

## **BILL ANALYSIS**

C.S.H.B. 3026  
By: Weber  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties assert that home-rule school districts were intended to be a way for local voters to free their school districts from certain state mandates but, the parties contend, no school districts have attempted to create one, in part because of the potential for broad, unwanted change in district governance and the potential for a cumbersome federal approval process. Among other provisions, C.S.H.B. 3026 seeks to ensure that elected school boards govern a home-rule school district, to create greater certainty on the legal status of the board, and to subject a home-rule school district board to the same election and ethics procedures as the boards of other school districts.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3026 amends the Education Code to establish that the adoption of a home-rule school district charter by a school district does not affect the governing structure of the district or the campuses, to establish that a reference in the Education Code or other law to a home-rule school district means a home-rule school district under provisions of law relating to a home-rule school district charter, and to establish that a reference to the governing body of a home-rule school district means the board of trustees of a home-rule school district. The bill establishes that, for purposes of applicable federal and state laws and rules, a home-rule school district has the same legal status as any other school district and a home-rule school district board of trustees has the same legal status as the board of trustees of any other school district.

C.S.H.B. 3026 establishes that a home-rule school district board of trustees, in addition to a home-rule school district, has the powers and entitlements granted to school districts and school district boards of trustees under statutory provisions relating to public education and rules adopted therein, including taxing authority. The bill subjects a home-rule school district and a home-rule school district board of trustees to certain provisions of law relating to the operation of charter schools and school districts, excluding provisions related to the establishment of a district- and campus-level planning and decision making process, the termination of district employees employed under teaching contracts, and school uniforms. The bill specifies that a reference in provisions of law relating to school districts to a statute that does not otherwise apply to a home-rule school district, home-rule school district board of trustees, or home-rule school district employee does not by implication apply that statute to a home-rule school district, home-rule district board of trustees, or home-rule district employee. The bill requires the home-rule school district board of trustees to make decisions relating to terminating the employment of district employees employed under a contract.

C.S.H.B. 3026 requires a home-rule school district board of trustees, in addition to the notice required under state open meetings law, to provide notice of the appointment of a charter

commission, each meeting of the charter commission, and the required board meeting to present a proposed home-rule district charter to the board for approval. The bill requires the notice to be provided through e-mail to media serving the district; posting notice to the school district's Internet website, in the office of each school campus in the district, and in the district's central administrative office; and e-mail to district employees and parents if practicable.

C.S.H.B. 3026 requires a school district board of trustees that receives a proposed charter from the appointed charter commission, not later than the 30th day after the date the charter is received, to hold an open meeting at which the charter commission presents the proposed charter to the board for approval. The bill authorizes any community member, parent, student, or employee of the district to be present and participate in the meeting. The bill requires at least three copies of the proposed charter to be available in the office of each school campus in the district and in the school district's central administrative office not later than the 10th day or earlier than the 30th day before the date of the meeting and requires a summary of the content of the proposed charter to be attached to each copy. The bill requires the copy and the summary to be posted on the district's Internet website. The bill requires the required notice for the meeting to include a statement of where and how copies of the proposed charter may be obtained or viewed. The bill requires the summary to be made available to district employees, parents, community members, and members of the media and e-mailed to district employees and parents if practicable. The bill authorizes the school district board of trustees to amend the proposed charter and requires the board to adopt any amendments and the proposed charter, including any amendments adopted, by majority vote of the board.

C.S.H.B. 3026 authorizes a home-rule school district board of trustees to set a deadline to complete and recommend a proposed home-rule school district charter earlier than the first anniversary of the date of the charter commission's appointment. The bill makes a conforming change relating to the time at which a charter commission expires and its appointment becomes void.

C.S.H.B. 3026 requires a school district board of trustees, rather than the appointed charter commission, to submit the proposed charter to the commissioner of education and requires the commissioner to recommend any necessary modifications to the board, rather than the charter commission. The bill changes the ballot language for a home-rule charter election.

C.S.H.B. 3026 sets out provisions similar to those relating to the dissemination of a proposed home-rule school district charter with regard to the dissemination of a proposed amendment to such a charter.

C.S.H.B. 3026 changes the deadline for the rescission of a home-rule school district charter to take effect from the 90th day after the date of an election on the question of rescinding such charter at which at least 25 percent of the district's voters vote to the beginning of the following school year after such an election date.

C.S.H.B. 3026 makes conforming and nonsubstantive changes.

C.S.H.B. 3026 repeals the following provisions of the Education Code relating to the prior structure of a home-rule school district:

- Section 12.017
- Section 12.020(j)
- Section 12.025
- Section 12.026

## **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

## **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 3026 differs from the original by establishing that a reference in the Education Code or other law to a home-rule school district means a home-rule school district under provisions of law relating to a home-rule school district charter, whereas the original establishes that such a reference means a home-rule independent school district under the same provisions. The substitute makes a conforming change by omitting the word independent wherever that word appeared in the original. The substitute contains a provision not included in the original establishing that a reference in the Education Code or other law to the governing body of a home-rule school district means the board of trustees of a home-rule school district.

C.S.H.B. 3026 contains provisions not included in the original requiring notice of the appointment of a home-rule school district charter commission, each meeting of the charter commission, and the required school district board meeting to present a proposed charter to the board for approval to be posted in the office of each school campus in the district and e-mailed to district employees and parents if practicable.

C.S.H.B. 3026 contains provisions not included in the original requiring the summary of the content of a proposed home-rule school district charter and the summary of the content of a proposed amendment to such a charter to be e-mailed to district employees and parents if practicable.

C.S.H.B. 3026 omits provisions included in the original lowering from 20 to 10 the percentage of registered school district voters required to vote in an election in which the adoption of a proposed amendment to a home-rule school district charter is on the ballot for the adoption of the amendment to take effect and redefining "board" and "board of trustees" with regard to statutory provisions relating to a campus or campus program charter.

C.S.H.B. 3026 differs from the original in nonsubstantive ways by making clarifying and conforming changes.