

By: Weber

H.B. No. 3026

A BILL TO BE ENTITLED

AN ACT

relating to home-rule school districts.

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

SECTION 1. The heading to Subchapter B, Chapter 12, Education Code, is amended to read as follows:

SUBCHAPTER B. HOME-RULE INDEPENDENT SCHOOL DISTRICT CHARTER

SECTION 2. Section 12.011, Education Code, is amended by amending Subsection (b) and adding Subsections (c) and (d) to read as follows:

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

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

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

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

(c) A reference in this code or other law to a home-rule school district means a home-rule independent school district under this subchapter.

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

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

(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 3. 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 4. 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; and

9 (2) posting notice on the school district's Internet  
10 website and in the district's central administrative office.

11 SECTION 5. Section 12.014, Education Code, is amended to  
12 read as follows:

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

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

20 (2) at least two-thirds of the total membership of the  
21 board adopt a resolution ordering that a charter commission be  
22 appointed.

23 SECTION 6. Section 12.015(c), Education Code, is amended to  
24 read as follows:

25 (c) The charter commission must complete and recommend to  
26 the school district board of trustees in the meeting under Section  
27 12.0165 a proposed charter not later than the first anniversary of

1 the date of its appointment. The board may set an earlier deadline  
2 to complete and recommend the proposed charter under this section.  
3 After the commission makes its recommendation [~~that date~~], the  
4 commission expires and the appointment under Section 12.014 is  
5 void.

6 SECTION 7. Section 12.016, Education Code, is amended to  
7 read as follows:

8 Sec. 12.016. CONTENT. Each home-rule school district  
9 charter must:

- 10 (1) describe the educational program to be offered;
- 11 (2) provide that continuation of the home-rule school  
12 district charter is contingent on:
  - 13 (A) acceptable student performance on assessment  
14 instruments adopted under Subchapter B, Chapter 39; and
  - 15 (B) compliance with other applicable  
16 accountability provisions under Chapter 39;
- 17 (3) specify any basis, in addition to a basis  
18 specified by this subchapter, on which the charter may be placed on  
19 probation or revoked;
- 20 (4) [~~describe the governing structure of the district~~  
21 ~~and campuses,~~
- 22 [~~5~~] specify any procedure or requirement, in  
23 addition to those under Chapter 38, that the district will follow to  
24 ensure the health and safety of students and employees;
- 25 (5) [~~6~~] describe the process by which the district  
26 will adopt an annual budget, including a description of the use of  
27 program-weight funds;

1           (6) [~~(7)~~] describe the manner in which an annual audit  
2 of financial and programmatic operations of the district is to be  
3 conducted, including the manner in which the district will provide  
4 information necessary for the district to participate in the Public  
5 Education Information Management System (PEIMS) to the extent  
6 required by this subchapter; and

7           (7) [~~(8)~~] include any other provision the charter  
8 commission considers necessary.

9           SECTION 8. 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 at 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 made

1 available to district employees, parents, community members, and  
2 members of the media.

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

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

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

18 SECTION 10. Sections 12.019(c) and (d), Education Code, are  
19 amended to read as follows:

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

1 proposed charter shall be attached to each copy. The summary also  
2 shall be made available to school district employees, parents,  
3 community members, and members of the media.

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

10 SECTION 11. Sections 12.020(a), (b), (d), (f), and (i),  
11 Education Code, are amended to read as follows:

12 (a) The [~~governing body of a~~] home-rule school district  
13 board of trustees on its own motion may submit a proposed charter  
14 amendment that complies with this subchapter to the commissioner  
15 for legal review.

16 (b) The school district board of trustees [~~governing body~~]  
17 shall submit a proposed charter amendment that complies with this  
18 subchapter to the commissioner for legal review if a petition  
19 submitted to the board [~~governing body~~] proposing the charter  
20 amendment is signed by at least five percent of the registered  
21 voters of the district.

22 (d) As soon as practicable after commissioner review under  
23 Subsection (c), the [~~governing body of the~~] school district board  
24 of trustees shall order an election on the proposed amendment.

25 (f) At least three copies of the proposed charter amendment  
26 must be available in the office of each school campus in the school  
27 district and at the district's central administrative office

1 between the date of the election order and election day. A summary  
2 of the content of the proposed charter amendment must be attached to  
3 each copy. A copy of the proposed charter amendment and the summary  
4 of the proposed charter amendment must be posted on the district's  
5 Internet website. Notice of the election must include a  
6 substantial copy of the proposed charter amendment and must include  
7 a statement of where and how copies of the proposed charter  
8 amendment may be obtained or viewed. The summary must be made  
9 available to district employees, parents, community members, and  
10 members of the media.

11 (i) The school district board of trustees [~~governing body~~]  
12 may not order an election on a proposed charter amendment earlier  
13 than the first anniversary of the date of any previous election to  
14 amend the charter.

