Sections 53.131, 53.15, 53.31, 53.32, 53.331, 53.34, 53.35, 53.36(a), and 53.37-53.42 apply to and govern the corporation and its procedures and bonds.

(d) The corporation shall adopt rules governing the issuance of bonds on behalf of an authorized ~~open enrollment~~ charter school.

(e) The comptroller shall establish a fund dedicated to the credit enhancement of bonds issued by any issuer that issues bonds under this subchapter on behalf of an authorized charter school ~~[under this section]~~. The fund may receive donations. The obligation of the fund is limited to an amount equal to the balance of the fund.

(f) A revenue bond issued under this section is not a debt of the state or any state agency, political corporation, or political subdivision of the state and is not a pledge of the faith and credit of any of these entities. A revenue bond is payable solely from the revenue of the authorized ~~open enrollment~~ charter school on whose behalf the bond is issued. A revenue bond issued under this section must contain on its face a

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

statement to the effect that:

- (1) neither the state nor a state agency, political corporation, or political subdivision of the state is obligated to pay the principal of or interest on the bond; and
  - (2) neither the faith and credit nor the taxing power of the state or any state agency, political corporation, or political subdivision of the state is pledged to the payment of the principal of or interest on the bond.
- (g) An educational facility financed in whole or in part under this section is exempt from taxation if the facility:
- (1) is owned by an authorized ~~[open-enrollment]~~ charter school;
  - (2) is held for the exclusive benefit of the school; and
  - (3) is held for the exclusive use of the students, faculty, and staff members of the school.

No equivalent provision.

SECTION \_\_. Subsection (c), Section 411.097, Government Code, is amended to read as follows:

(c) A public charter district ~~[An open-enrollment charter school]~~ is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who:

- (1) is a member of the governing body of the public charter district ~~[school]~~, as defined by Section 11A.001 ~~[12.1012]~~, Education Code; or
- (2) has agreed to serve as a member of the governing body of the public charter district ~~[school]~~.

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

SENATE VERSION

SECTION \_\_. Subsections (a) and (b), Section 2175.128, Government Code, are amended to read as follows:

(a) If a disposition of a state agency's surplus or salvage data processing equipment is not made under Section 2175.125 or 2175.184, the state agency shall transfer the equipment to:

- (1) a school district or public charter district [~~open-enrollment charter school~~] in this state under Subchapter C, Chapter 32, Education Code;
- (2) an assistance organization specified by the school district or public charter district; or
- (3) the Texas Department of Criminal Justice.

(b) If a disposition of the surplus or salvage data processing equipment of a state eleemosynary institution or an institution or agency of higher education is not made under other law, the institution or agency shall transfer the equipment to:

- (1) a school district or public charter district [~~open-enrollment charter school~~] in this state under Subchapter C, Chapter 32, Education Code;
- (2) an assistance organization specified by the school district or public charter district; or
- (3) the Texas Department of Criminal Justice.

No equivalent provision.

SECTION \_\_. Subsection (a), Section 2306.630, Government Code, is amended to read as follows:

(a) Subject to Subsection (b), the following entities may apply to receive a grant for an eligible project under this

CONFERENCE

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

subchapter:

- (1) a private, nonprofit, tax-exempt organization listed in Section 501(c)(3), Internal Revenue Code of 1986 (26 U.S.C. Section 501(c)(3));
- (2) a public agency that operates a community-based youth employment training program;
- (3) a community housing development organization certified by the state;
- (4) an educational facility approved by the Texas Youth Commission;
- (5) a corps-based community service organization;
- (6) a public charter district [~~an open enrollment charter school~~] approved by the State Board of Education [~~Texas Education Agency~~]; or
- (7) another entity authorized by board rule.

No equivalent provision.

SECTION \_\_. Subdivision (6), Section 1575.002, Insurance Code, is amended to read as follows:

- (6) "Public school" means:
- (A) a school district;
  - (B) another educational district whose employees are members of the Teacher Retirement System of Texas;
  - (C) a regional education service center established under Chapter 8, Education Code; or
  - (D) a public charter district [~~an open enrollment charter school~~] established under Chapter 11A [~~Subchapter D, Chapter 12~~], Education Code.

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

SENATE VERSION

SECTION \_\_. Subdivision (3), Section 1579.002, Insurance Code, is amended to read as follows:

(3) "Charter school" means a public charter district [~~an open enrollment charter school~~] established under Chapter 11A [~~Subchapter D, Chapter 12~~], Education Code.

CONFERENCE

No equivalent provision.

