

By: Dutton

H.B. No. 1957

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the recovery school district.

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

SECTION 1. Chapter 39, Education Code, is amended by adding Subchapter E-1 to read as follows:

SUBCHAPTER E-1. RECOVERY SCHOOL DISTRICT

Sec. 39.131. ESTABLISHMENT OF RECOVERY SCHOOL DISTRICT.

The recovery school district is established to provide an appropriate education for students attending any public elementary or secondary school campus operated under the prior jurisdiction of an independent school district that has been transferred to the jurisdiction of the district under Section 39.107(e).

Sec. 39.1311. DEFINITION. In this subchapter, "prior system" means the independent school district of which a school transferred to the recovery school district is a part.

Sec. 39.1312. ADMINISTRATION OF RECOVERY SCHOOL DISTRICT; SUPERINTENDENT. (a) The commissioner shall appoint a qualified individual as superintendent to administer the recovery school district.

(b) The recovery school district may provide for the supervision, management, and operation of a school placed under the district's jurisdiction and may receive, control, and spend the local, state, and federal funding attributable to that school with all the same authority as the prior system from which the school was

1 transferred.

2 (c) The recovery school district may contract with
3 for-profit providers for the general operation of and any needed
4 services for a school under the district's jurisdiction.

5 (d) In providing for the operation of schools within the
6 district's jurisdiction, at any time the district seeks
7 participation by a college or university or a consortium of
8 colleges and universities to provide for the operation of any
9 school or group of schools, the district shall include an
10 opportunity for participation by colleges and universities that
11 historically were established to provide education for African
12 American students in this state.

13 Sec. 39.1313. SUNSET PROVISION. The recovery school
14 district is subject to Chapter 325, Government Code (Texas Sunset
15 Act). Unless continued in existence as provided by that chapter,
16 the district is abolished September 1, 2025.

17 Sec. 39.132. FINANCIAL POWERS. (a) The recovery school
18 district may:

19 (1) seek, spend, manage, and retain federal funding
20 and grant funding in the same manner as an independent school
21 district;

22 (2) spend, manage, and retain funding with the same
23 authority as an independent school district; and

24 (3) maintain and manage fund balances.

25 (b) The recovery school district may not impose an ad
26 valorem tax.

27 (c) Expenditures of funds are subject to the requirements of

1 the Foundation School Program formulas that apply to a public
2 school and are subject to audit in the same manner.

3 Sec. 39.1321. PROCUREMENT. (a) The recovery school
4 district has the same authority and autonomy afforded to an
5 independent school district under state law regarding the
6 procurement of:

7 (1) services, including personal, professional,
8 consulting, and social services; and

9 (2) property.

10 (b) The recovery school district is not required to use or
11 obtain the approval of any state agency, including the Texas
12 Facilities Commission, comptroller, or Department of Information
13 Resources, when procuring data processing and telecommunications
14 goods or services or materials, supplies, or major repairs or in the
15 disposition of property, except that the district shall comply with
16 all other applicable provisions of Subtitles D, E, and F, Title 10,
17 Government Code, regarding such procurement and disposition of
18 property.

19 (c) The recovery school district may require an independent
20 school district to provide school support or student support
21 services for a school transferred from the school district's
22 jurisdiction, including student transportation, school food
23 service, or student assessment for special education eligibility,
24 that are compliant with all laws and regulations governing such
25 services. In such case, the recovery school district shall
26 reimburse the actual cost to the independent school district
27 providing such services. If a dispute arises between the recovery

1 school district and the independent school district providing such
2 services regarding the cost of the services to be reimbursed, the
3 comptroller shall determine the cost to be reimbursed.

4 Sec. 39.1322. USE OF SCHOOL FACILITIES. (a) The recovery
5 school district may use any school building and any facility or
6 property otherwise part of the school and recognized as part of the
7 facilities or assets of the school before the school was
8 transferred to the recovery school district, and has access to such
9 additional facilities as were typically available to the school and
10 the school's students, faculty, and staff before the school's
11 transfer to the recovery school district.

