

By: Deshotel, Villalba, Huberty, et al.

H.B. No. 1798

Substitute the following for H.B. No. 1798:

By: Aycock

C.S.H.B. No. 1798

A BILL TO BE ENTITLED

AN ACT

relating to local control school districts.

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

SECTION 1. The heading to Chapter 12, Education Code, is amended to read as follows:

CHAPTER 12. CHARTERS AND OTHER ALTERNATIVES

SECTION 2. Section 12.001(b), Education Code, is amended to read as follows:

(b) This chapter shall be applied in a manner that ensures the fiscal and academic accountability of persons operating [~~holding charters issued~~] under this chapter. This chapter may not be applied in a manner that unduly regulates the instructional methods or pedagogical innovations of [~~charter~~] schools operating under this chapter.

SECTION 3. Section 12.0011, Education Code, is amended to read as follows:

Sec. 12.0011. ALTERNATIVE METHOD OF OPERATION. As an alternative to operating in the manner generally provided by this title, an independent school district, a school campus, or an educational program may choose to operate [~~under a charter~~] in accordance with this chapter.

SECTION 4. Section 12.002, Education Code, is amended to read as follows:

Sec. 12.002. CLASSES OF ALTERNATIVES [~~CHARTER~~]. The

1 classes of alternatives [~~charter~~] under this chapter are:

2 (1) a local control [~~home-rule~~] school district
3 [~~charter~~] as provided by Subchapter B;

4 (2) a campus or campus program charter as provided by
5 Subchapter C; or

6 (3) an open-enrollment charter as provided by
7 Subchapter D.

8 SECTION 5. Subchapter B, Chapter 12, Education Code, is
9 amended to read as follows:

10 SUBCHAPTER B. LOCAL CONTROL [~~HOME-RULE~~] SCHOOL DISTRICT [~~CHARTER~~]

11 Sec. 12.011. AUTHORIZATION AND STATUS. (a) In accordance
12 with this subchapter, a school district may adopt a local control
13 plan [~~home-rule school district charter~~] under which the district
14 will operate.

15 (b) The adoption of a local control plan [~~home-rule school~~
16 ~~district charter~~] by a school district does not affect:

17 (1) the district's boundaries; or

18 (2) taxes or bonds of the district authorized before
19 the effective date of the plan [~~charter~~].

20 Sec. 12.012. APPLICABILITY OF LAWS AND RULES TO LOCAL
21 CONTROL [~~HOME-RULE~~] SCHOOL DISTRICT. (a) A local control

22 [~~home-rule~~] school district is subject to federal and state laws
23 and rules governing school districts, except that a local control
24 [~~home-rule~~] school district is subject to:

25 (1) this code only to the extent that the
26 applicability to a local control [~~home-rule~~] school district of a
27 provision of this code is specifically provided;

1 (2) a rule adopted under this code by the State Board
2 of Education or the commissioner only if the code provision
3 authorizing the rule specifically applies to a local control
4 [~~home-rule~~] school district; and

5 (3) all requirements of federal law and applicable
6 court orders relating to eligibility for and the provision of
7 special education and bilingual programs.

8 (b) An employee of a local control [~~home-rule~~] school
9 district who qualifies for membership in the Teacher Retirement
10 System of Texas shall be covered under the system in the same manner
11 and to the same extent as a qualified employee employed by an
12 independent school district is covered.

13 (c) This section does not permit a local control [~~home-rule~~]
14 school district to discriminate against a student who has been
15 diagnosed as having a learning disability, including dyslexia or
16 attention deficit/hyperactivity disorder. Discrimination
17 prohibited by this subsection includes denial of placement in a
18 gifted and talented program if the student would otherwise be
19 qualified for the program but for the student's learning
20 disability. This section does not permit a local control
21 [~~home-rule~~] school district to, on the basis of race, socioeconomic
22 status, learning disability, or family support status, place a
23 student in a program other than the highest-level program necessary
24 to ensure the student's success.

25 Sec. 12.0121. IMMUNITY FROM LIABILITY. In matters related
26 to the operation of a local control school district, a local control
27 school district is immune from liability to the same extent as an

1 independent school district, and its employees and volunteers are
2 immune from liability to the same extent as independent school
3 district employees and volunteers. A member of the governing body
4 of a local control school district is immune from liability to the
5 same extent as an independent school district trustee.

6 Sec. 12.013. APPLICABILITY OF TITLE. (a) A local control
7 [~~home-rule~~] school district has the powers and entitlements granted
8 to school districts and school district boards of trustees under
9 this title, including taxing authority.

