

By: Weber

H.B. No. 3026

Substitute the following for H.B. No. 3026:

By: Guillen

C.S.H.B. No. 3026

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the governance of home-rule school districts.

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

4 SECTION 1. Section 12.011, Education Code, is amended by  
5 amending Subsection (b) and adding Subsections (c) and (d) to read  
6 as follows:

7 (b) The adoption of a home-rule school district charter by a  
8 school district does not affect:

9 (1) the district's boundaries; [~~or~~]

10 (2) taxes or bonds of the district authorized before  
11 the effective date of the charter; or

12 (3) the governing structure of the district or the  
13 campuses.

14 (c) A reference in this code or other law to:

15 (1) a home-rule school district means a home-rule  
16 school district under this subchapter; and

17 (2) the governing body of a home-rule school district  
18 means the board of trustees of a home-rule school district under  
19 this subchapter.

20 (d) For purposes of applicable federal and state laws and  
21 rules as provided by Sections 12.012 and 12.013:

22 (1) a home-rule school district has the same legal  
23 status as any other school district; and

24 (2) a home-rule school district board of trustees has

1 the same legal status as the board of trustees of any other school  
2 district.

3 SECTION 2. Section 12.013, Education Code, is amended by  
4 amending Subsection (a) and adding Subsections (c) and (d) to read  
5 as follows:

6 (a) A home-rule school district and a home-rule school  
7 district board of trustees have [~~has~~] the powers and entitlements  
8 granted to school districts and school district boards of trustees,  
9 respectively, under this title and rules adopted under this title,  
10 including taxing authority.

11 (c) A home-rule school district and a home-rule school  
12 district board of trustees are subject to Subchapters A, C, D, and  
13 E, Chapter 11, excluding Sections 11.1511(b)(5) and (14) and  
14 Section 11.162. A reference in Chapter 11 to a statute that does  
15 not otherwise apply to a home-rule school district, home-rule  
16 school district board of trustees, or home-rule school district  
17 employee does not by implication apply that statute to a home-rule  
18 school district, home-rule district board of trustees, or home-rule  
19 district employee.

20 (d) The home-rule school district board of trustees shall  
21 make decisions relating to terminating the employment of district  
22 employees employed under a contract.

23 SECTION 3. Subchapter B, Chapter 12, Education Code, is  
24 amended by adding Section 12.0135 to read as follows:

25 Sec. 12.0135. UNIFORM NOTICE REQUIREMENTS. (a) In  
26 addition to notice required under Chapter 551, Government Code, a  
27 home-rule school district board of trustees shall provide notice

1 of:

2 (1) the appointment of a charter commission under  
3 Section 12.014;

4 (2) each meeting of the charter commission under  
5 Section 12.015; and

6 (3) the board meeting required under Section 12.0165.

7 (b) Notice under this section must be provided through:

8 (1) e-mail to media serving the district;

9 (2) posting notice on the school district's Internet  
10 website, in the office of each school campus in the district, and in  
11 the district's central administrative office; and

12 (3) e-mail to district employees and parents if  
13 practicable.

14 SECTION 4. Section 12.014, Education Code, is amended to  
15 read as follows:

16 Sec. 12.014. APPOINTMENT OF CHARTER COMMISSION. The board  
17 of trustees of a school district shall appoint a charter commission  
18 to frame a home-rule school district charter if:

19 (1) the board receives a petition requesting the  
20 appointment of a charter commission [~~to frame a home-rule school~~  
21 ~~district charter~~] signed by at least five percent of the registered  
22 voters of the district; or

23 (2) at least two-thirds of the total membership of the  
24 board adopt a resolution ordering that a charter commission be  
25 appointed.

26 SECTION 5. Section 12.015(c), Education Code, is amended to  
27 read as follows:

1 (c) The charter commission must complete and recommend to  
2 the school district board of trustees in the meeting under Section  
3 12.0165 a proposed charter not later than the first anniversary of  
4 the date of its appointment. The board may set an earlier deadline  
5 to complete and recommend the proposed charter under this section.  
6 After the commission makes its recommendation [~~that date~~], the  
7 commission expires and the appointment under Section 12.014 is  
8 void.

9 SECTION 6. Subchapter B, Chapter 12, Education Code, is  
10 amended by adding Section 12.0165 to read as follows:

11 Sec. 12.0165. BOARD ADOPTION OF PROPOSED CHARTER. (a) Not  
12 later than the 30th day after the date a school district board of  
13 trustees receives a proposed charter from the charter commission,  
14 the board shall hold an open meeting at which the charter commission  
15 shall present the proposed charter to the board for approval. Any  
16 community member, parent, student, or employee of the district may  
17 be present and participate in the meeting.

