

By: Deshotel

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 would qualify [~~qualifies~~] for membership in the  
10 Teacher Retirement System of Texas if the local control school  
11 district were an independent school district shall be covered under  
12 the system in the same manner and to the same extent as a qualified  
13 employee employed by an independent school district is covered.

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

26           Sec. 12.013. APPLICABILITY OF TITLE. (a) A local control  
27 [~~home-rule~~] school district has the powers and entitlements granted

1 to school districts and school district boards of trustees under  
2 this title, including:

- 3           (1) taxing authority;
- 4           (2) bonding authority; and
- 5           (3) assistance with instructional facilities and  
6 payment of existing debt under Chapter 46.

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

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

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

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

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

19                   (B) educator certification under Chapter 21 and  
20 educator rights under Sections [21.407](#), [21.408](#), and [22.001](#);

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

23                   (D) student admissions under Section [25.001](#);

24                   (E) school attendance under Sections [25.085](#),  
25 [25.086](#), and [25.087](#);

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

1 (G) [~~elementary class size limits under Section~~  
2 ~~25.112, in the case of any campus in the district that fails to~~  
3 ~~satisfy any standard under Section 39.054(e),~~

4 [~~(H)] high school graduation under Section~~

5 28.025;

6 (H) [~~(I)] special education programs under~~

7 Subchapter A, Chapter 29;

8 (I) [~~(J)] bilingual education under Subchapter~~

9 B, Chapter 29;

10 (J) [~~(K)] prekindergarten programs under~~

11 Subchapter E, Chapter 29;

12 (K) [~~(L)] safety provisions relating to the~~

13 transportation of students under Sections 34.002, 34.003, 34.004,

14 and 34.008;

15 (L) [~~(M)] computation and distribution of state~~

16 aid under Chapters 31, 42, [~~and~~] 43, and 46;

17 (M) [~~(N)] extracurricular activities under~~

18 Section 33.081;

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

20 (O) [~~(P)] public school accountability under~~

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

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

23 (Q) [~~(R)] a bond or other obligation or tax rate~~

24 under Chapters 42, 43, and 45; and

25 (R) [~~(S)] purchasing under Chapter 44.~~

26 Sec. 12.0131. LOCAL CONTROL SCHOOL DISTRICT OPERATION

27 BEGINS AFTER VOTER APPROVAL. An independent school district shall

1 begin operation as a local control school district under the local  
2 control plan after the approval of a proposed local control plan by  
3 registered voters of the school district through the process  
4 provided by this subchapter.

5       Sec. 12.014. SUBMISSION OF LOCAL CONTROL PLAN TO VOTERS  
6 [APPOINTMENT OF CHARTER COMMISSION]. A local control plan shall be  
7 submitted to the voters under Section 12.019 [~~The board of trustees~~  
8 ~~of a school district shall appoint a charter commission to frame a~~  
9 ~~home-rule school district charter]~~ if:

10           (1) the board of trustees of a school district  
11 receives a petition signed by at least five percent of the  
12 registered voters of the district, as verified under Section  
13 12.0151, requesting that the district adopt the local control plan  
14 that accompanies the petition [~~appointment of a charter commission~~  
15 ~~to frame a home-rule school district charter signed by at least five~~  
16 ~~percent of the registered voters of the district)]; or~~

17           (2) at least two-thirds of the total membership of the  
18 board of trustees of a school district adopt a resolution  
19 requesting that the district adopt the local control plan  
20 considered with the resolution [~~ordering that a charter commission~~  
21 ~~be appointed)].~~

22       Sec. 12.015. PETITION TO OPERATE AS A LOCAL CONTROL SCHOOL  
23 DISTRICT. (a) For a petition to operate as a local control school  
24 district to be valid:

25           (1) the petition must include a statement worded  
26 substantially as follows on each page of the petition preceding the  
27 space reserved for signatures: "This petition is to request that an

1 election be held for (name of school district) to operate under the  
2 local control plan available at (Internet website address).  
3 Technical amendments to the local control plan posted on the  
4 Internet may be adopted before the election on adoption of the  
5 plan.";

6 (2) the petition must include each signer's printed  
7 name and residential address, including zip code;

8 (3) each signer must enter beside his or her signature  
9 the date on which he or she signed the petition;

10 (4) the petition must designate one or more persons as  
11 lead petitioner;

12 (5) the proposed local control plan must be available  
13 online at the Internet website referenced on the petition during  
14 the period signatures are collected; and

15 (6) the petition, when submitted to the board of  
16 trustees of the school district as provided by Subsection (c), must  
17 include a signed statement by the lead petitioner stating that it is  
18 the lead petitioner's reasonable belief that the petition is signed  
19 by at least five percent of the registered voters of the district.