10 (b) A local control [~~home-rule~~] school district is subject
11 to:

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

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

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

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

22 (B) educator certification under Chapter 21,
23 confidentiality of performance evaluations under Section 21.355,
24 and educator rights under Sections 21.407, 21.408, and 22.001;

25 (C) criminal history records under Subchapter C,
26 Chapter 22;

27 (D) student admissions under Section 25.001;

- 1 (E) school attendance under Sections 25.085,
2 25.086, and 25.087;
- 3 (F) inter-district or inter-county transfers of
4 students under Subchapter B, Chapter 25, and transfers of students
5 under Sections 25.0341 and 25.0342;
- 6 (G) the required curriculum under Section 28.002
7 ~~[elementary class size limits under Section 25.112, in the case of~~
8 ~~any campus in the district that fails to satisfy any standard under~~
9 ~~Section 39.054(e)];~~
- 10 (H) high school graduation under Section 28.025;
- 11 (I) special education programs under Subchapter
12 A, Chapter 29;
- 13 (J) bilingual education under Subchapter B,
14 Chapter 29;
- 15 (K) prekindergarten programs under Subchapter E,
16 Chapter 29;
- 17 (L) safety provisions relating to the
18 transportation of students under Sections 34.002, 34.003, 34.004,
19 and 34.008;
- 20 (M) computation and distribution of state aid
21 under Chapters 31, 42, ~~[and]~~ 43, and 46;
- 22 (N) extracurricular activities under Section
23 33.081;
- 24 (O) restrictions under Section 37.0021 on the use
25 with students of confinement, restraint, seclusion, and time-out;
- 26 (P) health and safety under Chapter 38;
- 27 (Q) [~~(P)~~] public school accountability under

1 Subchapters B, C, D, E, F, and J, Chapter 39;

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

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

5 (T) [~~(S)~~] purchasing under Chapter 44.

6 Sec. 12.0131. APPLICABILITY OF ELECTION CODE. The Election
7 Code, including Title 15, Election Code, applies to:

8 (1) a petition submitted to the board of trustees of a
9 school district under Section 12.014; and

10 (2) a local control plan election held under Section
11 12.019.

12 Sec. 12.014. APPOINTMENT OF LOCAL CONTROL [~~CHARTER~~]
13 COMMISSION. (a) The board of trustees of a school district shall
14 appoint a local control [~~charter~~] commission to frame a local
15 control plan for the [~~home-rule~~] school district [~~charter~~] if:

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

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

24 (b) A petition submitted under Subsection (a)(1) may
25 designate one or more persons as lead petitioner.

26 Sec. 12.0141. REQUIRED STATEMENT FOR PETITION. For a
27 petition under Section 12.014(a)(1) to be valid, the petition must

1 include the following, or a substantially similar, statement on
2 each page of the petition that precedes the space reserved for
3 signatures: "This petition is to request that a local control
4 commission be appointed for the purpose of proposing a local
5 control plan under which (name of school district) will operate if
6 the plan is approved at an election of voters of the district. The
7 local control commission will be composed of 15 residents of the
8 district."

9 Sec. 12.015. LOCAL CONTROL [~~CHARTER~~] COMMISSION. (a) Not
10 later than the 30th day after the date of [~~receipt of a petition or~~]
11 adoption of a resolution under Section 12.014(a)(2) [~~12.014~~], the
12 board of trustees of the school district shall appoint 15 residents
13 of the district to serve on the commission to frame a local control
14 plan [~~charter~~] for the district, as provided by Subsection (b-1).

15 (a-1) Not later than the 30th day after the date the board of
16 trustees of the school district receives a petition under Section
17 12.014(a)(1), the board shall appoint the following 15 residents of
18 the district to serve on the commission to frame a local control
19 plan for the district:

20 (1) seven residents who are selected by the board; and
21 (2) eight residents who are selected by the lead
22 petitioner, provided that the petition designates one or more
23 persons as lead petitioner.

24 (b) To the extent practicable, the [~~The~~] membership of the
25 local control [~~charter~~] commission must reflect the racial and [~~7~~]
26 ethnic[~~, socioeconomic, and geographic~~] diversity of the
27 population of the district of voting age.

1 (b-1) If the local control commission is appointed in
2 accordance with Subsection (a), the board shall appoint the
3 following residents of the district to serve on the commission to
4 frame a local control plan for the district:

5 (1) at least eight [~~A majority of the members~~
6 ~~appointed to the commission must be~~] parents of school-age children
7 attending public school;

8 (2) at least two administrators employed by the
9 district; and

10 (3) two [~~. At least 25 percent of the commission must~~
11 ~~be~~] classroom teachers employed by the district [~~selected by the~~
12 ~~representatives of the professional staff pursuant to Section~~
13 [11.251\(e\)](#)].

14 (b-2) If the local control commission is appointed under
15 Subsection (a-1), and the petition designates one or more persons
16 as lead petitioner, the board and the lead petitioner shall each
17 select for the commission:

18 (1) at least four parents of school-age children
19 attending public school;

20 (2) at least one administrator employed by the
21 district; and

22 (3) one classroom teacher employed by the district.

