

By: Elkins

H.B. No. 3611

A BILL TO BE ENTITLED

AN ACT

relating to home-rule school district charters and to the applicability of certain laws and procedures to those districts.

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

SECTION 1. Section 12.013(b), Education Code, is amended to read as follows:

(b) A home-rule school district is subject to:

(1) a provision of this title establishing a criminal offense;

(2) a provision of this title relating to limitations on liability; and

(3) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) ~~educator certification under Chapter 21 and educator rights under Sections 21.407, 21.408, and 22.001,~~

~~[(C)]~~ criminal history records under Subchapter C, Chapter 22;

(C) ~~[(D)]~~ student admissions under Section 25.001;

(D) ~~[(E)]~~ school attendance under Sections

25.085, 25.086, and 25.087;

~~[(F) inter-district or inter-county transfers of students under Subchapter B, Chapter 25;~~

~~[(C) elementary class size limits under Section 25.112, in the case of any campus in the district that fails to satisfy any standard under Section 39.054(e);]~~

(E) ~~[(H)]~~ high school graduation under Section 28.025;

(F) ~~[(I)]~~ special education programs under Subchapter A, Chapter 29;

(G) ~~[(J)]~~ bilingual education under Subchapter B, Chapter 29;

(H) ~~[(K)]~~ prekindergarten programs under Subchapter E, Chapter 29;

(I) ~~[(L)]~~ safety provisions relating to the transportation of students under Sections 34.002, 34.003, 34.004, and 34.008;

(J) ~~[(M)]~~ computation and distribution of state aid under Chapters 31, 42, and 43;

(K) ~~[(N)]~~ extracurricular activities under Section 33.081;

(L) ~~[(O)]~~ health and safety under Chapter 38;

(M) ~~[(P)]~~ public school accountability under Subchapters B, C, D, E, and J, Chapter 39;

(N) ~~[(Q)]~~ equalized wealth under Chapter 41;

(O) ~~[(R)]~~ a bond or other obligation or tax rate under Chapters 42, 43, and 45; ~~[and]~~

1 (P) [~~(S)~~] purchasing under Chapter 44;
2 (Q) reading instruments and accelerated reading
3 instruction programs under Section 28.006;
4 (R) accelerated instruction under Section
5 28.0211;
6 (S) discipline management practices or behavior
7 management techniques under Section 37.0021;
8 (T) reporting misconduct of educators under
9 Section 21.006; and
10 (U) intensive programs of instruction under
11 Section 28.0213.

12 SECTION 2. Section 12.014, Education Code, is amended to
13 read as follows:

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

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

21 (2) a majority [~~at least two-thirds~~] of the total
22 membership of the board adopts [~~adopt~~] a resolution ordering that a
23 charter commission be appointed.

24 SECTION 3. Section 12.021(a), Education Code, is amended to
25 read as follows:

26 (a) A [~~Subject to Section 12.022, a~~] proposed home-rule
27 school district charter or a proposed charter amendment is adopted

1 if approved by a majority of the qualified voters of the district
2 voting at an election held for that purpose.

3 SECTION 4. Sections 12.030(b) and (f), Education Code, are
4 amended to read as follows:

5 (b) The governing body of the district shall order an
6 election on the question of rescinding a home-rule school district
7 charter if:

8 (1) the governing body receives a petition requesting
9 a rescission election signed by at least five percent of the
10 registered voters of the district; or

11 (2) a majority [~~at least two-thirds~~] of the total
12 membership of the governing body adopts [~~adopt~~] a resolution
13 ordering that a rescission election be held.

14 (f) A home-rule school district charter is rescinded if the
15 rescission is approved by a majority of the qualified voters of the
16 district voting at an election held for that purpose [~~at which at~~
17 ~~least 25 percent of the registered voters of the district vote~~].

18 SECTION 5. Section 12.022, Education Code, is repealed.

19 SECTION 6. The changes in law made by this Act apply
20 beginning with the 2013-2014 school year.

21 SECTION 7. The changes in law made by this Act supersede any
22 other law to the extent of a conflict.

23 SECTION 8. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2013.