20 (b) A digital signature may be accepted if the board of  
21 trustees of the school district or county clerk of the county in  
22 which the school district's central administrative office is  
23 located has adopted rules under Section 2054.060, Government Code.

24 (c) When the lead petitioner believes that at least five  
25 percent of the registered voters of the school district have signed  
26 the petition, the lead petitioner shall submit the petition and  
27 proposed local control plan to the board of trustees of the school

1 district.

2 (d) Not later than the fifth day after the date of receipt of  
3 the petition and local control plan, the board of trustees of the  
4 school district shall:

5 (1) submit a copy of the petition to the county clerk  
6 of the county in which the school district's central administrative  
7 office is located for verification of the signatures, as provided  
8 by Section 12.0151; and

9 (2) submit a copy of the proposed local control plan to  
10 the commissioner for review, as provided by Section 12.018.

11 (e) The failure of the board of trustees of the school  
12 district to comply with Subsection (d) does not invalidate the  
13 petition or the local control plan but may be a basis for equitable  
14 relief issued by a court of competent jurisdiction.

15 (f) If the board of trustees of the school district fails to  
16 comply with Subsection (d), the lead petitioner may:

17 (1) submit a copy of the petition to the county clerk  
18 of the county in which the school district's central administrative  
19 office is located for verification of the signatures, as provided  
20 by Section 12.0151; and

21 (2) submit a copy of the proposed local control plan to  
22 the commissioner for review, as provided by Section 12.018.

23 (g) The county clerk and commissioner shall consider the  
24 petition and local control plan received from the lead petitioner  
25 under Subsection (f) as if submitted in a timely manner by the board  
26 of trustees of the school district in accordance with Subsection  
27 (d). [~~CHARTER COMMISSION. (a) Not later than the 30th day after~~



1 ~~the date of receipt of a petition or adoption of a resolution under~~  
2 ~~Section 12.014, the board of trustees of the school district shall~~  
3 ~~appoint 15 residents of the district to serve on the commission to~~  
4 ~~frame a charter for the district.~~

5 ~~[(b) The membership of the charter commission must reflect~~  
6 ~~the racial, ethnic, socioeconomic, and geographic diversity of the~~  
7 ~~district. A majority of the members appointed to the commission~~  
8 ~~must be parents of school-age children attending public school. At~~  
9 ~~least 25 percent of the commission must be classroom teachers~~  
10 ~~selected by the representatives of the professional staff pursuant~~  
11 ~~to Section 11.251(e).~~

12 ~~[(c) The charter commission must complete a proposed~~  
13 ~~charter not later than the first anniversary of the date of its~~  
14 ~~appointment. After that date, the commission expires and the~~  
15 ~~appointment under Section 12.014 is void.~~

16 ~~[(d) A charter commission appointed under this section is~~  
17 ~~considered a governmental body for purposes of Chapters 551 and~~  
18 ~~552, Government Code.]~~

19 Sec. 12.0151. DUTIES OF COUNTY CLERK ON RECEIPT OF  
20 PETITION. (a) On receipt of a petition under Section 12.015, the  
21 county clerk of the county in which the school district's central  
22 administrative office is located, in cooperation with the county  
23 clerk of any other county in which any part of the school district  
24 is located, shall verify that each signer of the petition is  
25 registered to vote in the school district.

26 (b) Not later than the 30th day after receipt of the  
27 petition, the county clerk shall certify to the board of trustees of

1 the school district and the lead petitioner the percentage of  
2 registered voters of the district who signed the petition. The  
3 county clerk's certification is a public record.

4 Sec. 12.0152. SUBMISSION OF ADDITIONAL SIGNATURES; FINAL  
5 CERTIFICATION BY COUNTY CLERK. (a) If the county clerk certifies  
6 that less than five percent of the registered voters of the school  
7 district signed the petition submitted to the board of trustees of  
8 the school district under Section 12.015, the lead petitioner may  
9 submit one tranche of additional signatures in support of the  
10 petition to the county clerk not later than the 30th day after the  
11 date of the clerk's certification.