23 (b-3) The board may not refuse to appoint a member of a
24 commission who is selected by the lead petitioner if the member is
25 otherwise eligible to serve on the commission.

26 (b-4) If the local control commission is appointed under
27 Subsection (a-1), and the petition does not designate one or more

1 persons as lead petitioner, the board shall appoint the members of
2 the local control commission in accordance with Subsection (b-1).

3 (c) The local control [~~charter~~] commission must complete a
4 proposed local control plan [~~charter~~] not later than the first
5 anniversary of the date of its appointment. After that date, the
6 commission expires and the appointment under Section 12.014 is
7 void.

8 (d) A local control [~~charter~~] commission appointed under
9 this section is considered a governmental body for purposes of
10 Chapters 551 and 552, Government Code.

11 (e) A local control commission shall hold at least three
12 public hearings to allow interested persons to present comments
13 related to the proposed local control plan developed by the
14 commission. The commission shall provide notice of each public
15 hearing to the public.

16 Sec. 12.016. CONTENT. (a) Each local control plan
17 [~~home-rule school district charter~~] must:

18 (1) describe the educational program to be offered;

19 (2) provide that continuation of the local control
20 [~~home-rule~~] school district [~~charter~~] is contingent on:

21 (A) acceptable student performance on assessment
22 instruments adopted under Subchapter B, Chapter 39; and

23 (B) compliance with other applicable
24 accountability provisions under Chapter 39;

25 (3) specify any basis, in addition to a basis
26 specified by this subchapter, on which the local control school
27 district [~~charter~~] may be placed on probation or the local control

1 plan may be revoked;

2 (4) describe the governing structure of the district
3 and campuses;

4 (5) specify any procedure or requirement, in addition
5 to those under Chapter 38, that the district will follow to ensure
6 the health and safety of students and employees;

7 (6) describe the process by which the district will
8 adopt an annual budget, including a description of the use of
9 program-weight funds;

10 (7) describe the manner in which an annual audit of
11 financial and programmatic operations of the district is to be
12 conducted, including the manner in which the district will provide
13 information necessary for the district to participate in the Public
14 Education Information Management System (PEIMS) to the extent
15 required by this subchapter; and

16 (8) include any other provision the charter commission
17 considers necessary.

18 (b) A local control plan may include provisions that impose
19 requirements on the district that are similar or identical to
20 federal or state laws that a local control school district is not
21 otherwise subject to under Section 12.012. A requirement imposed
22 under this subsection is not a school law of this state for purposes
23 of Section 7.057 and does not create an entitlement to a hearing
24 under Subchapter F or G, Chapter 21.

25 ~~[Sec. 12.017. DETERMINATION OF COMPLIANCE WITH VOTING~~
26 ~~RIGHTS ACT. (a) The charter commission shall submit the proposed~~
27 ~~charter to the secretary of state. The secretary of state shall~~

1 ~~determine whether a proposed charter contains a change in the~~
2 ~~governance of the school district.~~

3 ~~[(b) If the secretary of state determines that a proposed~~
4 ~~charter contains a change in the governance of the school district,~~
5 ~~the secretary of state shall, not later than the second working day~~
6 ~~after the date the secretary of state makes that determination,~~
7 ~~notify the board of trustees of the school district. The board shall~~
8 ~~submit the proposed change to the United States Department of~~
9 ~~Justice or the United States District Court for the District of~~
10 ~~Columbia for preclearance under the Voting Rights Act (42 U.S.C.~~
11 ~~Section 1973c et seq.).]~~

12 Sec. 12.018. LEGAL REVIEW. The local control [~~charter~~]
13 commission shall submit the proposed local control plan [~~charter~~]
14 to the commissioner. As soon as practicable, but not later than the
15 30th day after the date the commissioner receives the proposed
16 local control plan [~~charter~~], the commissioner shall review the
17 proposed local control plan [~~charter~~] to ensure that the proposed
18 local control plan [~~charter~~] complies with any applicable laws and
19 shall recommend to the local control [~~charter~~] commission any
20 modifications necessary. If the commissioner does not act within
21 the prescribed time, the proposed local control plan [~~charter~~] is
22 approved.

23 Sec. 12.019. LOCAL CONTROL PLAN [~~CHARTER~~] ELECTION. (a) As
24 soon as practicable after approval of a proposed local control plan
25 [~~home-rule school district charter~~] under Section 12.018, the board
26 of trustees of the district shall order an election on the proposed
27 local control plan [~~charter~~].

1 (b) The proposed local control plan [~~charter~~] shall be
2 submitted to the voters of the district at an election to be held on
3 the first uniform election date in November of an even-numbered
4 year that occurs at least 78 [~~45~~] days after the date on which the
5 board of trustees orders the election.