15 SECTION 12. Sections 12.021(b) and (c), Education Code, are  
16 amended to read as follows:

17 (b) A charter or charter amendment shall specify an  
18 effective date and takes effect according to its terms when the  
19 [~~governing body of the~~] school district board of trustees enters an  
20 order declaring that the charter or charter amendment is adopted.  
21 The board [~~governing body~~] shall enter an order not later than the  
22 10th day after the date the canvass of the election returns is  
23 completed.

24 (c) As soon as practicable after [~~a school district adopts~~]  
25 a home-rule school district charter or charter amendment is  
26 adopted, the school district board of trustees [~~or governing body~~]  
27 shall notify the commissioner of the outcome of the election.



1 SECTION 13. Sections 12.022(a) and (b), Education Code, are  
2 amended to read as follows:

3 (a) An election on the adoption of a proposed home-rule  
4 school district charter has no effect unless at least 25 percent of  
5 the registered voters of the district vote in an [~~the~~] election in  
6 which the adoption of the charter is on the ballot.

7 (b) An election on the adoption of a proposed amendment to a  
8 home-rule school district charter has no effect unless at least 10  
9 [~~20~~] percent of the registered voters of the district vote in an  
10 [~~the~~] election in which the adoption of the amendment is on the  
11 ballot.

12 SECTION 14. Section 12.023(a), Education Code, is amended  
13 to read as follows:

14 (a) As soon as practicable after [~~a school district adopts~~]  
15 a home-rule school district charter or charter amendment is  
16 adopted, the president of the school district board of trustees  
17 shall certify to the secretary of state a copy of the charter or  
18 amendment showing the approval by the voters of the district.

19 SECTION 15. Sections 12.030(b), (c), (d), (e), and (g),  
20 Education Code, are amended to read as follows:

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

24 (1) the board [~~governing body~~] receives a petition  
25 requesting a rescission election signed by at least five percent of  
26 the registered voters of the district; or

27 (2) at least two-thirds of the total membership of the

1 board [~~governing body~~] adopt a resolution ordering that a  
2 rescission election be held.

3 (c) As soon as practicable after the date of receipt or  
4 adoption of a resolution under Subsection (b), the school district  
5 board of trustees [~~governing body~~] shall order an election.

6 (d) The proposition to rescind the home-rule school  
7 district charter shall be submitted to the voters of the district at  
8 an election to be held on the first uniform election date that  
9 occurs at least 45 days after the date on which the school district  
10 board of trustees [~~governing body~~] orders the election.

11 (e) The ballot shall be printed to permit voting for or  
12 against the proposition: "Whether the home-rule independent school  
13 district charter of (name of school district) shall be rescinded so  
14 that the school district becomes an independent school district."

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

24 SECTION 16. Section 12.051(2), Education Code, is amended  
25 to read as follows:

26 (2) "Board" and "board of trustees" mean the board of  
27 trustees of a school district, including [~~or the governing body of~~]

1 a home-rule school district.

2 SECTION 17. Section 12.052(a), Education Code, is amended  
3 to read as follows:

4 (a) In accordance with this subchapter, the board of  
5 trustees of a school district [~~or the governing body of a home-rule~~  
6 ~~school district~~] may grant a charter to parents and teachers for a  
7 campus or a program on a campus if the board is presented with a  
8 petition signed by:

9 (1) the parents of a majority of the students at that  
10 school campus; and

11 (2) a majority of the classroom teachers at that  
12 school campus.

13 SECTION 18. Section 12.0521(a), Education Code, is amended  
14 to read as follows:

15 (a) Notwithstanding Section 12.052, in accordance with this  
16 subchapter and in the manner provided by this section, the board of  
17 trustees of a school district [~~or the governing body of a home-rule~~  
18 ~~school district~~] may grant a charter for:

19 (1) a new district campus; or

20 (2) a program that is operated:

21 (A) by an entity that has entered into a contract  
22 with the district under Section 11.157 to provide educational  
23 services to the district through the campus or program; and

24 (B) at a facility located in the boundaries of  
25 the district.

26 SECTION 19. Section 12.101(c), Education Code, is amended  
27 to read as follows:

1           (c) If the facility to be used for an open-enrollment  
2 charter school is a school district facility, the school must be  
3 operated in the facility in accordance with the terms established  
4 by the board of trustees [~~or other governing body of the district~~]  
5 in an agreement governing the relationship between the school and  
6 the district.

7           SECTION 20. The following provisions of the Education Code  
8 are repealed:

- 9                   (1) Section 12.017;
- 10                   (2) Section 12.020(j);
- 11                   (3) Section 12.025; and
- 12                   (4) Section 12.026.

13           SECTION 21. This Act takes effect immediately if it  
14 receives a vote of two-thirds of all the members elected to each  
15 house, as provided by Section 39, Article III, Texas Constitution.  
16 If this Act does not receive the vote necessary for immediate  
17 effect, this Act takes effect September 1, 2011.