12 (b) On receipt of additional signatures from the lead  
13 petitioner, the county clerk shall verify the additional signatures  
14 and, not later than the 30th day after the date of receipt of the  
15 additional signatures, certify to the board of trustees of the  
16 school district and the lead petitioner the percentage of  
17 registered voters of the district who signed the petition, as  
18 supplemented by the additional signatures. The county clerk's  
19 certification is a public record.

20 Sec. 12.0153. SUIT TO CONTEST VERIFICATION OF SIGNATURES.  
21 Any suit to contest the verification of signatures for a petition  
22 must be filed not later than the 30th day after the date of the  
23 county clerk's final certification.

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

- 26 (1) describe the educational program to be offered;  
27 (2) provide that continuation of the local control

1 ~~[home-rule]~~ school district ~~[charter]~~ is contingent on:

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

4 (B) compliance with other applicable  
5 accountability provisions under Chapter 39;

6 (3) specify any basis, in addition to a basis  
7 specified by this subchapter, on which the local control school  
8 district ~~[charter]~~ may be placed on probation or the local control  
9 plan may be revoked;

10 (4) describe the governing structure of the district  
11 and campuses, including:

12 (A) the number of members who will serve on the  
13 governing body of the district;

14 (B) the manner in which members of the governing  
15 body of the district are selected and removed from office;

16 (C) the manner in which vacancies on the  
17 governing body of the district are filled;

18 (D) the terms for which members of the governing  
19 body of the district serve; and

20 (E) whether the members of the governing body of  
21 the district serve staggered terms;

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

25 (6) describe the process by which the district will  
26 adopt an annual budget, including a description of the use of  
27 program-weight funds; and

1           (7) describe the manner in which an annual audit of  
2 financial and programmatic operations of the district is to be  
3 conducted, including the manner in which the district will provide  
4 information necessary for the district to participate in the Public  
5 Education Information Management System (PEIMS) to the extent  
6 required by this subchapter ~~[, and~~

7           ~~[(8) include any other provision the charter~~  
8 ~~commission considers necessary]~~.

9           (b) This section does not limit the permissible content of a  
10 local control plan.

11           Sec. 12.017. DETERMINATION OF COMPLIANCE WITH VOTING RIGHTS  
12 ACT. (a) If a local control plan is proposed by the board of  
13 trustees of a school district, the board may ~~[The charter~~  
14 ~~commission shall]~~ submit the proposed local control plan ~~[charter]~~  
15 to the secretary of state. The secretary of state shall determine  
16 whether a proposed local control plan requires preclearance under  
17 federal law ~~[charter contains a change in the governance of the~~  
18 ~~school district]~~.

19           (b) If a local control plan is proposed by petition, the  
20 lead petitioner may submit the proposed local control plan to the  
21 secretary of state. The secretary of state shall determine whether  
22 a proposed local control plan requires preclearance under federal  
23 law.

24           (c) If the secretary of state determines that a proposed  
25 local control plan requires preclearance under federal law ~~[charter~~  
26 ~~contains a change in the governance of the school district]~~, the  
27 secretary of state shall, not later than the second working day

1 after the date the secretary of state makes that determination,  
2 [~~notify the board of trustees of the school district. The board~~  
3 ~~shall~~] submit the proposed local control plan [~~change~~] to the  
4 United States Department of Justice or the United States District  
5 Court for the District of Columbia for preclearance under the  
6 Voting Rights Act (52 U.S.C. Section 10101 et seq.) [~~(42 U.S.C.~~  
7 ~~Section 1973c et seq.)~~].

8       Sec. 12.018. TECHNICAL [~~LEGAL~~] REVIEW. (a) Not later than  
9 the fifth day after the date the board of trustees of a school  
10 district adopts a resolution or receives a petition and local  
11 control plan under Section 12.014, the board [~~The charter~~  
12 ~~commission~~] shall submit the proposed local control plan [~~charter~~]  
13 to the commissioner for review.

14       (b) As soon as practicable, but not later than the 30th day  
15 after the date the commissioner receives the proposed local control  
16 plan [~~charter~~], the commissioner shall review the proposed local  
17 control plan for compliance [~~charter to ensure that the proposed~~  
18 ~~charter complies~~] with any applicable state and federal laws and  
19 shall provide written notification to the board of trustees of the  
20 school district and the lead petitioner, if applicable, of the  
21 results of the review, including any recommended technical  
22 amendments for compliance with state or federal law [~~recommend to~~  
23 ~~the charter commission any modifications necessary~~].