6 (c) At least three copies of the proposed local control plan
7 [~~charter~~] must be available in the office of each school campus in
8 the district and at the district's central administrative office
9 between the date of the election order and election day. Notice of
10 the election must include a statement of where and how copies may be
11 obtained or viewed. A summary of the content of the proposed local
12 control plan [~~charter~~] shall be attached to each copy. The summary
13 also shall be made available to school district employees, parents,
14 community members, and members of the media.

15 (d) The ballot shall be printed to permit voting for or
16 against the proposition "Whether the (name of school district)
17 School District shall be governed under the local control plan
18 [~~home-rule school district charter~~], which is proposed by a local
19 control [~~charter~~] commission appointed by the board of trustees and
20 under which only certain laws and rules apply to the district."

21 Sec. 12.020. LOCAL CONTROL PLAN [~~CHARTER~~] AMENDMENT. (a)
22 At any time after the fourth year that a school district has
23 operated under a local control plan, the [~~The~~] governing body of the
24 local control [~~a home-rule~~] school district on its own motion may
25 submit a proposed [~~charter~~] amendment to the local control plan
26 that complies with this subchapter to the commissioner for legal
27 review.

1 (b) A petition to amend a local control plan may be
2 submitted to the governing body of the district at any time after
3 the fourth year that the district has operated under the local
4 control plan. On receipt of a petition, the [The] governing body
5 shall submit a proposed [~~charter~~] amendment that complies with this
6 subchapter to the commissioner for legal review if the [a] petition
7 [~~submitted to the governing body proposing the charter amendment~~]
8 is signed by at least five percent of the registered voters of the
9 district. The petition must designate one or more persons as lead
10 petitioner.

11 (c) As soon as practicable, but not later than the 30th day
12 after the date on which the requirements [~~for an election~~] under
13 Subsection (a) or (b) are satisfied, the commissioner shall review
14 the proposed amendment to ensure that the proposed amendment
15 complies with any applicable laws and shall recommend any
16 modifications necessary. If the commissioner does not act within
17 the prescribed time, the proposed [~~charter~~] amendment is approved.

18 (d) As soon as practicable after commissioner review under
19 Subsection (c), the governing body of the district shall order an
20 election on the proposed amendment.

21 (e) An election under this section shall be held on the
22 first uniform election date in November of an even-numbered year
23 that occurs at least 78 [~~45~~] days after the date the election is
24 ordered.

25 (f) Notice of the election must include a substantial copy
26 of the proposed [~~charter~~] amendment to the local control plan.

27 (g) An [A-charter] amendment to a local control plan may not

1 contain more than one subject.

2 (h) The ballot shall be prepared so that a voter may approve
3 or disapprove any one or more ~~[charter]~~ amendments to a local
4 control plan without having to approve or disapprove all of the
5 ~~[charter]~~ amendments to a local control plan.

6 (i) The governing body may not order an election on a
7 proposed ~~[charter]~~ amendment to a local control plan earlier than
8 the first anniversary of the date of any previous election to amend
9 the plan ~~[charter]~~.

10 [~~(j) Section 12.017 applies to a proposed charter~~
11 ~~amendment, except that the governing body shall submit the proposed~~
12 ~~charter amendment to the secretary of state.~~]

13 Sec. 12.021. ADOPTION OF LOCAL CONTROL PLAN ~~[CHARTER]~~ OR
14 ~~[CHARTER]~~ AMENDMENT. (a) A [Subject to Section 12.022, a] proposed
15 local control plan ~~[home-rule school district charter]~~ or a
16 proposed ~~[charter]~~ amendment to a local control plan is adopted if
17 approved by a majority of the qualified voters of the district
18 voting at an election held for that purpose.

19 (b) A local control plan ~~[charter]~~ or ~~[charter]~~ amendment to
20 a local control plan shall specify an effective date, which may not
21 be earlier than the end of the school year during which the election
22 to adopt a local control plan or amendment to a local control plan
23 occurs. A local control plan or amendment to a local control plan
24 ~~[and]~~ takes effect according to its terms when the board of trustees
25 or governing body of the school district enters an order declaring
26 that the plan ~~[charter]~~ or ~~[charter]~~ amendment is adopted. The
27 board of trustees or governing body shall enter an order not later

1 than the 10th day after the date the canvass of the election returns
2 is completed.

3 (c) As soon as practicable after a school district adopts a
4 local control plan or amendment to a local control plan [~~home-rule~~
5 ~~school district charter or charter amendment~~], the board of
6 trustees or governing body shall notify the commissioner of the
7 outcome of the election.

8 Sec. 12.022. [~~MINIMUM VOTER TURNOUT REQUIRED.~~ (a) An
9 election on the adoption of a proposed home-rule school district
10 charter has no effect unless at least 25 percent of the registered
11 voters of the district vote in the election in which the adoption of
12 the charter is on the ballot.