12 (b) The use of school facilities or property under
13 Subsection (a) may not be restricted, except that the recovery
14 school district is responsible for and shall provide for routine
15 maintenance and repair so that the facilities and property are
16 maintained in as good an order as when the right of use was acquired
17 by the district. The district is not required to provide for the
18 type of extensive repair to buildings or facilities that would be
19 considered to be a capital expense. Such extensive repairs shall be
20 provided by the prior system that is responsible for the facility.

21 Sec. 39.133. MAINTENANCE AND OPERATIONS FUNDING. (a) The
22 legislature shall annually appropriate sufficient money to fund
23 each school in the recovery school district in an amount equal to
24 the school's average daily attendance multiplied by the state share
25 per student as provided under the Foundation School Program for the
26 independent school district in which the school is located. The
27 appropriation shall be made to the agency for the district and may

1 be expended by the agency only for the provision of services to
2 students in the district.

3 (b) In addition to the appropriation required by Subsection
4 (a), the independent school district that had jurisdiction of a
5 school before the school's transfer to the recovery school district
6 shall annually allocate and transfer to the recovery school
7 district an amount of money equal to the number of students in
8 average daily attendance at the school multiplied by the per
9 student amount received by the independent school district from
10 maintenance and operations taxes, less the costs of assessing and
11 collecting the taxes.

12 (c) For each school transferred to the jurisdiction of the
13 recovery school district, the commissioner shall reduce the amount
14 of state funds otherwise to be allocated under the Foundation
15 School Program to the independent school district from which the
16 school was transferred by an amount equal to the amount provided
17 under Subsection (a) for that school.

18 (d) If there are insufficient funds available to provide the
19 total due the recovery school district under this section after all
20 state funds are reduced and allocated to the district, each prior
21 system shall transfer a sufficient amount of money from the
22 district's maintenance and operations tax revenue to the district.
23 If the prior system's maintenance and operations tax revenue is
24 insufficient to allow the prior system, after allocating funds to
25 the district, to maintain a minimum balance of 10 percent of the
26 state Foundation School Program funding to which the prior system
27 would otherwise be entitled and 10 percent of the maintenance and

1 operations tax revenue that the prior system would otherwise
2 retain, local revenue otherwise required to be allocated to the
3 district shall be reduced to an amount necessary to allow the prior
4 system to maintain such balances.

5 (e) All amounts to be appropriated or allocated and
6 transferred under this section shall be estimated by the
7 commissioner based on the most recent local revenue data and
8 projected student counts available. Allocations to be transferred
9 shall be adjusted during the year as necessary to reflect actual
10 student counts and actual prior year local revenue collections.

11 (f) Except for administrative costs, money appropriated to
12 the recovery school district that is attributable to the transfer
13 of a school from a prior system and money allocated or transferred
14 from the prior system to the district may be expended solely on the
15 operation of schools transferred from the prior system to the
16 jurisdiction of the district.

17 Sec. 39.134. PERSONNEL. (a) The recovery school district
18 may employ such staff members as the superintendent considers
19 necessary.

20 (b) At the time of the transfer of a school to the recovery
21 school district, each certified teacher with regular and direct
22 responsibility for providing classroom instruction who is employed
23 in the transferred school by the prior system shall be given
24 priority consideration for employment in the same or a comparable
25 position by the district. Each person employed by the prior system
26 in a transferred school may choose to remain in the employment of
27 the prior system and, in that case, the prior system shall retain

1 and reassign such person consistent with its contractual
2 obligations or policies regarding the retention and reassignment of
3 employees.

4 (c) Benefits and privileges of a person employed in a school
5 by the recovery school district who was employed by the prior system
6 at the time the school was transferred to the district's
7 jurisdiction shall be the same as those required by law for
8 employees of the prior system.