24       (c) If the commissioner does not act within the prescribed  
25 time, it is presumed that the commissioner has determined that the  
26 proposed local control plan [~~charter~~] is in compliance with  
27 applicable state and federal laws [~~approved~~]. The commissioner will

1 be considered to have notified the board of trustees of the school  
2 district of the commissioner's determination on the 30th day after  
3 the date the commissioner received the proposed local control plan.

4 Sec. 12.0181. DESIGNATING PROPOSED LOCAL CONTROL PLAN AS  
5 FINAL. (a) If the local control plan was proposed by the board of  
6 trustees of a school district, the board shall, not later than the  
7 30th day after the date of receipt of the commissioner's  
8 recommendations under Section 12.018, accept or reject any  
9 technical amendments recommended by the commissioner and designate  
10 the local control plan as final.

11 (b) If the local control plan was proposed by petition, the  
12 lead petitioner or a majority of persons originally designated as  
13 lead petitioners may, not later than the 45th day after the date of  
14 receipt of the commissioner's recommendations under Section  
15 12.018, notify the board of trustees of the school district in  
16 writing that the lead petitioner or majority accepts or rejects any  
17 technical amendments recommended by the commissioner and designate  
18 the local control plan as final. If the board of trustees does not  
19 receive written notice under this subsection, the board of trustees  
20 shall accept all technical amendments recommended by the  
21 commissioner and designate the local control plan as final.

22 (c) If the commissioner does not recommend any technical  
23 amendments under Section 12.018, the proposed local control plan is  
24 considered final on receipt of the commissioner's notification.

25 Sec. 12.019. LOCAL CONTROL PLAN [~~CHARTER~~] ELECTION. (a) The  
26 board of trustees of a school district shall order an election on  
27 the local control plan not later than the 15th day after the date

1 the board receives notice from the county clerk certifying that at  
2 least five percent of the registered voters of the district have  
3 signed the petition under Section 12.0151 or 12.0152 and the local  
4 control plan is designated as final under Section 12.0181 [~~As soon~~  
5 ~~as practicable after approval of a home-rule school district~~  
6 ~~charter under Section 12.018, the board of trustees of the district~~  
7 ~~shall order an election on the proposed charter~~].

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

13 (c) If the local control plan was proposed by the board of  
14 trustees of the school district, the ballot shall be printed to  
15 permit voting for or against the proposition "Whether the (name of  
16 school district) School District shall be governed under the local  
17 control plan that is proposed by the board of trustees and under  
18 which only certain laws and rules apply to the district." [~~At least~~  
19 ~~three copies of the proposed charter must be available in the office~~  
20 ~~of each school campus in the district and at the district's central~~  
21 ~~administrative office between the date of the election order and~~  
22 ~~election day. Notice of the election must include a statement of~~  
23 ~~where and how copies may be obtained or viewed. A summary of the~~  
24 ~~content of the proposed charter shall be attached to each copy. The~~  
25 ~~summary also shall be made available to school district employees,~~  
26 ~~parents, community members, and members of the media.~~]

27 (d) If the local control plan was proposed by petition, the

1 ~~[The]~~ ballot shall be printed to permit voting for or against the  
2 proposition "Whether the (name of school district) School District  
3 shall be governed under the local control plan that ~~[home-rule~~  
4 ~~school district charter, which]~~ is proposed by a petition of  
5 (percentage of valid signatures of registered voters on the  
6 petition) percent of registered voters of the school district  
7 ~~[charter commission appointed by the board of trustees]~~ and under  
8 which only certain laws and rules apply to the district."

9 (e) If two or more local control plans are submitted to the  
10 voters, the board of trustees of the school district shall request  
11 that the county clerk include neutral ballot language to allow  
12 voters to distinguish between the plans. If two or more local  
13 control plans are approved at the same election, the plan receiving  
14 the highest affirmative vote prevails.

15 Sec. 12.0191. NOTICE OF LOCAL CONTROL PLAN ELECTION. (a)  
16 At least three copies of the proposed local control plan must be  
17 available in the office of each campus in the school district and at  
18 the district's central administrative office between the date of  
19 the election order and election day. Notice of the election must  
20 include a statement of where and how copies may be obtained or  
21 viewed. A summary of the content of the proposed local control plan  
22 shall be attached to each copy. The summary also shall be made  
23 available to school district employees, parents, community  
24 members, and members of the media.

