

By: Patrick

S.B. No. 1407

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.

(a) The commissioner may contract with qualified individuals, government providers, or nonprofit providers 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 apply to the
3 commissioner for a waiver of any rule that inhibits or hinders the
4 district's ability to provide appropriate education for students.

5 The commissioner may not waive a rule related to:

6 (1) civil rights;

7 (2) health and safety;

8 (3) open meetings requirements under Chapter 551,
9 Government Code;

10 (4) public information requirements under Chapter
11 552, Government Code;

12 (5) criminal history record information under Chapter
13 22;

14 (6) instructional time under Section 25.082(a);

15 (7) possession of a weapon under Section 37.007;

16 (8) immunization under Section 38.001;

17 (9) assessment instruments administered under Section
18 39.023(a), (b), (c), or (l);

19 (10) special education services;

20 (11) due process for students;

21 (12) parental rights; or

22 (13) accountability provisions.

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

27 Sec. 39.132. FINANCIAL POWERS. (a) The recovery school

1 district may:

2 (1) seek, spend, manage, and retain federal funding
3 and grant funding in the same manner as an independent school
4 district;

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

7 (3) maintain and manage fund balances.

8 (b) The recovery school district may not impose an ad
9 valorem tax.

10 (c) Expenditures of funds are subject to the requirements of
11 the Foundation School Program formulas that apply to a public
12 school and are subject to audit in the same manner.

13 Sec. 39.1321. PROCUREMENT. The recovery school district
14 has the same authority and autonomy afforded to an independent
15 school district under state law regarding the procurement of:

16 (1) services, including personal, professional,
17 consulting, and social services; and

18 (2) property.

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

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

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

16 (d) All amounts to be appropriated or allocated and
17 transferred under this section shall be estimated by the
18 commissioner based on the most recent local revenue data and
19 projected student counts available. Allocations to be transferred
20 shall be adjusted during the year as necessary to reflect actual
21 student counts and actual prior year local revenue collections.

22 (e) Except for administrative costs, money appropriated to
23 the recovery school district that is attributable to the transfer
24 of a school from a prior system and money allocated or transferred
25 from the prior system to the district may be expended solely on the
26 operation of schools transferred from the prior system to the
27 jurisdiction of the district.

1 Sec. 39.134. PERSONNEL. (a) The recovery school district
2 may employ necessary staff members.

3 (b) At the time of the transfer of a school to the recovery
4 school district, the district shall determine whether a certified
5 teacher with regular and direct responsibility for providing
6 classroom instruction who is employed in the transferred school by
7 the prior system shall be employed in the same or a comparable
8 position by the district. If a person employed by the prior system
9 in a transferred school is not chosen for employment by the recovery
10 school district, the person shall remain in the employment of the
11 prior system and, in that case, the prior system shall retain and
12 reassign such person consistent with its contractual obligations or
13 policies regarding the retention and reassignment of employees.

14 (c) Benefits and privileges of a person employed in a school
15 by the recovery school district who was employed by the prior system
16 at the time the school was transferred to the district's
17 jurisdiction shall be the same as those required by law for
18 employees of the prior system.

19 (d) A person employed by the recovery school district in a
20 school who was employed by the prior system at the time the school
21 was transferred to the district's jurisdiction, for the purposes of
22 permanent status and the retention on return to employment in the
23 prior system of any employment benefit or right that requires
24 continuous service or that becomes vested based on years of
25 service, or both, shall be granted an approved leave of absence from
26 the prior system for the period the school is under the jurisdiction
27 of the recovery school district in order to be employed by the

1 district. The period any employee is on such leave shall be
2 considered service time by the prior system at any time the employee
3 returns to the prior system's employment. Such approved leave
4 shall not require the prior system to provide for benefits during
5 the time the employee on leave is employed by the recovery school
6 district.