SECTION \_\_. Section 140.005, Local Government Code, is amended to read as follows:

Sec. 140.005. ANNUAL FINANCIAL STATEMENT OF SCHOOL, ROAD, OR OTHER DISTRICT. The governing body of a school district, public charter district [~~open enrollment charter school~~], junior college district, or a district or authority organized under Article III, Section 52, or Article XVI, Section 59, of the Texas Constitution, shall prepare an annual financial statement showing for each fund subject to the authority of the governing body during the fiscal year:

- (1) the total receipts of the fund, itemized by source of revenue, including taxes, assessments, service charges, grants of state money, gifts, or other general sources from which funds are derived;
- (2) the total disbursements of the fund, itemized by the nature of the expenditure; and
- (3) the balance in the fund at the close of the fiscal year.

No equivalent provision.

SECTION \_\_. Subsection (c), Section 140.006, Local Government Code, is amended to read as follows:

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(c) The presiding officer of a school district shall submit a financial statement prepared under Section 140.005 to a daily, weekly, or biweekly newspaper published within the boundaries of the district. If a daily, weekly, or biweekly newspaper is not published within the boundaries of the school district, the financial statement shall be published in the manner provided by Subsections (a) and (b). The financial statement of a public charter district [~~an open enrollment charter school~~] shall be made available in the manner provided by Chapter 552, Government Code.

No equivalent provision.

SECTION \_\_. Subdivision (2), Section 375.303, Local Government Code, is amended to read as follows:  
(2) "Eligible project" means a program authorized by Section 379A.051 and a project as defined by Sections 2(11) and 4B(a)(2), Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes). Notwithstanding this definition, seeking a charter for or operating a public charter district [~~an open enrollment charter school~~] authorized by Chapter 11A [~~Subchapter D, Chapter 12~~], Education Code, is [~~shall~~] not [~~be~~] an eligible project.

No equivalent provision.

SECTION \_\_. Subsections (b) and (c), Section 375.308, Local Government Code, are amended to read as follows:  
(b) An authority may not:

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

- (1) issue bonds or notes without the prior approval of the governing body of the municipality that created the authority;
- (2) seek a charter for or operate, within the boundaries of the authority, a public charter district [~~an open-enrollment charter school~~] authorized by Chapter 11A [~~Subchapter D, Chapter 12~~], Education Code; or
- (3) levy ad valorem property taxes.
- (c) A municipality may not seek a charter for or operate a public charter district [~~an open-enrollment charter school~~] authorized by Chapter 11A [~~Subchapter D, Chapter 12~~], Education Code, within the boundaries of the authority.

No equivalent provision.

SECTION \_\_. Subdivision (15), Section 541.201, Transportation Code, is amended to read as follows:  
(15) "School activity bus" means a bus designed to accommodate more than 15 passengers, including the operator, that is owned, operated, rented, or leased by a school district, county school, public charter district [~~open-enrollment charter school~~], regional education service center, or shared services arrangement and that is used to transport public school students on a school-related activity trip, other than on routes to and from school. The term does not include a chartered bus, a bus operated by a mass transit authority, or a school bus.

No equivalent provision.

SECTION \_\_. Subdivision (9), Section 57.042, Utilities

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Code, is amended to read as follows:

(9) "Public school" means a public elementary or secondary school, including a public charter district [~~an open enrollment charter school~~], a home-rule school district school, and a school with a campus or campus program charter.

No equivalent provision.

SECTION \_\_. Subdivision (2), Section 4, Chapter 22, Acts of the 57th Legislature, 3rd Called Session, 1962 (Article 6228a-5, Vernon's Texas Civil Statutes), is amended to read as follows:

(2) "Educational institution" means a school district or a public charter district [~~an open enrollment charter school~~].

No equivalent provision.

SECTION \_\_. Section 40, Chapter 1504, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

Sec. 40. (a) A public charter district that was [~~The change in law made by Sections 12.106 and 12.107, Education Code, as amended by this Act, applies beginning with the 2001-2002 school year, except as provided by this section.~~

~~](b) An open enrollment charter school]~~ operating as an open-enrollment charter school on September 1, 2001, is funded as follows:

(1) [~~for the 2001-2002 and 2002-2003 school years, the school receives funding according to the law in effect on~~

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

August 31, 2001;

~~[(2) for the 2003-2004 school year, the school receives 90 percent of its funding according to the law in effect on August 31, 2001, and 10 percent of its funding according to the change in law made by Sections 12.106 and 12.107, Education Code, as amended by this Act;~~

~~[(3) for the 2004-2005 school year, the school receives 80 percent of its funding according to the law in effect on August 31, 2001, and 20 percent of its funding according to the change in law made by Sections 12.106 and 12.107, Education Code, as amended by this Act;~~