9 (d) A person employed by the recovery school district in a
10 school who was employed by the prior system at the time the school
11 was transferred to the district's jurisdiction, for the purposes of
12 permanent status and the retention on return to employment in the
13 prior system of any employment benefit or right that requires
14 continuous service or that becomes vested based on years of
15 service, or both, shall be granted an approved leave of absence from
16 the prior system for the period the school is under the jurisdiction
17 of the recovery school district in order to be employed by the
18 district. The period any employee is on such leave shall be
19 considered service time by the prior system at any time the employee
20 returns to the prior system's employment. Such approved leave shall
21 not require the prior system to provide for benefits during the time
22 the employee on leave is employed by the recovery school district.

23 (e) The benefits and privileges of any person employed in a
24 school by the recovery school district who was not employed by the
25 prior system at the time the school was transferred to the
26 jurisdiction of the district shall be determined at the time of such
27 employment by the superintendent in compliance with any requirement

1 of any applicable contract or requirement of law.

2 Sec. 39.135. ENROLLMENT. (a) Except as otherwise provided
3 by this section, only a student who would have been eligible to
4 enroll in or attend a school before the school's transfer to the
5 recovery school district may attend the school after it is
6 transferred to the jurisdiction of the district.

7 (b) A student who is eligible to participate in a school
8 choice program established by the prior system shall be permitted
9 to enroll in any school operated under the jurisdiction of the
10 recovery school district that has sufficient capacity in the
11 appropriate grade level.

12 (c) The recovery school district may permit any student
13 eligible to attend any school in the prior system to attend a school
14 operated by the district in the area of the prior system.

15 (d) Notwithstanding any other provision of law to the
16 contrary, the recovery school district and a prior system that has
17 had one or more schools transferred to the district shall enter into
18 a cooperative agreement to allow any student enrolled in a school
19 under each district's respective jurisdiction to enroll in a school
20 under the jurisdiction of the other, provided the school in which
21 the student seeks to enroll has sufficient capacity at the
22 appropriate grade level.

23 (e) The commissioner shall determine a school's maximum
24 capacity by grade level for purposes of this section.

25 (f) This section does not limit the authority of the
26 recovery school district or an independent school district to
27 establish attendance zones for the schools under each district's

1 respective jurisdiction in accordance with established policy and
2 any federal court order, judgment, or consent decree.

3 Sec. 39.136. COMMUNITY OUTREACH PLAN. (a) The
4 superintendent of the recovery school district shall develop a
5 community outreach plan to engage parents and community leaders in
6 the successful operation and academic improvement of all schools
7 under the district's jurisdiction and to solicit input on any
8 proposed changes in school governance or the establishment of any
9 new school site.

10 (b) Not later than December 15, 2014, the superintendent
11 shall submit the community outreach plan to the State Board of
12 Education, the Senate Education Committee, and the House Public
13 Education Committee. The recovery school district shall implement
14 the plan for use in the 2014-2015 school year and thereafter. This
15 subsection expires September 1, 2015.

16 SECTION 2. The heading to Section 39.107, Education Code,
17 is amended to read as follows:

18 Sec. 39.107. RECONSTITUTION; TRANSFER TO RECOVERY SCHOOL
19 DISTRICT [~~REPURPOSING, ALTERNATIVE MANAGEMENT, AND CLOSURE~~].

20 SECTION 3. Section 39.107, Education Code, is amended by
21 amending Subsections (c), (e), and (e-1) and adding Subsection
22 (e-4) to read as follows:

23 (c) A campus subject to Subsection (a) shall implement the
24 updated targeted improvement plan as approved by the
25 commissioner. [~~The commissioner may appoint a monitor,~~
26 ~~conservator, management team, or board of managers to the district~~
27 ~~to ensure and oversee district-level support to low-performing~~

1 ~~campuses and the implementation of the updated targeted improvement~~
2 ~~plan. In making appointments under this subsection, the~~
3 ~~commissioner shall consider individuals who have demonstrated~~
4 ~~success in managing campuses with student populations similar to~~
5 ~~the campus at which the individual appointed will serve.]~~

6 (e) If a campus is considered to have an unacceptable
7 performance rating for the school year [~~three consecutive school~~
8 ~~years~~] after the campus is reconstituted under Subsection (a), the
9 commissioner, subject to Subsection (e-1) [~~or (e-2)~~], shall
10 transfer the campus to the jurisdiction of the recovery school
11 district established under Subchapter E-1 [~~order~~];

12 [~~(1) repurposing of the campus under this section;~~

13 [~~(2) alternative management of the campus under this~~
14 ~~section; or~~

15 [~~(3) closure of the campus~~].