7 (e) The benefits and privileges of any person employed in a
8 school by the recovery school district who was not employed by the
9 prior system at the time the school was transferred to the
10 jurisdiction of the district shall be determined at the time of such
11 employment by the district in compliance with any requirement of
12 any applicable contract or requirement of law.

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

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

17 SECTION 3. Section 39.107, Education Code, is amended by
18 amending Subsections (c), (e), and (e-1) and adding Subsections
19 (e-4), (e-5), (e-6), (e-7), and (e-8) to read as follows:

20 (c) A campus subject to Subsection (a) shall implement the
21 updated targeted improvement plan as approved by the commissioner.
22 [~~The commissioner may appoint a monitor, conservator, management~~
23 ~~team, or board of managers to the district to ensure and oversee~~
24 ~~district-level support to low-performing campuses and the~~
25 ~~implementation of the updated targeted improvement plan. In~~
26 ~~making appointments under this subsection, the commissioner shall~~
27 ~~consider individuals who have demonstrated success in managing~~

1 ~~campuses with student populations similar to the campus at which~~
2 ~~the individual appointed will serve.]~~

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

- 9 ~~(1) repurposing of the campus under this section;~~
10 ~~(2) alternative management of the campus under this~~
11 ~~section; or~~
12 ~~(3) closure of the campus].~~

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

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

1 if the commissioner finds that the campus:

2 (1) has met the requirements for acceptable
3 performance under Section 39.054; or

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

10 (e-5) After the third year in which a campus under the
11 jurisdiction of the recovery school district meets the requirements
12 of Subsection (e-4)(1) or (2), the commissioner shall implement the
13 transition plan developed under Subsection (e-4).

14 (e-6) The commissioner must return the campus to the
15 jurisdiction of the district from which the campus was transferred
16 if the campus meets the requirements of Subsection (e-4)(1) or (2)
17 for five consecutive years.

18 (e-7) Notwithstanding Subsection (e), if an open-enrollment
19 charter school during the first five years of operation is
20 considered to have an unacceptable performance rating for two
21 consecutive school years after the campus is reconstituted under
22 Subsection (a), the commissioner, subject to Subsection (e-1),
23 shall transfer the campus to the jurisdiction of the recovery
24 school district established under Subchapter E-1.

25 (e-8) Notwithstanding this section or any other provision
26 of law, the commissioner may return a campus to the jurisdiction of
27 the district from which the campus was transferred at an earlier

1 time determined by the commissioner.

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

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

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

12 (2) recover the amount of the costs in the manner
13 provided for recovery of an overallocation of state funds under
14 Section 42.258.

15 Sec. 39.115. CAMPUS NAME CHANGE PROHIBITED. In
16 [~~reconstituting, repurposing, or~~] imposing any [~~other~~]
17 intervention or sanction on a campus under this subchapter, the
18 commissioner may not require that the name of the campus be changed.

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

21 (a) A school district or open-enrollment charter school
22 that intends to challenge a decision by the commissioner under this
23 chapter to transfer jurisdiction of a campus to the recovery school
24 district [~~close the district or a district campus or the charter~~
25 ~~school or to pursue alternative management of a district campus or~~
26 ~~the charter school~~] must appeal the decision under the procedures
27 provided for a contested case under Chapter 2001, Government Code.

1 SECTION 6. The following provisions of the Education Code
2 are repealed:

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

5 (2) Sections 39.111 and 39.112.

6 SECTION 7. The commissioner of education shall ensure that
7 the recovery school district, as established under Subchapter E-1,
8 Chapter 39, Education Code, as added by this Act, is prepared to
9 begin operations with the 2014-2015 school year. For the 2013-2014
10 school year, the commissioner may impose any sanction under Section
11 39.107, Education Code, as that section existed before amendment by
12 this Act. Beginning with the 2014-2015 school year, any campus that
13 meets the criteria for transfer to the jurisdiction of the recovery
14 school district under Section 39.107(e), Education Code, as amended
15 by this Act, shall be transferred to the district's jurisdiction.

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