~~[(4) for the 2005-2006 school year, the school receives 70 percent of its funding according to the law in effect on August 31, 2001, and 30 percent of its funding according to the change in law made by Sections 12.106 and 12.107, Education Code, as amended by this Act;~~

~~[(5) for the 2006-2007 school year, the school receives 60 percent of its funding according to the law in effect on August 31, 2001, and 40 percent of its funding according to the change in law made by Sections 12.106 and 12.107, Education Code, as amended by this Act;~~

~~[(6) for the 2007-2008 school year, the school receives 50 percent of its funding according to the law in effect on August 31, 2001, and 50 percent of its funding according to the change in law made by Sections 11A.201 and 11A.203 ~~[12.106 and 12.107]~~, Education Code, as added by S.B. No. 4, Acts of the 80th Legislature, Regular Session, 2007 ~~[amended by this Act]~~;~~

(2) ~~[(7)]~~ for the 2008-2009 school year, the school receives 40 percent of its funding according to the law in

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

effect on August 31, 2001, and 60 percent of its funding according to the change in law made by Sections 11A.201 and 11A.203 [12.106 and 12.107], Education Code, as added by S.B. No. 4, Acts of the 80th Legislature, Regular Session, 2007 [~~amended by this Act~~];

(3) [(8)] for the 2009-2010 school year, the school receives 30 percent of its funding according to the law in effect on August 31, 2001, and 70 percent of its funding according to the change in law made by Sections 11A.201 and 11A.203 [12.106 and 12.107], Education Code, as added by S.B. No. 4, Acts of the 80th Legislature, Regular Session, 2007 [~~amended by this Act~~];

(4) [(9)] for the 2010-2011 school year, the school receives 20 percent of its funding according to the law in effect on August 31, 2001, and 80 percent of its funding according to the change in law made by Sections 11A.201 and 11A.203 [12.106 and 12.107], Education Code, as added by S.B. No. 4, Acts of the 80th Legislature, Regular Session, 2007 [~~amended by this Act~~];

(5) [(10)] for the 2011-2012 school year, the school receives 10 percent of its funding according to the law in effect on August 31, 2001, and 90 percent of its funding according to the change in law made by Sections 11A.201 and 11A.203 [12.106 and 12.107], Education Code, as added by S.B. No. 4, Acts of the 80th Legislature, Regular Session, 2007 [~~amended by this Act~~]; and

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(6) [(11)] for the 2012-2013 school year and subsequent school years, the school receives 100 percent of its funding according to the change in law made by Sections 11A.201 and 11A.203 [12.106 and 12.107], Education Code, as added by S.B. No. 4, Acts of the 80th Legislature, Regular Session, 2007 [~~amended by this Act~~].

(b) [(e)] The commissioner of education may adopt rules as necessary to implement this section.

No equivalent provision.

SECTION \_\_. Section 12.106, Education Code, is repealed.

No equivalent provision.

SECTION \_\_. Notwithstanding the repeal of Sections 12.107 and 12.128, Education Code, by this Act, those sections continue to apply to state funds and property received or purchased by an open-enrollment charter school before August 1, 2008.

No equivalent provision.

SECTION \_\_. The following changes in law made by this Act apply beginning August 1, 2008:  
(1) the changes made by amending Sections 5.001, 7.003, 7.010(b) and (d), 7.028(b), 7.055(b)(17), 7.102(c)(9), 11.003(e), 12.002, 12.151, 12.152, 12.156, 21.058(b) and (c), 21.652(b), 21.702(c), 22.083(b) and (c), 22.084, 22.101(3), 25.088, 25.089(a), 25.090(b), 25.093(d) and (e), 25.095(a) and (b), 25.0951(a) and (b),

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

26.0085(a), (c), (d), and (e), 28.0211(j), 29.010(f), 29.012(a) and (c), 29.062(c), (d), and (e), 29.087(a), (b), (b-1), (c), (e), (k), and (l), 29.155(a) through (d), (i), and (j), 29.905(b), 32.102 through 32.106, 33.007, 33.901, 37.007(e), 37.008(j), 37.022(a)(2), 39.072(c), 39.114(c) and (d), 39.131(a), 39.1321, 39.182(a), 39.301(a), (c), and (e), 39.302(a), 46.012, 46.036, and 53.351, Education Code;

(2) the changes made by amending Sections 411.097(c), 2175.128(a) and (b), and 2306.630(a), Government Code;

(3) the changes made by amending Sections 1575.002(6) and 1579.002(3), Insurance Code;

(4) the changes made by amending Sections 140.005, 140.006(c), 375.303(2), and 375.308(b) and (c), Local Government Code;

(5) the changes made by amending Section 541.201(15), Transportation Code;

(6) the changes made by amending Section 57.042(9), Utilities Code;

(7) the changes made by amending Subdivision (2), Section 4, Chapter 22, Acts of the 57th Legislature, 3rd Called Session, 1962 (Article 6228a-5, Vernon's Texas Civil Statutes); and

(8) the changes made by adding Sections 12.157, 32.1011, and 39.051(h), Education Code.

