

By: Harper-Brown

H.B. No. 2582

A BILL TO BE ENTITLED

AN ACT

relating to renewing charters for open-enrollment charter schools.

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

SECTION 1. Section 12.102, Education Code, is amended to read as follows:

Sec. 12.102. AUTHORITY UNDER CHARTER. An open-enrollment charter school:

(1) shall provide instruction to students at one or more elementary or secondary grade levels as provided by the charter;

(2) is governed under the governing structure described by the charter;

(3) retains authority to operate under the charter to the extent authorized under Sections 12.1141 and 12.115 and Subchapter E, Chapter 39 [~~contingent on satisfactory student performance as provided by the charter in accordance with Section 12.111~~]; and

(4) does not have authority to impose taxes.

SECTION 2. Section 12.111(a), Education Code, is amended to read as follows:

(a) Each charter granted under this subchapter must:

(1) describe the educational program to be offered, which must include the required curriculum as provided by Section 28.002;

1 (2) ~~[specify the period for which the charter or any~~
2 ~~charter renewal is valid;~~

3 ~~[(3)]~~ provide that continuation or renewal of the
4 charter is contingent on the status of the charter as determined
5 under Section 12.1141 or 12.115 or under Subchapter E, Chapter 39
6 ~~[acceptable student performance on assessment instruments adopted~~
7 ~~under Subchapter B, Chapter 39, and on compliance with any~~
8 ~~accountability provision specified by the charter, by a deadline or~~
9 ~~at intervals specified by the charter];~~

10 (3) ~~[(4)]~~ establish the level of student performance
11 ~~that is considered acceptable for purposes of Subdivision (3);~~

12 ~~[(5)]~~ specify any basis, in addition to a basis
13 specified by this subchapter or Subchapter E, Chapter 39, on which
14 the charter may be placed on probation or revoked ~~[or on which~~
15 ~~renewal of the charter may be denied];~~

16 (4) ~~[(6)]~~ prohibit discrimination in admission policy
17 on the basis of sex, national origin, ethnicity, religion,
18 disability, academic, artistic, or athletic ability, or the
19 district the child would otherwise attend in accordance with this
20 code, although the charter may:

21 (A) provide for the exclusion of a student who
22 has a documented history of a criminal offense, a juvenile court
23 adjudication, or discipline problems under Subchapter A, Chapter
24 37; and

25 (B) provide for an admission policy that requires
26 a student to demonstrate artistic ability if the school specializes
27 in performing arts;

1 (5) [~~(7)~~] specify the grade levels to be offered;
2 (6) [~~(8)~~] describe the governing structure of the
3 program, including:
4 (A) the officer positions designated;
5 (B) the manner in which officers are selected and
6 removed from office;
7 (C) the manner in which members of the governing
8 body of the school are selected and removed from office;
9 (D) the manner in which vacancies on that
10 governing body are filled;
11 (E) the term for which members of that governing
12 body serve; and
13 (F) whether the terms are to be staggered;
14 (7) [~~(9)~~] specify the powers or duties of the
15 governing body of the school that the governing body may delegate to
16 an officer;
17 (8) [~~(10)~~] specify the manner in which the school will
18 distribute to parents information related to the qualifications of
19 each professional employee of the program, including any
20 professional or educational degree held by each employee, a
21 statement of any certification under Subchapter B, Chapter 21, held
22 by each employee, and any relevant experience of each employee;
23 (9) [~~(11)~~] describe the process by which the person
24 providing the program will adopt an annual budget;
25 (10) [~~(12)~~] describe the manner in which an annual
26 audit of the financial and programmatic operations of the program
27 is to be conducted, including the manner in which the person

1 providing the program will provide information necessary for the
2 school district in which the program is located to participate, as
3 required by this code or by State Board of Education rule, in the
4 Public Education Information Management System (PEIMS);

5 (11) [~~(13)~~] describe the facilities to be used;

6 (12) [~~(14)~~] describe the geographical area served by
7 the program; and

8 (13) [~~(15)~~] specify any type of enrollment criteria to
9 be used.