25 (b) At the time the board of trustees of the school district  
26 orders an election on the proposed local control plan, the school  
27 district shall post on the district's Internet website a copy of the



1 proposed local control plan, a summary of the content of the  
2 proposed plan, and a notice of the election. These items shall  
3 remain posted on the school district's Internet website until the  
4 election is held.

5 (c) The school district and each campus in the district  
6 shall prominently display and maintain on the main page of the  
7 district's or campus's Internet website a link to the Internet  
8 website containing the information required under Subsection (b).

9 Sec. 12.020. LOCAL CONTROL PLAN [~~CHARTER~~] AMENDMENT. (a)  
10 The governing body of a local control [~~home-rule~~] school district  
11 on its own motion may submit a proposed [~~charter~~] amendment to the  
12 local control plan that complies with this subchapter to the  
13 commissioner for technical [~~legal~~] review.

14 (b) The governing body shall submit a proposed [~~charter~~]  
15 amendment to the local control plan that complies with this  
16 subchapter to the commissioner for technical [~~legal~~] review if a  
17 petition submitted to the governing body proposing the [~~charter~~]  
18 amendment is signed by at least five percent of the registered  
19 voters of the district. The petition must designate one or more  
20 persons as a lead petitioner.

21 (c) As soon as practicable, but not later than the 30th day  
22 after the date on which the requirements [~~for an election~~] under  
23 Subsection (a) or (b) are satisfied, the commissioner shall review  
24 the proposed amendment to ensure that the proposed amendment  
25 complies with any applicable state and federal laws and shall  
26 recommend any modifications necessary in accordance with Section  
27 12.018. If the commissioner does not act within the prescribed

1 time, the proposed [~~charter~~] amendment is considered to be in  
2 compliance with applicable state and federal laws [~~approved~~].

3 (d) The governing body or lead petitioner, as applicable,  
4 may accept or reject any proposed modifications and designate the  
5 amendment as final through the process described by Section  
6 12.0181. As soon as practicable, but not later than the 15th day  
7 after the date an amendment is designated as final [~~commissioner~~  
8 ~~review under Subsection (c)~~], the governing body of the district  
9 shall order an election on the proposed amendment.

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

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

16 (g) An [~~A charter~~] amendment to a local control plan may not  
17 contain more than one subject.

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

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

26 (j) Section 12.017 applies to a proposed [~~charter~~]  
27 amendment to a local control plan [~~, except that the governing body~~

1 ~~shall submit the proposed charter amendment to the secretary of~~  
2 ~~state].~~

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

9       (b) A local control plan [~~charter~~] or [~~charter~~] amendment to  
10 a local control plan shall specify an effective date and takes  
11 effect according to its terms when the board of trustees or  
12 governing body of the school district enters an order declaring  
13 that the plan [~~charter~~] or [~~charter~~] amendment is adopted. The  
14 board of trustees or governing body shall enter an order not later  
15 than the 10th day after the date the canvass of the election returns  
16 is completed.

17       (c) As soon as practicable after a school district adopts a  
18 local control plan or amendment to a local control plan [~~home-rule~~  
19 ~~school district charter or charter amendment~~], the board of  
20 trustees or governing body shall notify the commissioner of the  
21 outcome of the election.

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

27       [~~(b) An election on the adoption of a proposed amendment to~~

1 ~~a home-rule school district charter has no effect unless at least 20~~  
2 ~~percent of the registered voters of the district vote in the~~  
3 ~~election in which the adoption of the amendment is on the ballot.~~

4 ~~[(c) If the required number of voters prescribed by~~  
5 ~~Subsection (a) or (b) do not vote in the election, the board of~~  
6 ~~trustees shall order an election on the issue to be held on the~~  
7 ~~first uniform election date.~~

8 ~~[(1) that occurs at least 45 days after the date the~~  
9 ~~election is ordered; and~~

10 ~~[(2) on which one or more elections are to be held, the~~  
11 ~~combination of which covers all of the territory of the school~~  
12 ~~district.~~

13 ~~[(d) If the required number of voters prescribed by~~  
14 ~~Subsection (a) or (b) do not vote at an election ordered as required~~  
15 ~~by Subsection (c), the board of trustees may continue to order~~  
16 ~~elections on the issue in accordance with Subsection (c) until the~~  
17 ~~required minimum voter turnout is achieved.~~