No equivalent provision.

SECTION \_\_. Subtitle G, Title 3, Occupations Code, is amended by adding Chapter 403 to read as follows:

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

CHAPTER 403. BASIC DYSLEXIA  
PRACTITIONERS AND ADVANCED DYSLEXIA  
THERAPISTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 403.001. DEFINITIONS. In this chapter:

- (1) "Commissioner" means the commissioner of state health services.
- (2) "Department" means the Department of State Health Services.
- (3) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.
- (4) "License holder" means a person who holds a license issued under this chapter.
- (5) "Multisensory structured language education" means a program for the treatment of individuals with dyslexia and related disorders that:
  - (A) includes instruction in:
    - (i) phonology and phonological awareness;
    - (ii) sound and symbol association;
    - (iii) syllables;
    - (iv) morphology;
    - (v) syntax; and
    - (vi) semantics; and
  - (B) is taught with the principles of:
    - (i) simultaneous multisensory instruction, including visual-auditory-kinesthetic-tactile instruction;
    - (ii) systematic and cumulative instruction;
    - (iii) explicit instruction;
    - (iv) diagnostic teaching to automaticity; and

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(v) synthetic and analytic instruction.  
Sec. 403.002. ADMINISTRATION BY DEPARTMENT OF STATE HEALTH SERVICES.  
The department shall administer this chapter.  
Sec. 403.003. APPLICABILITY. This chapter does not:  
(1) require a school district to employ a person licensed under this chapter; or  
(2) authorize a person who is not licensed under Chapter 401 to practice audiology or speech-language pathology.  
[Sections 403.004-403.050 reserved for expansion]  
SUBCHAPTER B. POWERS AND DUTIES  
Sec. 403.051. ADVISORY COMMITTEE. The department shall appoint an advisory committee to advise the department in administering this chapter.  
Sec. 403.052. RULES. The executive commissioner shall adopt rules necessary to administer and enforce this chapter, including rules that establish standards of ethical practice.  
[Sections 403.053-403.100 reserved for expansion]  
SUBCHAPTER C. LICENSE REQUIREMENTS  
Sec. 403.101. LICENSE REQUIRED. A person may not use the title "basic dyslexia practitioner" or "advanced dyslexia therapist" in this state unless the person holds the appropriate license under this chapter.  
Sec. 403.102. ISSUANCE OF LICENSE. The department shall issue a basic dyslexia practitioner or advanced dyslexia therapist license to an applicant who meets the requirements of this chapter.  
Sec. 403.103. LICENSE APPLICATION. (a) A license applicant must apply to the department on a form and in

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

the manner the department prescribes.

(b) The application must be accompanied by a nonrefundable application fee.

Sec. 403.104. ELIGIBILITY FOR BASIC DYSLEXIA PRACTITIONER LICENSE. (a) To be eligible for a basic dyslexia practitioner license, an applicant must have:

(1) earned a bachelor's degree from an accredited public or private institution of higher education;

(2) successfully completed at least 45 hours of course work in multisensory structured language education from a training program that meets the requirements of Section 403.106;

(3) completed at least 90 hours of practice of supervised clinical experience in multisensory structured language education; and

(4) completed at least five observations of the practice of multisensory structured language education, each followed by a conference and a written report and observed by an instructor from a training program that meets the requirements of Section 403.106.

(b) Clinical experience required under Subsection (a)(3) must be obtained under:

(1) the supervision of a training program that meets the requirements of Section 403.106; and

(2) guidelines approved by the department.

Sec. 403.105. ELIGIBILITY FOR ADVANCED DYSLEXIA THERAPIST LICENSE. (a) To be eligible for an advanced dyslexia therapist license, an applicant must have:

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

- (1) earned at least a master's degree from an accredited public or private institution of higher education;
  - (2) successfully completed at least 200 hours of course work in multisensory structured language education from a training program that meets the requirements of Section 403.106;
  - (3) completed at least 700 hours of practice of supervised clinical experience in multisensory structured language education; and
  - (4) completed at least 10 observations of the practice of multisensory structured language education, each followed by a conference and a written report and observed by an instructor from a training program that meets the requirements of Section 403.106.
- (b) Clinical experience required under Subsection (a)(3) must be obtained under:
- (1) the supervision of a person holding an advanced dyslexia therapist license; and
  - (2) guidelines approved by the department.
- Sec. 403.106. REQUIREMENTS FOR TRAINING PROGRAMS. (a) For purposes of determining whether an applicant satisfies the training requirements for a license under this chapter, a multisensory structured language education training program completed by the applicant must:
- (1) be accredited by a nationally recognized accrediting organization;
  - (2) provide instruction in each element of multisensory structured language education;
  - (3) provide instruction based on the Texas Education

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Agency publication The Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders (2001);

(4) be committed to self-study;

(5) have been reviewed by dyslexia education professionals who are not affiliated with the training program; and

(6) develop and follow procedures to maintain and improve the quality of training provided by the program.

