

By: Patrick

H.B. No. 3466

A BILL TO BE ENTITLED

1 AN ACT
2 relating to authorization for granting, in response to petitions by
3 parents, campus charters for certain public school campuses
4 identified as unacceptable.

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

6 SECTION 1. Subchapter C, Chapter 12, Education Code, is
7 amended by adding Section 12.0522 to read as follows:

8 Sec. 12.0522. AUTHORIZATION FOR CAMPUS IDENTIFIED AS
9 UNACCEPTABLE. (a) This section applies only to a campus that for
10 two consecutive school years has been identified as unacceptable
11 under Section 39.054.

12 (b) Notwithstanding Section 12.052, in accordance with this
13 subchapter, the board of trustees of a school district may grant a
14 charter for a campus to an eligible charter holder of a charter for
15 an open-enrollment charter school if the board is presented with a
16 petition signed by the parents of a majority of the students at the
17 campus. For purposes of this subsection, the signature of only one
18 parent of a student is required.

19 (c) A charter holder is eligible under this section to be
20 granted a charter for a campus if the charter holder would meet the
21 eligibility requirements under 19 T.A.C. Section 100.1033(c)(6) to
22 establish an additional charter school.

23 SECTION 2. Section 12.057(c), Education Code, is amended to
24 read as follows:

1 (c) A campus or program granted a charter under Section
2 12.052, 12.0521(a)(1), 12.0522, or 12.053 is immune from liability
3 to the same extent as a school district, and its employees and
4 volunteers are immune from liability to the same extent as school
5 district employees and volunteers.

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

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

14 (a-2) If a charter is granted for a campus under Section
15 12.0522, the board of trustees of the school district and
16 appropriate district administrators shall assist the campus in:

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

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

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

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

26 (c) A campus that is reconstituted under this section or to
27 which the board of trustees of a school district grants a charter

1 under Section 12.0522 [~~subject to Subsection (a)~~] shall implement
2 the updated targeted improvement plan as approved by the
3 commissioner. The commissioner may appoint a monitor, conservator,
4 management team, or board of managers to the district to ensure and
5 oversee district-level support to low-performing campuses and the
6 implementation of the updated targeted improvement plan. In making
7 appointments under this subsection, the commissioner shall
8 consider individuals who have demonstrated success in managing
9 campuses with student populations similar to the campus at which
10 the individual appointed will serve.

11 (e) If a campus is considered to have an unacceptable
12 performance rating for three consecutive school years after the
13 campus is reconstituted under Subsection (a) or granted a charter
14 under Section 12.0522, the commissioner shall order:

- 15 (1) repurposing of the campus under this section;
16 (2) alternative management of the campus under this
17 section; or
18 (3) closure of the campus.

19 SECTION 4. This Act applies beginning with the 2011-2012
20 school year.

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