18 ~~[Sec. 12.023.] CERTIFICATION OF LOCAL CONTROL PLAN OR~~  
19 ~~AMENDMENT [~~CHARTER OR CHARTER AMENDMENT~~]. (a) As soon as~~  
20 ~~practicable after a school district adopts a local control plan or~~  
21 ~~amendment to a local control plan [~~home-rule school district~~~~  
22 ~~~~charter or charter amendment~~], the president of the board of~~  
23 ~~trustees or presiding officer of the governing body shall certify~~  
24 ~~to the secretary of state a copy of the plan [~~charter~~] or amendment~~  
25 ~~showing the approval by the voters of the district.~~

26 (b) The secretary of state shall file and record the  
27 certification in the secretary of state's office.

1           Sec. 12.023 [~~12.024~~]. EFFECT OF RECORDING LOCAL CONTROL  
2 PLAN OR AMENDMENT [~~CHARTER OR CHARTER AMENDMENT~~]. A recorded local  
3 control plan or amendment to a local control plan [~~charter or~~  
4 ~~charter amendment~~] is a public act. A court shall take judicial  
5 notice of a recorded plan [~~charter~~] or [~~charter~~] amendment, and  
6 proof is not required of its provisions.

7           Sec. 12.024 [~~12.025~~]. GOVERNANCE. (a) A local control  
8 [~~home-rule~~] school district may adopt and operate under any  
9 governing structure.

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

- 12                   (1) create offices;
- 13                   (2) determine the time and method for selecting  
14 officers; and
- 15                   (3) prescribe the qualifications and duties of  
16 officers.

17           [~~(c) The term of any officer of the district is determined~~  
18 ~~under Section 11.059.~~]

19           Sec. 12.025 [~~12.026~~]. CHANGE IN GOVERNING BODY. If the  
20 adoption, amendment, or revocation of a local control plan  
21 [~~home-rule school district charter~~] changes the structure of the  
22 governing body of the school district, the members of the governing  
23 body serving on the date the adoption, amendment, or revocation  
24 takes effect continue in office until their successors are chosen  
25 and have qualified for office.

26           Sec. 12.026 [~~12.027~~]. BASIS FOR PLACEMENT ON PROBATION OR  
27 REVOCATION OF LOCAL CONTROL PLAN [~~CHARTER~~]. (a) The commissioner

1 ~~[State Board of Education]~~ may place a local control school  
2 district on probation or revoke the local control plan ~~[a home-rule~~  
3 ~~school district charter]~~ of a school district if the commissioner  
4 ~~[board]~~ determines that the district:

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

7 (2) failed to satisfy generally accepted accounting  
8 standards of fiscal management; or

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

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

15 (c) A district whose local control plan ~~[home-rule school~~  
16 ~~district charter]~~ is revoked or rescinded under this subchapter  
17 shall operate under the other provisions of Title 1 and this title  
18 that apply to school districts.

19 Sec. 12.027 ~~[12.028]~~. PROCEDURE FOR PLACEMENT ON PROBATION  
20 OR REVOCATION. (a) The commissioner ~~[State Board of Education]~~ by  
21 rule shall adopt a procedure to be used for placing a local control  
22 school district on probation or revoking a local control plan  
23 ~~[home-rule school district charter]~~.

24 (b) The procedure adopted under Subsection (a) must provide  
25 an opportunity for a hearing to the district and to parents of  
26 district students. A hearing under this subsection must be held in  
27 the district.

1           Sec. 12.028 [~~12.029~~]. STATUS OF DISTRICT IN CASE OF  
2 ANNEXATION OR CONSOLIDATION. (a) If a school district is annexed  
3 to another district under Chapter 13, and only one of the districts  
4 has a local control [~~home-rule~~] school district status, the  
5 status[~~, as a home-rule or other type of school district,~~] of the  
6 receiving district is the status for both districts following  
7 annexation.

8           (b) Except as provided by Subchapter H, Chapter 41, if two  
9 or more school districts having different status, one of which is  
10 local control [~~home-rule~~] school district status, consolidate into  
11 a single district, the petition under Section 13.003 initiating the  
12 consolidation must state the status for the consolidated district.  
13 The ballot shall be printed to permit voting for or against the  
14 proposition: "Consolidation of (names of school districts) into a  
15 single school district governed as (status of school district  
16 specified in the petition)."