(b) The department, in consultation with the advisory committee, shall determine whether a training program meets the requirements of Subsection (a).

Sec. 403.107. EXAMINATION; RULES. (a) To obtain a license, an applicant must:

(1) pass an examination approved by the department; and

(2) pay fees set by the executive commissioner.

(b) The department shall, in consultation with the advisory committee:

(1) administer an examination at least twice each year;

(2) determine standards for acceptable performance on the examination; and

(3) maintain a record of all examination scores for at least two years after the date of examination.

(c) In consultation with the advisory committee, the executive commissioner by rule may:

(1) establish procedures for the administration of the examination; and

(2) require a written examination.

Sec. 403.108. REEXAMINATION. (a) A person who

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

fails the examination may take a later examination on payment of a nonrefundable fee for the examination.

(b) An applicant who fails two examinations may not be reexamined until the person:

(1) submits a new application accompanied by a nonrefundable application fee; and

(2) presents evidence acceptable to the department of additional study in the area for which a license is sought.

Sec. 403.109. WAIVER OF EXAMINATION REQUIREMENT. The department, in consultation with the advisory committee, may waive the examination requirement and issue a license to an applicant who holds an appropriate certificate or other accreditation from a national organization recognized by the department.

Sec. 403.110. PROVISIONAL LICENSE. (a) The department, in consultation with the advisory committee, may issue a provisional license to an applicant currently licensed in another jurisdiction who seeks a license in this state and who:

(1) has been licensed in good standing as a basic dyslexia practitioner or an advanced dyslexia therapist for at least two years in another jurisdiction, including a foreign country, that has licensing requirements substantially equivalent to the requirements of this chapter;

(2) has passed a national or other examination recognized by the department relating to the practice of multisensory structured language education; and

(3) is sponsored by a person licensed by the department under this chapter with whom the provisional license

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

holder will practice during the time the person holds a provisional license.

(b) The department may waive the requirement of Subsection (a)(3) for an applicant if the department determines that compliance with that subsection would be a hardship to the applicant.

(c) A provisional license is valid until the date the department approves or denies the provisional license holder's application for a license.

(d) The department shall issue a license under this chapter to the provisional license holder if:

(1) the provisional license holder passes the part of the examination under Section 403.107 that relates to the applicant's knowledge and understanding of the laws and rules relating to the practice of multisensory structured language education in this state;

(2) the department verifies that the provisional license holder meets the academic and experience requirements for a license under this chapter; and

(3) the provisional license holder satisfies any other licensing requirements under this chapter.

(e) The department must approve or deny a provisional license holder's application for a license not later than the 180th day after the date the provisional license is issued. The department may extend the 180-day period if the results of an examination have not been received by the department before the end of that period.

Sec. 403.111. TEMPORARY LICENSE; RULES. The executive commissioner by rule may provide for the issuance of a temporary license.

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Sec. 403.112. INACTIVE STATUS; RULES. (a) The executive commissioner by rule may provide for a license holder to be placed on inactive status.

(b) Rules adopted under this section must include a time limit for a license holder to remain on inactive status.

[Sections 403.113-403.150 reserved for expansion]

SUBCHAPTER D. PRACTICE BY LICENSE HOLDER

Sec. 403.151. PRACTICE SETTING. (a) A basic dyslexia practitioner may practice only in a supervised educational setting, including a school, learning center, or clinic.

(b) An advanced dyslexia therapist may practice in a school, clinic, or private practice setting.

Sec. 403.152. CONTINUING EDUCATION. (a) A license holder may not renew the person's license unless the person meets the continuing education requirements established by the executive commissioner.

(b) The executive commissioner, in consultation with the advisory committee, shall establish the continuing education requirements in a manner that allows a license holder to comply without an extended absence from the license holder's county of residence.

