

By: Patrick

H.B. No. 645

A BILL TO BE ENTITLED

AN ACT

relating to authorization for granting, in response to petitions by parents, campus charters for certain public school campuses identified as unacceptable.

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

SECTION 1. 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 assigned an unacceptable performance rating as provided by Subchapter C, Chapter 39, 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 may, 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. For purposes of this subsection, the signature of only one

1 parent of a student is required.

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

4 (1) the charter holder:

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

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

9 (C) has been assigned an acceptable performance
10 rating as provided by Subchapter C, Chapter 39, for each of the
11 preceding three school years;

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

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

19 (4) at least 25 percent of students enrolled in
20 charter schools operating under the charter achieved the highest
21 level of performance on reading and mathematics assessment
22 instruments under Chapter 39 during the preceding two school years.

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

25 (1) a charter holder or charter school rated as
26 academically acceptable or higher under Subchapter D or E, Chapter
27 39, as that subchapter existed January 1, 2009, for the 2010-2011

1 school year is considered to have been assigned an acceptable
2 performance rating for the 2010-2011 school year; and

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

8 (d) The board of trustees of a school district that is
9 presented with a petition described by Subsection (b) shall appoint
10 an interview committee composed of district teachers, including
11 teachers at the campus for which the petition is submitted, other
12 district personnel, campus parents, and local business and
13 community members to advise and make recommendations to the board
14 concerning granting a charter under this section.

15 (e) In addition to satisfying requirements under Section
16 12.059, a charter granted under this section must describe the
17 respective responsibilities of the school district granting the
18 charter and charter holder concerning funding, operation and
19 maintenance of facilities, transportation, personnel,
20 instructional materials, and other matters as determined by the
21 board of trustees of the district and the charter holder. A charter
22 under this section must be for a term of at least three years.

23 (f) The commissioner may not approve more than five charters
24 under this section.

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

27 (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.

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

(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

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

10 (e) If a campus is considered to have an unacceptable
11 performance rating for three consecutive school years after the
12 campus is reconstituted under Subsection (a) or granted a charter
13 under Section 12.0522, the commissioner, subject to Subsection
14 (e-1) or (e-2), 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 2013-2014
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, 2013.