17           Sec. 12.029 [~~12.030~~]. RESCISSION OF LOCAL CONTROL PLAN  
18 [~~CHARTER~~]. (a) A local control plan [~~home-rule school district~~  
19 ~~charter~~] may be rescinded as provided by this section.

20           (b) The governing body of the district shall order an  
21 election on the question of rescinding a local control plan  
22 [~~home-rule school district charter~~] if:

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

26                 (2) at least two-thirds of the total membership of the  
27 governing body adopt a resolution ordering that a rescission

1 election be held.

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

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

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

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

21 (g) The rescission takes effect on a date established by  
22 resolution of the governing body but not later than the 90th day  
23 after the date of an election held under this section at which  
24 rescission of the local control plan [~~charter~~] is approved [~~and at~~  
25 ~~which the number of registered voters required under Subsection (f)~~  
26 ~~vote~~]. As soon as practicable after that election, the governing  
27 body shall notify the commissioner and the secretary of state of the



1 results of the election and of the effective date of the rescission.

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

4 (1) the district's boundaries; or

5 (2) taxes or bonds of the district authorized before  
6 the effective date of the rescission.

7 SECTION 6. Section 12.051(2), Education Code, is amended to  
8 read as follows:

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

12 SECTION 7. Section 12.052(a), Education Code, is amended to  
13 read as follows:

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

20 (1) the parents of a majority of the students at that  
21 school campus; and

22 (2) a majority of the classroom teachers at that  
23 school campus.

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

26 (a) Notwithstanding Section 12.052, in accordance with this  
27 subchapter and in the manner provided by this section, the board of

1 trustees of a school district or the governing body of a local  
2 control [~~home-rule~~] school district may grant a charter for:

3 (1) a new district campus; or

4 (2) a program that is operated:

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

8 (B) at a facility located in the boundaries of  
9 the district.

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

12 (a) Notwithstanding Section 12.052, in the manner provided  
13 by this section, the board of trustees of a school district or the  
14 governing body of a local control [~~home-rule~~] school district may  
15 grant a district charter to a campus to the extent authorized under  
16 this section.

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

19 (a) In accordance with this subchapter, the commissioner  
20 may grant a charter on the application of an eligible entity for an  
21 open-enrollment charter school to operate in a facility of a  
22 commercial or nonprofit entity, an eligible entity, or a school  
23 district, including a local control [~~home-rule~~] school district.  
24 In this subsection, "eligible entity" means:

25 (1) an institution of higher education as defined  
26 under Section 61.003;

27 (2) a private or independent institution of higher

1 education as defined under Section 61.003;

2 (3) an organization that is exempt from taxation under  
3 Section 501(c)(3), Internal Revenue Code of 1986 (26 U.S.C. Section  
4 501(c)(3)); or

5 (4) a governmental entity.

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

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

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

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

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

27 (1) the superintendent or other chief administrative

1 officer of the school district or of the other local educational  
2 agency, as defined by 20 U.S.C. Section 7801, may modify the length  
3 of the expulsion in the case of an individual student;

4 (2) the district or other local educational agency  
5 shall provide educational services to an expelled student in a  
6 disciplinary alternative education program as provided by Section  
7 37.008 if the student is younger than 10 years of age on the date of  
8 expulsion; and

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

13 SECTION 13. Section 37.022(a)(2), Education Code, is  
14 amended to read as follows:

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

19 SECTION 14. Section 38.152, Education Code, is amended to  
20 read as follows:

21 Sec. 38.152. APPLICABILITY. This subchapter applies to an  
22 interscholastic athletic activity, including practice and  
23 competition, sponsored or sanctioned by:

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

27 (2) the University Interscholastic League.

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

3 (c) The school district superintendent or the  
4 superintendent's designee or, in the case of a local control  
5 [~~home-rule~~] school district or open-enrollment charter school, the  
6 person who serves the function of superintendent or that person's  
7 designee shall supervise an athletic trainer or other person  
8 responsible for compliance with the return-to-play protocol. The  
9 person who has supervisory responsibilities under this subsection  
10 may not be a coach of an interscholastic athletics team.

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

13 (f) Each person described by Subsection (c) must submit  
14 proof of timely completion of an approved course in compliance with  
15 Subsection (e) to the school district superintendent or the  
16 superintendent's designee or, in the case of a local control  
17 [~~home-rule~~] school district or open-enrollment charter school, a  
18 person who serves the function of a superintendent or that person's  
19 designee.