(c) The department shall:

(1) provide to a license applicant, with the application form on which the person is to apply for a license, information describing the continuing education requirements; and

(2) notify each license holder of any change in the continuing education requirements at least one year

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

before the date the change takes effect.  
[Sections 403.153-403.200 reserved for expansion]  
SUBCHAPTER E. LICENSE DENIAL; COMPLAINT  
AND DISCIPLINARY PROCEDURES  
Sec. 403.201. COMPLAINTS. Any person may file a  
complaint with the department alleging a violation of this  
chapter or a rule adopted under this chapter.  
Sec. 403.202. PROHIBITED ACTIONS. A license  
holder may not:  
(1) obtain a license by means of fraud,  
misrepresentation, or concealment of a material fact;  
(2) sell, barter, or offer to sell or barter a license; or  
(3) engage in unprofessional conduct that endangers or  
is likely to endanger the health, welfare, or safety of the  
public as defined by executive commissioner rule.  
Sec. 403.203. GROUNDS FOR DISCIPLINARY  
ACTION. If a license holder violates this chapter or a  
rule or code of ethics adopted by the executive  
commissioner, the department shall:  
(1) revoke or suspend the license;  
(2) place on probation the person if the person's license  
has been suspended;  
(3) reprimand the license holder; or  
(4) refuse to renew the license.  
Sec. 403.204. LICENSE DENIAL, REVOCATION, OR  
SUSPENSION FOR CRIMINAL CONVICTION. (a)  
The department may deny a license or may suspend or  
revoke a license if the applicant or license holder has  
been convicted of a misdemeanor involving moral  
turpitude or a felony. The department may take action

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

authorized by this section when:

(1) the time for appeal of the person's conviction has elapsed;

(2) the judgment or conviction has been affirmed on appeal; or

(3) an order granting probation is made suspending the imposition of the person's sentence, without regard to whether a subsequent order:

(A) allows withdrawal of a plea of guilty;

(B) sets aside a verdict of guilty; or

(C) dismisses an information or indictment.

(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is a conviction for purposes of this section.

Sec. 403.205. HEARING. (a) If the department proposes to revoke, suspend, or refuse to renew a person's license, the person is entitled to a hearing before a hearings officer appointed by the State Office of Administrative Hearings.

(b) The executive commissioner shall prescribe procedures for appealing to the commissioner a decision to revoke, suspend, or refuse to renew a license.

Sec. 403.206. ADMINISTRATIVE PROCEDURE. A proceeding under this subchapter to suspend, revoke, or refuse to renew a license is governed by Chapter 2001, Government Code.

Sec. 403.207. SANCTIONS. (a) The executive commissioner by rule shall adopt a broad schedule of sanctions for a violation of this chapter.

(b) The State Office of Administrative Hearings shall

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

use the schedule of sanctions for a sanction imposed as the result of a hearing conducted by that office.

Sec. 403.208. PROBATION. The department may require a person whose license suspension is probated to:

(1) report regularly to the department on matters that are the basis of the probation;

(2) limit practice to areas prescribed by the department;  
or

(3) continue the person's professional education until the license holder attains a degree of skill satisfactory to the department in those areas that are the basis of the probation.

Sec. 403.209. MONITORING OF LICENSE HOLDER.

(a) The executive commissioner by rule shall develop a system for monitoring a license holder's compliance with the requirements of this chapter.

(b) Rules adopted under this section must include procedures to:

(1) monitor for compliance a license holder who is ordered by the department to perform certain acts; and

(2) identify and monitor license holders who represent a risk to the public.

Sec. 403.210. INFORMAL PROCEDURES. (a) The executive commissioner by rule shall adopt procedures governing:

(1) informal disposition of a contested case under Section 2001.056, Government Code; and

(2) an informal proceeding held in compliance with Section 2001.054, Government Code.

(b) Rules adopted under Subsection (a) must:

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(1) provide the complainant and the license holder an opportunity to be heard; and

(2) require the presence of a representative of the attorney general or the department's legal counsel to advise the department or the department's employees.

Sec. 403.211. REFUND. (a) Subject to Subsection (b), the department may order a license holder to pay a refund to a consumer as provided in an agreement resulting from an informal settlement conference instead of or in addition to imposing an administrative penalty under this chapter.

(b) The amount of a refund ordered as provided in an agreement resulting from an informal settlement conference may not exceed the amount the consumer paid to the license holder for a service regulated by this chapter. The department may not require payment of other damages or estimate harm in a refund order.

Sec. 403.212. REINSTATEMENT. (a) A person may apply for reinstatement of a revoked license on or after the first anniversary of the date of revocation.

(b) The department may:

(1) accept or reject the application; and

(2) require an examination as a condition for reinstatement of the license.

Sec. 403.213. REPRIMAND; CONTINUING EDUCATION. (a) In addition to other disciplinary action authorized by this subchapter, the department may:

(1) issue a written reprimand to a license holder who violates this chapter; or

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(2) require that a license holder who violates this chapter attend continuing education programs.