13 [(b) An election on the adoption of a proposed amendment to
14 a home-rule school district charter has no effect unless at least 20
15 percent of the registered voters of the district vote in the
16 election in which the adoption of the amendment is on the ballot.

17 [(c) If the required number of voters prescribed by
18 Subsection (a) or (b) do not vote in the election, the board of
19 trustees shall order an election on the issue to be held on the
20 first uniform election date:

21 [(1) that occurs at least 45 days after the date the
22 election is ordered; and

23 [(2) on which one or more elections are to be held, the
24 combination of which covers all of the territory of the school
25 district.

26 [(d) If the required number of voters prescribed by
27 Subsection (a) or (b) do not vote at an election ordered as required

1 ~~by Subsection (c), the board of trustees may continue to order~~
2 ~~elections on the issue in accordance with Subsection (c) until the~~
3 ~~required minimum voter turnout is achieved.~~

4 ~~[Sec. 12.023. CERTIFICATION OF CHARTER OR CHARTER~~
5 ~~AMENDMENT. (a) As soon as practicable after a school district~~
6 ~~adopts a home-rule school district charter or charter amendment,~~
7 ~~the president of the board of trustees shall certify to the~~
8 ~~secretary of state a copy of the charter or amendment showing the~~
9 ~~approval by the voters of the district.~~

10 ~~[(b) The secretary of state shall file and record the~~
11 ~~certification in the secretary of state's office.~~

12 ~~[Sec. 12.024. EFFECT OF RECORDING CHARTER OR CHARTER~~
13 ~~AMENDMENT. A recorded charter or charter amendment is a public act.~~
14 ~~A court shall take judicial notice of a recorded charter or charter~~
15 ~~amendment and proof is not required of its provisions.~~

16 ~~[Sec. 12.025.] GOVERNANCE. (a) A local control~~
17 ~~[~~home-rule~~] school district may adopt and operate under any~~
18 ~~governing structure.~~

19 (b) In conformity with the local control plan, the governing
20 body of the [The] district may:

21 (1) create offices;
22 (2) determine the time and method for selecting
23 officers; ~~and~~

24 (3) prescribe the qualifications and duties of
25 officers; and

26 (4) prescribe procedures to recall or remove members
27 or officers.

1 (c) Subject to Subsection (b)(4), the ~~[The]~~ term of any
2 member of the governing body ~~[officer]~~ of the district is
3 determined under Section 11.059.

4 Sec. 12.023 ~~[12.026]~~. CHANGE IN GOVERNING BODY. If the
5 adoption, amendment, or revocation of a local control plan
6 ~~[home-rule school district charter]~~ changes the structure of the
7 governing body of the school district, the members of the governing
8 body serving on the date the adoption, amendment, or revocation
9 takes effect continue in office until their successors are chosen
10 and have qualified for office.

11 Sec. 12.024 ~~[12.027]~~. BASIS FOR PLACEMENT ON PROBATION OR
12 REVOCATION OF LOCAL CONTROL PLAN ~~[CHARTER]~~. (a) The commissioner
13 ~~[State Board of Education]~~ may place a local control school
14 district on probation or revoke the local control plan ~~[a home-rule~~
15 ~~school district charter]~~ of a school district if the commissioner
16 ~~[board]~~ determines that the district:

17 (1) committed a material violation of the local
18 control plan ~~[charter]~~;

19 (2) failed to satisfy generally accepted accounting
20 standards of fiscal management; or

21 (3) failed to comply with this subchapter or other
22 applicable federal or state law or rule.

23 (b) The action the commissioner ~~[board]~~ takes under
24 Subsection (a) shall be based on the best interest of district
25 students, the severity of the violation, and any previous violation
26 the district has committed.

27 (c) A district whose local control plan ~~[home-rule school~~

1 ~~district charter~~] is revoked or rescinded under this subchapter
2 shall operate under the other provisions of Title 1 and this title
3 that apply to school districts.

4 Sec. 12.025 [~~12.028~~]. PROCEDURE FOR PLACEMENT ON PROBATION
5 OR REVOCATION. (a) The commissioner [~~State Board of Education~~] by
6 rule shall adopt a procedure to be used for placing a local control
7 school district on probation or revoking a local control plan
8 [~~home-rule school district charter~~].

9 (b) The procedure adopted under Subsection (a) must provide
10 an opportunity for a hearing to the district and to parents of
11 district students. A hearing under this subsection must be held in
12 the district.

13 Sec. 12.026 [~~12.029~~]. STATUS OF DISTRICT IN CASE OF
14 ANNEXATION OR CONSOLIDATION. (a) If a school district is annexed
15 to another district under Chapter 13, and only one of the districts
16 has a local control [~~home-rule~~] school district status, the
17 status[~~, as a home-rule or other type of school district,~~] of the
18 receiving district is the status for both districts following
19 annexation.