10 SECTION 3. Subchapter D, Chapter 12, Education Code, is
11 amended by adding Section 12.1141 to read as follows:

12 Sec. 12.1141. DENIAL OF RENEWAL OF CHARTER ON EXPIRATION OF
13 INITIAL TERM; AUTOMATIC RENEWAL. (a) At the end of the initial
14 term of a charter of an open-enrollment charter school, the charter
15 automatically renews without action by the commissioner, except
16 that the commissioner shall deny renewal of the charter if:

17 (1) a campus operating under the charter has been
18 assigned an unacceptable performance rating under Subchapter C,
19 Chapter 39, for three of the five preceding school years and such a
20 campus has not been closed; or

21 (2) the open-enrollment charter school has been
22 assigned a financial accountability performance rating under
23 Subchapter D, Chapter 39, indicating financial performance lower
24 than satisfactory for three of the five preceding school years.

25 (b) Not later than the 365th day before the last day of the
26 initial term of a charter for an open-enrollment charter school,
27 the commissioner shall provide written notice to the charter

1 holder, in accordance with commissioner rule, of the basis on which
2 a charter renewal may be denied under Subsection (a).

3 (c) Before the commissioner may, at the end of the initial
4 term, deny the renewal of the charter of an open-enrollment charter
5 school, the commissioner must provide the opportunity for a hearing
6 to the charter holder and the parents and guardians of students of
7 the school. A hearing under this subsection must be held at the
8 facility at which the school is operated. Chapter 2001, Government
9 Code, does not apply to a hearing under this subsection.

10 (d) A charter of an open-enrollment charter school that has
11 been renewed at the end of the initial term of the charter
12 automatically renews at the end of each successive charter term
13 without action by the commissioner, except that the commissioner
14 shall deny renewal of the charter if:

15 (1) the accreditation of the open-enrollment charter
16 school has been revoked; or

17 (2) the accreditation of any campus operating under
18 the charter has been revoked and such a campus has not been closed.

19 (e) The term of a charter renewed under this section is 20
20 years for each renewal.

21 (f) A campus of an open-enrollment charter school rated as
22 academically unacceptable under Subchapter D, Chapter 39, as that
23 subchapter existed January 1, 2009, for the 2008-2009, 2009-2010,
24 or 2010-2011 school year is considered to have been assigned an
25 unacceptable performance rating for that school year under
26 Subsection (a)(1). For purposes of Subsection (a)(2), based on
27 financial accountability reviews, the commissioner shall determine

1 the appropriate financial accountability performance rating to be
2 assigned to a charter holder for the 2008-2009 and 2009-2010 school
3 years. This subsection expires September 1, 2016.

4 SECTION 4. The heading to Section 12.115, Education Code,
5 is amended to read as follows:

6 Sec. 12.115. BASIS FOR MODIFICATION, PLACEMENT ON
7 PROBATION, OR REVOCATION [~~, OR DENIAL OF RENEWAL~~].

8 SECTION 5. Section 12.115(a), Education Code, is amended to
9 read as follows:

10 (a) The commissioner may modify, place on probation, or
11 revoke [~~, or deny renewal of~~] the charter of an open-enrollment
12 charter school if the commissioner determines that the charter
13 holder:

14 (1) committed a material violation of the charter,
15 including failure to satisfy accountability provisions prescribed
16 by the charter;

17 (2) failed to satisfy generally accepted accounting
18 standards of fiscal management;

19 (3) failed to protect the health, safety, or welfare
20 of the students enrolled at the school; or

21 (4) failed to comply with this subchapter or another
22 applicable law or rule.

23 SECTION 6. The heading to Section 12.116, Education Code,
24 is amended to read as follows:

25 Sec. 12.116. PROCEDURE FOR MODIFICATION, PLACEMENT ON
26 PROBATION, OR REVOCATION [~~, OR DENIAL OF RENEWAL~~].

27 SECTION 7. Sections 12.116(a) and (c), Education Code, are

1 amended to read as follows:

2 (a) The commissioner shall adopt a procedure to be used for
3 modifying, placing on probation, or revoking[~~, or denying renewal~~
4 ~~of~~] the charter of an open-enrollment charter school.

5 (c) Chapter 2001, Government Code, does not apply to a
6 hearing that is related to a modification, placement on probation,
7 or revocation[~~, or denial of renewal~~] under this subchapter.

8 SECTION 8. Section 12.119(c), Education Code, is amended to
9 read as follows:

10 (c) On request, the State Board of Education shall provide
11 the information required by this section and Section 12.111(a)(6)
12 [~~12.111(a)(8)~~] to a member of the public. The board may charge a
13 reasonable fee to cover the board's cost in providing the
14 information.

15 SECTION 9. This Act takes effect September 1, 2013.