(b) The department, in consultation with the advisory committee, may specify the number of hours of continuing education that must be completed by a license holder to fulfill the requirement of Subsection (a)(2).

Sec. 403.214. EMERGENCY SUSPENSION. (a) The department shall temporarily suspend the license of a license holder if the department determines from the evidence or information presented to it that continued practice by the license holder would constitute a continuing and imminent threat to the public welfare.

(b) A license may be suspended under this section without notice or hearing on the complaint if:

(1) action is taken to initiate proceedings for a hearing before the State Office of Administrative Hearings simultaneously with the temporary suspension; and

(2) a hearing is held as soon as practicable under this chapter and Chapter 2001, Government Code.

(c) The State Office of Administrative Hearings shall hold a preliminary hearing not later than the 14th day after the date of the temporary suspension to determine if there is probable cause to believe that a continuing and imminent threat to the public welfare still exists. A final hearing on the matter shall be held not later than the 61st day after the date of the temporary suspension.

[Sections 403.215-403.250 reserved for expansion]

SUBCHAPTER F. ADMINISTRATIVE PENALTY

Sec. 403.251. IMPOSITION OF ADMINISTRATIVE PENALTY. The department may impose an

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

administrative penalty on a person licensed under this chapter who violates this chapter or a rule or order adopted under this chapter.

Sec. 403.252. AMOUNT OF ADMINISTRATIVE PENALTY. (a) The amount of the administrative penalty may not be more than \$5,000 for each violation. Each day a violation continues or occurs is a separate violation for the purpose of imposing a penalty.

(b) The amount shall be based on:

- (1) the seriousness of the violation, including the nature, circumstances, extent, and gravity of the violation;
- (2) the economic harm caused by the violation;
- (3) the history of previous violations;
- (4) the amount necessary to deter a future violation;
- (5) efforts to correct the violation; and
- (6) any other matter that justice may require.

(c) The executive commissioner by rule shall adopt an administrative penalty schedule based on the criteria listed in Subsection (b) for violations of this chapter or applicable rules to ensure that the amounts of penalties imposed are appropriate to the violation. The executive commissioner shall provide the administrative penalty schedule to the public on request.

Sec. 403.253. REPORT AND NOTICE OF VIOLATION AND PENALTY. (a) If the commissioner or the commissioner's designee determines that a violation occurred, the commissioner or the designee may issue to the department a report stating:

- (1) the facts on which the determination is based; and
- (2) the commissioner's or the designee's

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

recommendation on the imposition of an administrative penalty, including a recommendation on the amount of the penalty.

(b) Within 14 days after the date the report is issued, the commissioner or the commissioner's designee shall give written notice of the report to the person. The notice must:

(1) include a brief summary of the alleged violation;

(2) state the amount of the recommended administrative penalty; and

(3) inform the person of the person's right to a hearing on the occurrence of the violation, the amount of the penalty, or both.

Sec. 403.254. PENALTY TO BE PAID OR HEARING REQUESTED. (a) Within 10 days after the date the person receives the notice, the person in writing may:

(1) accept the determination and recommended administrative penalty of the commissioner or the commissioner's designee; or

(2) make a request for a hearing on the occurrence of the violation, the amount of the penalty, or both.

(b) If the person accepts the determination and recommended penalty of the commissioner or the commissioner's designee, the commissioner by order shall approve the determination and impose the recommended penalty.

Sec. 403.255. HEARING. (a) If the person requests a hearing or fails to respond in a timely manner to the notice, the commissioner or the commissioner's designee shall set a hearing and give written notice of the hearing

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

to the person.

(b) An administrative law judge of the State Office of Administrative Hearings shall hold the hearing.

(c) The administrative law judge shall make findings of fact and conclusions of law and promptly issue to the commissioner a proposal for a decision about the occurrence of the violation and the amount of a proposed administrative penalty.

Sec. 403.256. DECISION BY COMMISSIONER. (a) Based on the findings of fact, conclusions of law, and proposal for decision, the commissioner by order may determine that:

(1) a violation occurred and impose an administrative penalty; or

(2) a violation did not occur.

(b) The notice of the commissioner's order given to the person must include a statement of the right of the person to judicial review of the order.

Sec. 403.257. OPTIONS FOLLOWING DECISION: PAY OR APPEAL. (a) Within 30 days after the date the commissioner's order becomes final, the person shall:

(1) pay the administrative penalty; or

(2) file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both.