20 (b) Except as provided by Subchapter H, Chapter 41, if two
21 or more school districts having different status, one of which is
22 local control [~~home-rule~~] school district status, consolidate into
23 a single district, the petition under Section 13.003 initiating the
24 consolidation must state the status for the consolidated district.
25 The ballot shall be printed to permit voting for or against the
26 proposition: "Consolidation of (names of school districts) into a
27 single school district governed as (status of school district

1 specified in the petition)."

2 Sec. 12.027 [~~12.030~~]. RESCISSION OF LOCAL CONTROL PLAN
3 [~~CHARTER~~]. (a) A local control plan [~~home-rule school district~~
4 ~~charter~~] may be rescinded as provided by this section.

5 (b) The governing body of the district shall order an
6 election on the question of rescinding a local control plan
7 [~~home-rule school district 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) at least two-thirds of the total membership of the
12 governing body adopt a resolution ordering that a rescission
13 election be held.

14 (c) As soon as practicable after the date of receipt or
15 adoption of a resolution under Subsection (b), the governing body
16 shall order an election.

17 (d) The proposition to rescind the local control plan
18 [~~home-rule school district charter~~] shall be submitted to the
19 voters of the district at an election to be held on the first
20 uniform election date in November of an even-numbered year that
21 occurs at least 78 [~~45~~] days after the date on which the governing
22 body orders the election.

23 (e) The ballot shall be printed to permit voting for or
24 against the proposition: "Whether the local control plan [~~home-rule~~
25 ~~school district charter~~] of (name of school district) shall be
26 rescinded so that the school district becomes an independent school
27 district."

1 (f) A local control plan [~~home-rule school district~~
2 ~~charter~~] is rescinded if the rescission is approved by a majority of
3 the qualified voters of the district voting at an election held for
4 that purpose [~~at which at least 25 percent of the registered voters~~
5 ~~of the district vote~~].

6 (g) The rescission takes effect on a date established by
7 resolution of the governing body but not earlier than the end of the
8 school year during which the election to rescind the local control
9 plan occurs [~~later than the 90th day after the date of an election~~
10 ~~held under this section at which rescission of the charter is~~
11 ~~approved and at which the number of registered voters required~~
12 ~~under Subsection (f) vote~~]. As soon as practicable after that
13 election, the governing body shall notify the commissioner and the
14 secretary of state of the results of the election and of the
15 effective date of the rescission.

16 (h) The rescission of a local control plan [~~home-rule school~~
17 ~~district charter~~] under this section does not affect:

18 (1) the district's boundaries; or

19 (2) taxes or bonds of the district authorized before
20 the effective date of the rescission.

21 SECTION 6. Section [12.051](#)(2), Education Code, is amended to
22 read as follows:

23 (2) "Board" and "board of trustees" mean the board of
24 trustees of a school district or the governing body of a local
25 control [~~home-rule~~] school district.

26 SECTION 7. Section [12.052](#)(a), Education Code, is amended to
27 read as follows:

1 (a) In accordance with this subchapter, the board of
2 trustees of a school district or the governing body of a local
3 control [~~home-rule~~] school district shall grant or deny, through a
4 public vote of the board of trustees or governing body, a charter to
5 parents and teachers for a campus or a program on a campus if the
6 board is presented with a petition signed by:

7 (1) the parents of a majority of the students at that
8 school campus; and

9 (2) a majority of the classroom teachers at that
10 school campus.

11 SECTION 8. Section 12.0521(a), Education Code, is amended
12 to read as follows:

13 (a) Notwithstanding Section 12.052, in accordance with this
14 subchapter and in the manner provided by this section, the board of
15 trustees of a school district or the governing body of a local
16 control [~~home-rule~~] school district may grant a charter for:

17 (1) a new district campus; or

18 (2) a program that is operated:

19 (A) by an entity that has entered into a contract
20 with the district under Section 11.157 to provide educational
21 services to the district through the campus or program; and

22 (B) at a facility located in the boundaries of
23 the district.

24 SECTION 9. Section 12.0522(a), Education Code, is amended
25 to read as follows:

26 (a) Notwithstanding Section 12.052, in the manner provided
27 by this section, the board of trustees of a school district or the

1 governing body of a local control [~~home-rule~~] school district may
2 grant a district charter to a campus to the extent authorized under
3 this section.