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

22 (a) If a school district does not satisfy the accreditation  
23 criteria under Section 39.052, the academic performance standards  
24 under Section 39.053 or 39.054, or any financial accountability  
25 standard as determined by commissioner rule, the commissioner shall  
26 take any of the following actions to the extent the commissioner  
27 determines necessary:

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

3           (2) order a hearing conducted by the board of trustees  
4 of the district for the purpose of notifying the public of the  
5 insufficient performance, the improvements in performance expected  
6 by the agency, and the interventions and sanctions that may be  
7 imposed under this section if the performance does not improve;

8           (3) order the preparation of a student achievement  
9 improvement plan that addresses each student achievement indicator  
10 under Section 39.053(c) for which the district's performance is  
11 insufficient, the submission of the plan to the commissioner for  
12 approval, and implementation of the plan;

13           (4) order a hearing to be held before the commissioner  
14 or the commissioner's designee at which the president of the board  
15 of trustees of the district and the superintendent shall appear and  
16 explain the district's low performance, lack of improvement, and  
17 plans for improvement;

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

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

22           (7) appoint a conservator to oversee the operations of  
23 the district;

24           (8) appoint a management team to direct the operations  
25 of the district in areas of insufficient performance or require the  
26 district to obtain certain services under a contract with another  
27 person;

1           (9) if a district has a current accreditation status  
2 of accredited-warned or accredited-probation, fails to satisfy any  
3 standard under Section 39.054(e), or fails to satisfy financial  
4 accountability standards as determined by commissioner rule,  
5 appoint a board of managers to exercise the powers and duties of the  
6 board of trustees;

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

13                   (A) order closure of the district and annex the  
14 district to one or more adjoining districts under Section 13.054;  
15 or

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

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

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

26                   (B) restructuring the district or appropriate  
27 school campuses to improve identification of and service to

1 students who are at risk of dropping out of school, as defined by  
2 Section 29.081;

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

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

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

10 (c) Funds allocated under this section shall be used to fund  
11 supplemental programs and services designed to eliminate any  
12 disparity in performance on assessment instruments administered  
13 under Subchapter B, Chapter 39, or disparity in the rates of high  
14 school completion between students at risk of dropping out of  
15 school, as defined by Section 29.081, and all other students.  
16 Specifically, the funds, other than an indirect cost allotment  
17 established under State Board of Education rule, which may not  
18 exceed 45 percent, may be used to meet the costs of providing a  
19 compensatory, intensive, or accelerated instruction program under  
20 Section 29.081 or a disciplinary alternative education program  
21 established under Section 37.008, to pay the costs associated with  
22 placing students in a juvenile justice alternative education  
23 program established under Section 37.011, or to support a program  
24 eligible under Title I of the Elementary and Secondary Education  
25 Act of 1965, as provided by Pub. L. No. 103-382 and its subsequent  
26 amendments, and by federal regulations implementing that Act, at a  
27 campus at which at least 40 percent of the students are



1 educationally disadvantaged. In meeting the costs of providing a  
2 compensatory, intensive, or accelerated instruction program under  
3 Section 29.081, a district's compensatory education allotment  
4 shall be used for costs supplementary to the regular education  
5 program, such as costs for program and student evaluation,  
6 instructional materials and equipment and other supplies required  
7 for quality instruction, supplemental staff expenses, salary for  
8 teachers of at-risk students, smaller class size, and  
9 individualized instruction. A local control [~~home-rule~~] school  
10 district or an open-enrollment charter school must use funds  
11 allocated under Subsection (a) for a purpose authorized in this  
12 subsection but is not otherwise subject to Subchapter C, Chapter  
13 29. For purposes of this subsection, a program specifically  
14 designed to serve students at risk of dropping out of school, as  
15 defined by Section 29.081, is considered to be a program  
16 supplemental to the regular education program, and a district may  
17 use its compensatory education allotment for such a program.

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

20 (a-1) A school district or local control school district  
21 that holds its general election for officers on a date other than  
22 the November uniform election date of an even-numbered year may  
23 change the date on which it holds its general election for officers  
24 to the November uniform election date by adopting a local control  
25 plan or an amendment to a local control plan under Subchapter B,  
26 Chapter 12, Education Code.

27 SECTION 20. Section 7.102(c)(8), Education Code, is

1 repealed.

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