

By: Schaefer

H.B. No. 3173

A BILL TO BE ENTITLED

AN ACT

relating to renewal, expiration, or revocation of charters of and
evaluation of performance of open-enrollment charter schools
providing education within a residential treatment facility.

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

SECTION 1. Section 12.1141, Education Code, is amended by
amending Subsections (c) and (d) and adding Subsection (d-1) to
read as follows:

(c) At the end of the term of a charter for an
open-enrollment charter school, if a charter holder submits to the
commissioner a petition for renewal of the charter and the charter
does not meet the criteria for expedited renewal under Subsection
(b) or for expiration under Subsection (d) or (d-1), as applicable,
the commissioner shall use the discretionary consideration
process. The commissioner's decision under the discretionary
consideration process must take into consideration the results of
annual evaluations under the performance frameworks established
under Section 12.1181. The renewal of the charter of an
open-enrollment charter school that is registered under the
agency's alternative education accountability procedures for
evaluation under Chapter 39 shall be considered under the
discretionary consideration process regardless of the performance
ratings under Subchapter C, Chapter 39, of the open-enrollment
charter school or of any campus operating under the charter, except

1 that if the charter holder has been assigned a financial
2 accountability performance rating under Subchapter D, Chapter 39,
3 indicating financial performance that is lower than satisfactory
4 for any three of the five preceding school years, the commissioner
5 shall allow the charter to expire under Subsection (d) or (d-1), as
6 applicable. In considering the renewal of the charter of an
7 open-enrollment charter school that is registered under the
8 agency's alternative education accountability procedures for
9 evaluation under Chapter 39, such as a dropout recovery school, but
10 other than ~~[or]~~ a school providing education within a residential
11 treatment facility, the commissioner shall use academic criteria
12 established by commissioner rule that are appropriate to measure
13 the specific goals of the school. The criteria established by the
14 commissioner shall recognize growth in student achievement as well
15 as educational attainment. For a school providing education within
16 a residential treatment facility, the commissioner shall use
17 criteria established by commissioner rule that are appropriate to
18 measure the specific goals of the school and must consider the
19 overall best interest of the students. For purposes of this
20 subsection, the commissioner shall designate as a dropout recovery
21 school an open-enrollment charter school or a campus of an
22 open-enrollment charter school:

23 (1) that serves students in grades 9 through 12 and has
24 an enrollment of which at least 50 percent of the students are 17
25 years of age or older as of September 1 of the school year as
26 reported for the fall semester Public Education Information
27 Management System (PEIMS) submission; and

1 (2) that meets the eligibility requirements for and is
2 registered under alternative education accountability procedures
3 adopted by the commissioner.

4 (d) At the end of the term of a charter for an
5 open-enrollment charter school, other than a school providing
6 education within a residential treatment facility, if a charter
7 holder submits to the commissioner a petition for renewal of the
8 charter, the commissioner may not renew the charter and shall allow
9 the charter to expire if:

10 (1) the charter holder has been assigned the lowest
11 performance rating under Subchapter C, Chapter 39, for any three of
12 the five preceding school years;

13 (2) the charter holder has been assigned a financial
14 accountability performance rating under Subchapter D, Chapter 39,
15 indicating financial performance that is lower than satisfactory
16 for any three of the five preceding school years;

17 (3) the charter holder has been assigned any
18 combination of the ratings described by Subdivision (1) or (2) for
19 any three of the five preceding school years; or

20 (4) any campus operating under the charter has been
21 assigned the lowest performance rating under Subchapter C, Chapter
22 39, for the three preceding school years and such a campus has not
23 been closed.

24 (d-1) At the end of the term of a charter for an
25 open-enrollment charter school providing education within a
26 residential treatment facility, if a charter holder submits to the
27 commissioner a petition for renewal of the charter, the

commissioner may not renew the charter and shall allow the charter to expire if:

(1) the charter holder has been assigned the lowest performance rating under the performance standards established under the specific performance framework under Section 12.1181(a-1) for any three of the five preceding school years;

(2) the charter holder has been assigned a financial accountability performance rating under Subchapter D, Chapter 39, indicating financial performance that is lower than satisfactory for any three of the five preceding school years; or

(3) the charter holder has been assigned any combination of the ratings described by Subdivision (1) or (2) for any three of the five preceding school years.

SECTION 2. Section 12.115, Education Code, is amended by amending Subsection (c) and adding Subsection (c-2) to read as follows:

(c) The commissioner shall revoke the charter of an open-enrollment charter school, other than a school providing education within a residential treatment facility, if:

(1) the charter holder has been assigned an unacceptable performance rating under Subchapter C, Chapter 39, for the three preceding school years;

(2) the charter holder has been assigned a financial accountability performance rating under Subchapter D, Chapter 39, indicating financial performance lower than satisfactory for the three preceding school years; or

(3) the charter holder has been assigned any

1 combination of the ratings described by Subdivision (1) or (2) for
2 the three preceding school years.

3 (c-2) The commissioner shall revoke the charter of an
4 open-enrollment charter school providing education within a
5 residential treatment facility if:

6 (1) the charter holder has been assigned the lowest
7 performance rating under the performance standards established
8 under the specific performance framework under Section
9 12.1181(a-1) for the three preceding school years;

10 (2) the charter holder has been assigned a financial
11 accountability performance rating under Subchapter D, Chapter 39,
12 indicating financial performance that is lower than satisfactory
13 for the three preceding school years; or

14 (3) the charter holder has been assigned any
15 combination of the ratings described by Subdivision (1) or (2) for
16 the three preceding school years.

17 SECTION 3. Section 12.1181, Education Code, is amended by
18 adding Subsection (a-1) to read as follows:

19 (a-1) The specific performance framework adopted by the
20 commissioner under this section for an open-enrollment charter
21 school providing education within a residential treatment facility
22 must establish standards that primarily emphasize the overall best
23 interest of the students.

24 SECTION 4. This Act takes effect September 1, 2015.