(b) Within the 30-day period prescribed by Subsection (a), a person who files a petition for judicial review may:

(1) stay enforcement of the penalty by:

(A) paying the penalty to the court for placement in an escrow account; or

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(B) giving the court a supersedeas bond approved by the court that:

(i) is for the amount of the penalty; and

(ii) is effective until all judicial review of the commissioner's order is final; or

(2) request the court to stay enforcement of the penalty by:

(A) filing with the court a sworn affidavit of the person stating that the person is financially unable to pay the penalty and is financially unable to give the supersedeas bond; and

(B) giving a copy of the affidavit to the commissioner or the commissioner's designee by certified mail.

(c) If the commissioner or the commissioner's designee receives a copy of an affidavit under Subsection (b)(2), the commissioner or the designee may file with the court, within five days after the date the copy is received, a contest to the affidavit.

(d) The court shall hold a hearing on the facts alleged in the affidavit as soon as practicable and shall stay the enforcement of the penalty on finding that the alleged facts are true. The person who files an affidavit has the burden of proving that the person is financially unable to pay the penalty and to give a supersedeas bond.

Sec. 403.258. COLLECTION OF PENALTY. (a) If the person does not pay the administrative penalty and the enforcement of the penalty is not stayed, the penalty may be collected.

(b) The attorney general may sue to collect the penalty.

Sec. 403.259. DETERMINATION BY COURT. (a) If

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

the court sustains the determination that a violation occurred, the court may uphold or reduce the amount of the administrative penalty and order the person to pay the full or reduced amount of the penalty.

(b) If the court does not sustain the finding that a violation occurred, the court shall order that a penalty is not owed.

Sec. 403.260. REMITTANCE OF PENALTY AND INTEREST. (a) If the person paid the administrative penalty and if the amount of the penalty is reduced or the penalty is not upheld by the court, the court shall order, when the court's judgment becomes final, that the appropriate amount plus accrued interest be remitted to the person.

(b) The interest accrues at the rate charged on loans to depository institutions by the New York Federal Reserve Bank.

(c) The interest shall be paid for the period beginning on the date the penalty is paid and ending on the date the penalty is remitted.

(d) If the person gave a supersedeas bond and the penalty is not upheld by the court, the court shall order, when the court's judgment becomes final, the release of the bond.

(e) If the person gave a supersedeas bond and the amount of the penalty is reduced, the court shall order the release of the bond after the person pays the reduced amount.

Sec. 403.261. ADMINISTRATIVE PROCEDURE. A proceeding under this subchapter is a contested case

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

under Chapter 2001, Government Code.  
[Sections 403.262-403.300 reserved for expansion]  
SUBCHAPTER G. PENALTIES AND OTHER ENFORCEMENT PROCEDURES  
Sec. 403.301. INJUNCTION. (a) The department may request the attorney general or the appropriate county or district attorney to commence an action to enjoin a violation of this chapter.  
(b) The remedy provided by this section is in addition to any other action authorized by law.  
Sec. 403.302. CIVIL PENALTY. (a) A person who violates this chapter, a rule adopted by the executive commissioner, or an order adopted by the commissioner under this chapter is liable for a civil penalty not to exceed \$5,000 a day.  
(b) At the request of the department, the attorney general shall bring an action to recover a civil penalty authorized under this section.  
Sec. 403.303. CRIMINAL PENALTY. (a) A person commits an offense if the person violates Section 403.101.  
(b) An offense under this section is a Class B misdemeanor.  
Sec. 403.304. CEASE AND DESIST ORDER. (a) If it appears to the commissioner that a person who is not licensed under this chapter is violating this chapter or a rule adopted under this chapter, the commissioner after notice and an opportunity for a hearing may issue a cease and desist order prohibiting the person from engaging in the activity.

**House Bill 2237**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(b) A violation of an order under this section constitutes grounds for imposing an administrative penalty under this chapter.

No equivalent provision.

SECTION \_\_. The heading to Subtitle G, Title 3, Occupations Code, is amended to read as follows:  
SUBTITLE G. PROFESSIONS RELATED TO HEARING, ~~[AND]~~ SPEECH, AND DYSLEXIA

SECTION 17. This Act applies beginning with the 2007-2008 school year.

SECTION 14. This Act applies beginning with the 2007-2008 school year. This section does not apply to Chapter 403, Occupations Code, as added by this Act.

SECTION 18. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

SECTION \_\_. (a) Except as provided by Subsections (b) and (c) of this section, this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

(b) Except as provided by Subsection (c) of this section, the changes in law made by this Act to Subtitle G, Title 3, Occupations Code, take effect September 1, 2007.

(c) Section 403.101 and Subchapters E, F, and G, Chapter 403, Occupations Code, as added by this Act, take effect February 1, 2008.