16 (e-1) The commissioner may waive the requirement to
17 transfer a campus [~~enter an order~~] under Subsection (e) for not more
18 than one school year if the commissioner determines that, on the
19 basis of significant improvement in student performance over the
20 preceding two school years, the campus is likely to be assigned an
21 acceptable performance rating for the following school year.

22 (e-4) A campus transferred to the jurisdiction of the
23 recovery school district must remain under that district's
24 jurisdiction for at least three school years. Following each school
25 year, the commissioner shall, as provided by Section 39.108, review
26 the school's progress toward meeting academic standards. After the
27 third school year in which the campus is under the jurisdiction of

1 the recovery school district, the commissioner may return the
2 campus to the jurisdiction of the district from which the campus was
3 transferred if the commissioner finds that the campus:

4 (1) has met the requirements for acceptable
5 performance under Section 39.054; or

6 (2) in each year in which the campus has been under the
7 jurisdiction of the recovery school district, has made significant
8 progress, as determined by commissioner rule, toward meeting the
9 requirements for acceptable performance and is likely to be
10 assigned an acceptable performance rating for the following school
11 year.

12 SECTION 4. Sections 39.110 and 39.115, Education Code, are
13 amended to read as follows:

14 Sec. 39.110. COSTS PAID BY DISTRICT. The costs of providing
15 a [~~monitor, conservator, management team,~~] campus intervention
16 team, technical assistance team, [~~managing entity,~~] or service
17 provider under this subchapter shall be paid by the district. If
18 the district fails or refuses to pay the costs in a timely manner,
19 the commissioner may:

20 (1) pay the costs using amounts withheld from any
21 funds to which the district is otherwise entitled; or

22 (2) recover the amount of the costs in the manner
23 provided for recovery of an overallocation of state funds under
24 Section 42.258.

25 Sec. 39.115. CAMPUS NAME CHANGE PROHIBITED. In
26 [~~reconstituting, repurposing, or~~] imposing any [~~other~~]
27 intervention or sanction on a campus under this subchapter, the

1 commissioner may not require that the name of the campus be changed.

2 SECTION 5. Section 39.152(a), Education Code, is amended to
3 read as follows:

4 (a) A school district or open-enrollment charter school
5 that intends to challenge a decision by the commissioner under this
6 chapter to transfer jurisdiction of a campus to the recovery school
7 district [~~close the district or a district campus or the charter~~
8 ~~school or to pursue alternative management of a district campus or~~
9 ~~the charter school~~] must appeal the decision under the procedures
10 provided for a contested case under Chapter 2001, Government Code.

11 SECTION 6. The following provisions of the Education Code
12 are repealed:

13 (1) Sections 39.107(d), (e-2), (e-3), (f), (g), (h),
14 (j), (k), (l), (m), (n), (o), (p), and (r); and

15 (2) Sections 39.111 and 39.112.

16 SECTION 7. The commissioner of education shall appoint the
17 superintendent of the recovery school district, as established
18 under Subchapter E-1, Chapter 39, Education Code, as added by this
19 Act, not later than January 2, 2014. The superintendent shall
20 ensure that the recovery school district is prepared to begin
21 operations with the 2014-2015 school year. For the 2013-2014 school
22 year, the commissioner may impose any sanction under Section
23 39.107, Education Code, as that section existed before amendment by
24 this Act. Beginning with the 2014-2015 school year, any campus that
25 meets the criteria for transfer to the jurisdiction of the recovery
26 school district under Section 39.107(e), Education Code, as amended
27 by this Act, shall be transferred to the district's jurisdiction.

1 SECTION 8. This Act takes effect September 1, 2013.