4 SECTION 10. Section 12.101(a), Education Code, is amended
5 to read as follows:

6 (a) In accordance with this subchapter, the commissioner
7 may grant a charter on the application of an eligible entity for an
8 open-enrollment charter school to operate in a facility of a
9 commercial or nonprofit entity, an eligible entity, or a school
10 district, including a local control [~~home-rule~~] school district.
11 In this subsection, "eligible entity" means:

12 (1) an institution of higher education as defined
13 under Section 61.003;

14 (2) a private or independent institution of higher
15 education as defined under Section 61.003;

16 (3) an organization that is exempt from taxation under
17 Section 501(c)(3), Internal Revenue Code of 1986 (26 U.S.C. Section
18 501(c)(3)); or

19 (4) a governmental entity.

20 SECTION 11. Sections 22.003(d) and (e), Education Code, are
21 amended to read as follows:

22 (d) A school district employee with available personal
23 leave under this section is entitled to use the leave for
24 compensation during a term of active military service. This
25 subsection applies to any personal or sick leave available under
26 former law or provided by local policy of a school district,
27 including a local control [~~home-rule~~] school district.

1 (e) A school district, including a local control
2 [~~home-rule~~] school district, may adopt a policy providing for the
3 paid leave of absence of employees taking leave for active military
4 service as part of the consideration of employment by the district.

5 SECTION 12. Section 37.007(e), Education Code, is amended
6 to read as follows:

7 (e) In accordance with 20 U.S.C. Section 7151, a local
8 educational agency, including a school district, local control
9 [~~home-rule~~] school district, or open-enrollment charter school,
10 shall expel a student who brings a firearm, as defined by 18 U.S.C.
11 Section 921, to school. The student must be expelled from the
12 student's regular campus for a period of at least one year, except
13 that:

14 (1) the superintendent or other chief administrative
15 officer of the school district or of the other local educational
16 agency, as defined by 20 U.S.C. Section 7801, may modify the length
17 of the expulsion in the case of an individual student;

18 (2) the district or other local educational agency
19 shall provide educational services to an expelled student in a
20 disciplinary alternative education program as provided by Section
21 37.008 if the student is younger than 10 years of age on the date of
22 expulsion; and

23 (3) the district or other local educational agency may
24 provide educational services to an expelled student who is 10 years
25 of age or older in a disciplinary alternative education program as
26 provided in Section 37.008.

27 SECTION 13. Section 37.022(a)(2), Education Code, is

1 amended to read as follows:

2 (2) "District or school" includes an independent
3 school district, a local control [~~home-rule~~] school district, a
4 campus or campus program charter holder, or an open-enrollment
5 charter school.

6 SECTION 14. Section 38.152, Education Code, is amended to
7 read as follows:

8 Sec. 38.152. APPLICABILITY. This subchapter applies to an
9 interscholastic athletic activity, including practice and
10 competition, sponsored or sanctioned by:

11 (1) a school district, including a local control
12 [~~home-rule~~] school district, or a public school, including any
13 school for which a charter has been granted under Chapter 12; or

14 (2) the University Interscholastic League.

15 SECTION 15. Section 38.157(c), Education Code, is amended
16 to read as follows:

17 (c) The school district superintendent or the
18 superintendent's designee or, in the case of a local control
19 [~~home-rule~~] school district or open-enrollment charter school, the
20 person who serves the function of superintendent or that person's
21 designee shall supervise an athletic trainer or other person
22 responsible for compliance with the return-to-play protocol. The
23 person who has supervisory responsibilities under this subsection
24 may not be a coach of an interscholastic athletics team.

25 SECTION 16. Section 38.158(f), Education Code, is amended
26 to read as follows:

27 (f) Each person described by Subsection (c) must submit

1 proof of timely completion of an approved course in compliance with
2 Subsection (e) to the school district superintendent or the
3 superintendent's designee or, in the case of a local control
4 [~~home-rule~~] school district or open-enrollment charter school, a
5 person who serves the function of a superintendent or that person's
6 designee.

7 SECTION 17. Section 39.102(a), Education Code, is amended
8 to read as follows:

9 (a) If a school district does not satisfy the accreditation
10 criteria under Section 39.052, the academic performance standards
11 under Section 39.053 or 39.054, or any financial accountability
12 standard as determined by commissioner rule, the commissioner shall
13 take any of the following actions to the extent the commissioner
14 determines necessary:

15 (1) issue public notice of the deficiency to the board
16 of trustees;

17 (2) order a hearing conducted by the board of trustees
18 of the district for the purpose of notifying the public of the
19 insufficient performance, the improvements in performance expected
20 by the agency, and the interventions and sanctions that may be
21 imposed under this section if the performance does not improve;

22 (3) order the preparation of a student achievement
23 improvement plan that addresses each student achievement indicator
24 under Section 39.053(c) for which the district's performance is
25 insufficient, the submission of the plan to the commissioner for
26 approval, and implementation of the plan;

27 (4) order a hearing to be held before the commissioner

1 or the commissioner's designee at which the president of the board
2 of trustees of the district and the superintendent shall appear and
3 explain the district's low performance, lack of improvement, and
4 plans for improvement;

