

Amend SB 738 (house committee report) as follows:

(1) Insert into the bill the following appropriately numbered SECTIONS and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter C, Chapter 12, Education Code, is amended by adding Section 12.0522 to read as follows:

Sec. 12.0522. AUTHORIZATION FOR CAMPUS IDENTIFIED AS UNACCEPTABLE. (a) This section applies only to a school district campus that:

(1) has been identified as unacceptable under Section 39.054 for two consecutive school years or is located in a school district that has been identified as unacceptable under Section 39.054 for two consecutive school years; and

(2) is located in a county that:

(A) has a population of one million or more; or

(B) is contiguous to a county that has a population of one million or more.

(b) Notwithstanding Section 12.052, in accordance with this subchapter, the board of trustees of a school district shall, with the approval of the commissioner, grant a charter for a campus to an entity that is a charter holder under Subchapter D or E and is eligible under Subsection (c), if the board is presented with a petition signed by the parents of a majority of the students at the campus. Such an entity granted a charter for a campus under this subsection has the same authority over the operations of the campus for which the charter is granted as a charter holder has under Subchapter D or E, as applicable. For purposes of this subsection, the signature of only one parent of a student is required.

(c) An entity that holds a charter under Subchapter D or E is eligible under this section to be granted a charter for a campus if:

(1) the charter holder:

(A) is evaluated for purposes of Chapter 39 under the agency's standard accountability procedures;

(B) has an accreditation status of accredited under Subchapter C, Chapter 39; and

(C) has been assigned an acceptable performance rating as provided by Subchapter C, Chapter 39, for each of the

preceding three school years;

(2) either no campus operating under the charter has been assigned an unacceptable performance rating as provided by Subchapter C, Chapter 39, for any of the three preceding school years or such a campus has been closed;

(3) the charter holder has been assigned a financial accountability rating under Subchapter D, Chapter 39, indicating financial performance that is satisfactory or better;

(4) the charter holder meets generally accepted accounting standards; and

(5) at least 30 percent of students enrolled in charter schools operating under the charter met commended performance standards or equivalent or higher standards as determined by the commissioner on reading and mathematics assessment instruments under Chapter 39 during the preceding two school years.

(c-1) This subsection expires January 1, 2015. For purposes of Subsection (c):

(1) a charter holder or charter school rated as academically acceptable or higher under Subchapter D or E, Chapter 39, as that subchapter existed January 1, 2009, for the 2008-2009, 2009-2010, or 2010-2011 school year is considered to have been assigned an acceptable performance rating for the applicable school year; and

(2) a charter school rated as academically unacceptable under Subchapter D or E, Chapter 39, as that subchapter existed January 1, 2009, for the 2008-2009, 2009-2010, or 2010-2011 school year is considered to have been assigned an unacceptable performance rating for the applicable school year.

(d) If the commissioner is presented with a petition that has at least 30 percent of the total number of signatures required under Subsection (b), the school district in which the campus is located shall provide contact information for all parents of students enrolled at the campus in a manner available to those persons.

(e) A committee shall be appointed by the commissioner to advise and make recommendations concerning granting a charter under

this section to the board of trustees of a school district that is presented with a petition described by Subsection (b). The committee must be:

(1) appointed by the commissioner from a list of nominees recommended by the board of trustees and the parents of students enrolled at the campus; and

(2) composed of district teachers, including teachers at the campus for which the petition is submitted, other district personnel, campus parents, and local business and community members.

(f) In addition to satisfying requirements under Section 12.059, a charter granted under this section must describe the respective responsibilities of the school district granting the charter and charter holder concerning funding, operation and maintenance of facilities, transportation, personnel, instructional materials, and other matters as determined by the board of trustees of the district and the charter holder. A charter under this section must be for a term of at least three years. Agreements between the district and the charter holder shall not limit a charter holder's ability to make decisions in the best interest of students attending the campus. District shall renew or modify contract with charter holder exclusively based on the best interest of the students attending the campus.

(g) The amount of operations and maintenance funding provided each year to a campus granted a charter under this section must equal the product of the total amount of operations and maintenance funding for that school year for the school district in which the campus is located, multiplied by the quotient of the campus weighted average daily attendance divided by the total district weighted average daily attendance. The charter may purchase services from the school district at an agreed price that does not exceed the actual cost to the district to provide those services.

(h) A dispute arising under this section may not be appealed to the commissioner under Section 7.057 or any other provision. If a person files suit to dispute a provision of this section, the court in which the suit is filed shall refer the dispute to

alternative dispute resolution by the procedures provided by Section 154.024 or 154.027, Civil Practice and Remedies Code. If a party to such a dispute does not prevail in the alternative dispute resolution process, proceeds to trial, and does not prevail at trial, the party is responsible for the payment of the opposing party's attorney's fees incurred after the conclusion of the alternative dispute resolution.

(i) Notwithstanding any other provision of this title, a school district shall permit a student who is assigned to attend a campus for which a charter is granted under this section to transfer to another district campus.

(j) The commissioner may not approve more than five charters under this section.

(k) The commissioner shall adopt rules as necessary for the administration of this section.

SECTION _____. Section 12.057(c), Education Code, is amended to read as follows:

(c) A campus or program granted a charter under Section 12.052, 12.0521(a)(1), 12.0522, or 12.053 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.

(2) In existing SECTION 1 of the bill, strike the recital (page 1, lines 5-7), and substitute the following:

Section 39.107, Education Code, is amended by amending Subsections (a), (c), and (e) and adding Subsections (a-2), (b-3), (e-2), and (e-3) to read as follows:

(3) In existing SECTION 1 of the bill, between the recital and amended Section 39.107(e), Education Code (page 1, between lines 7 and 8), insert the following:

(a) After a campus has been identified as unacceptable for two consecutive school years, the commissioner shall order the reconstitution of the campus unless the board of trustees of the school district in which the campus is located grants a charter for the campus under Section 12.0522.

(a-2) If a charter is granted for a campus under Section 12.0522, the board of trustees of the school district and

appropriate district administrators may assist the campus in:

(1) developing an updated targeted improvement plan;
(2) presenting the plan in a public hearing, in the manner provided by Section 39.106(e-1);

(3) obtaining approval of the updated plan from the commissioner; and

(4) executing the plan on approval by the commissioner.

(b-3) Subsections (b), (b-1), and (b-2) do not apply to a campus granted a charter under Section 12.0522.

(c) A campus that is reconstituted under this section or to which the board of trustees of a school district grants a charter under Section 12.0522 [~~subject to Subsection (a)~~] shall implement the updated targeted improvement plan as approved by the commissioner. The commissioner may appoint a monitor, conservator, management team, or board of managers to the district to ensure and oversee district-level support to low-performing campuses and the implementation of the updated targeted improvement plan. In making appointments under this subsection, the commissioner shall consider individuals who have demonstrated success in managing campuses with student populations similar to the campus at which the individual appointed will serve.

(4) In existing SECTION 1 of the bill, in amended Section 39.107(e), Education Code (page 1, line 10), between "Subsection (a)" and ", the commissioner", insert "or granted a charter under Section 12.0522".