18 (b) Not later than the 10th day or earlier than the 30th day  
19 before the date of the open meeting, at least three copies of the  
20 proposed charter must be available in the office of each school  
21 campus in the district and in the school district's central  
22 administrative office. A summary of the content of the proposed  
23 charter must be attached to each copy. A copy of the proposed  
24 charter and the summary must be posted on the district's Internet  
25 website. Notice of the meeting as required under Section 12.0135  
26 must include a statement of where and how copies of the proposed  
27 charter may be obtained or viewed. The summary must be:

1           (1) made available to district employees, parents,  
2 community members, and members of the media; and

3           (2) e-mailed to district employees and parents if  
4 practicable.

5           (c) The school district board of trustees may amend the  
6 proposed charter. The board must adopt any amendments and the  
7 proposed charter, including any amendments adopted, by majority  
8 vote of the board.

9           SECTION 7. Section 12.018, Education Code, is amended to  
10 read as follows:

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

20           SECTION 8. Sections 12.019(c) and (d), Education Code, are  
21 amended to read as follows:

22           (c) At least three copies of the proposed charter must be  
23 available in the office of each school campus in the district and in  
24 [~~at~~] the district's central administrative office between the date  
25 of the election order and election day. A copy of the proposed  
26 charter and a summary of the content of the proposed charter must be  
27 posted on the district's Internet website. Notice of the election

1 must include a statement of where and how copies of the proposed  
2 charter may be obtained or viewed. The [A] summary of the content  
3 of the proposed charter shall be attached to each copy. The summary  
4 also shall be:

- 5           (1) made available to school district employees,  
6 parents, community members, and members of the media; and  
7           (2) e-mailed to district employees and parents if  
8 practicable.

9           (d) The ballot shall be printed to permit voting for or  
10 against the proposition "Whether the (name of school district)  
11 School District shall be governed under the home-rule school  
12 district charter, which is adopted [~~proposed by a charter~~  
13 ~~commission appointed~~] by the board of trustees and under which only  
14 certain laws and rules apply to the district."

15           SECTION 9. Section 12.020(f), Education Code, is amended to  
16 read as follows:

17           (f) At least three copies of the proposed charter amendment  
18 must be available in the office of each school campus in the school  
19 district and in the district's central administrative office  
20 between the date of the election order and election day. A summary  
21 of the content of the proposed charter amendment must be attached to  
22 each copy. A copy of the proposed charter amendment and the summary  
23 of the proposed charter amendment must be posted on the district's  
24 Internet website. Notice of the election must include a  
25 substantial copy of the proposed charter amendment and must include  
26 a statement of where and how copies of the proposed charter  
27 amendment may be obtained or viewed. The summary must be:

1           (1) made available to district employees, parents,  
2 community members, and members of the media; and

3           (2) e-mailed to district employees and parents if  
4 practicable.

5           SECTION 10. Section 12.023(a), Education Code, is amended  
6 to read as follows:

7           (a) As soon as practicable after [~~a school district adopts~~]  
8 a home-rule school district charter or charter amendment is  
9 adopted, the president of the school district board of trustees  
10 shall certify to the secretary of state a copy of the charter or  
11 amendment showing the approval by the voters of the district.

12           SECTION 11. Section 12.030(g), Education Code, is amended  
13 to read as follows:

14           (g) The rescission takes effect on a date established by  
15 resolution of the governing body but not later than the beginning of  
16 the following school year [~~90th day~~] after the date of an election  
17 held under this section at which [~~rescission of the charter is~~  
18 ~~approved and at which~~] the number of registered voters required  
19 under Subsection (f) vote. As soon as practicable after that  
20 election, the governing body shall notify the commissioner and the  
21 secretary of state of the results of the election and of the  
22 effective date of the rescission.

23           SECTION 12. The following provisions of the Education Code  
24 are repealed:

- 25           (1) Section 12.017;  
26           (2) Section 12.020(j);  
27           (3) Section 12.025; and

1           (4) Section 12.026.

2           SECTION 13. This Act takes effect immediately if it  
3 receives a vote of two-thirds of all the members elected to each  
4 house, as provided by Section 39, Article III, Texas Constitution.  
5 If this Act does not receive the vote necessary for immediate  
6 effect, this Act takes effect September 1, 2011.