5 (5) arrange an on-site investigation of the district;

6 (6) appoint an agency monitor to participate in and
7 report to the agency on the activities of the board of trustees or
8 the superintendent;

9 (7) appoint a conservator to oversee the operations of
10 the district;

11 (8) appoint a management team to direct the operations
12 of the district in areas of insufficient performance or require the
13 district to obtain certain services under a contract with another
14 person;

15 (9) if a district has a current accreditation status
16 of accredited-warned or accredited-probation, fails to satisfy any
17 standard under Section 39.054(e), or fails to satisfy financial
18 accountability standards as determined by commissioner rule,
19 appoint a board of managers to exercise the powers and duties of the
20 board of trustees;

21 (10) if for two consecutive school years, including
22 the current school year, a district has received an accreditation
23 status of accredited-warned or accredited-probation, has failed to
24 satisfy any standard under Section 39.054(e), or has failed to
25 satisfy financial accountability standards as determined by
26 commissioner rule, revoke the district's accreditation and:

27 (A) order closure of the district and annex the

1 district to one or more adjoining districts under Section 13.054;
2 or

3 (B) in the case of a local control [~~home-rule~~]
4 school district or open-enrollment charter school, order closure of
5 all programs operated under the district's local control plan or
6 school's charter; or

7 (11) if a district has failed to satisfy any standard
8 under Section 39.054(e) due to the district's dropout rates, impose
9 sanctions designed to improve high school completion rates,
10 including:

11 (A) ordering the development of a dropout
12 prevention plan for approval by the commissioner;

13 (B) restructuring the district or appropriate
14 school campuses to improve identification of and service to
15 students who are at risk of dropping out of school, as defined by
16 Section 29.081;

17 (C) ordering lower student-to-counselor ratios
18 on school campuses with high dropout rates; and

19 (D) ordering the use of any other intervention
20 strategy effective in reducing dropout rates, including mentor
21 programs and flexible class scheduling.

22 SECTION 18. Section 42.152(c), Education Code, is amended
23 to read as follows:

24 (c) Funds allocated under this section shall be used to fund
25 supplemental programs and services designed to eliminate any
26 disparity in performance on assessment instruments administered
27 under Subchapter B, Chapter 39, or disparity in the rates of high

1 school completion between students at risk of dropping out of
2 school, as defined by Section 29.081, and all other students.
3 Specifically, the funds, other than an indirect cost allotment
4 established under State Board of Education rule, which may not
5 exceed 45 percent, may be used to meet the costs of providing a
6 compensatory, intensive, or accelerated instruction program under
7 Section 29.081 or a disciplinary alternative education program
8 established under Section 37.008, to pay the costs associated with
9 placing students in a juvenile justice alternative education
10 program established under Section 37.011, or to support a program
11 eligible under Title I of the Elementary and Secondary Education
12 Act of 1965, as provided by Pub. L. No. 103-382 and its subsequent
13 amendments, and by federal regulations implementing that Act, at a
14 campus at which at least 40 percent of the students are
15 educationally disadvantaged. In meeting the costs of providing a
16 compensatory, intensive, or accelerated instruction program under
17 Section 29.081, a district's compensatory education allotment
18 shall be used for costs supplementary to the regular education
19 program, such as costs for program and student evaluation,
20 instructional materials and equipment and other supplies required
21 for quality instruction, supplemental staff expenses, salary for
22 teachers of at-risk students, smaller class size, and
23 individualized instruction. A local control [~~home-rule~~] school
24 district or an open-enrollment charter school must use funds
25 allocated under Subsection (a) for a purpose authorized in this
26 subsection but is not otherwise subject to Subchapter C, Chapter
27 29. For purposes of this subsection, a program specifically

1 designed to serve students at risk of dropping out of school, as
2 defined by Section 29.081, is considered to be a program
3 supplemental to the regular education program, and a district may
4 use its compensatory education allotment for such a program.

5 SECTION 19. Section 41.0052, Election Code, is amended by
6 adding Subsection (a-1) to read as follows:

7 (a-1) A school district or local control school district
8 that holds its general election for officers on a date other than
9 the November uniform election date of an even-numbered year may
10 change the date on which it holds its general election for officers
11 to the November uniform election date by adopting a local control
12 plan or an amendment to a local control plan under Subchapter B,
13 Chapter 12, Education Code.

14 SECTION 20. Section 7.102(c)(8), Education Code, is
15 repealed.

16 SECTION 21. This Act takes effect immediately if it
17 receives a vote of two-thirds of all the members elected to each
18 house, as provided by Section 39, Article III, Texas Constitution.
19 If this Act does not receive the vote necessary for immediate
20 effect, this Act takes effect September 1, 2015.