

By: King of Hemphill

H.B. No. 3487

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to operation of open-enrollment charter schools,  
3 including parental rights, applicability of certain laws, and  
4 admission policy.

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

6 SECTION 1. Section 12.1051, Education Code, is amended to  
7 read as follows:

8 Sec. 12.1051. APPLICABILITY OF OPEN MEETINGS AND PUBLIC  
9 INFORMATION LAWS. (a) With respect to the operation of an  
10 open-enrollment charter school, the governing body of a charter  
11 holder, ~~and~~ the governing body of an open-enrollment charter  
12 school, and a management company are considered to be governmental  
13 bodies for purposes of Chapters 551 and 552, Government Code.

14 (b) With respect to the operation of an open-enrollment  
15 charter school, any requirement in Chapter 551 or 552, Government  
16 Code, or another law that concerns open meetings or the  
17 availability of information, that applies to a school district, the  
18 board of trustees of a school district, or public school students  
19 applies to an open-enrollment charter school, the governing body of  
20 a charter holder, the governing body of an open-enrollment charter  
21 school, a management company, or students attending an  
22 open-enrollment charter school.

23 SECTION 2. Section 12.111(a), Education Code, is amended to  
24 read as follows:

1 (a) Each charter granted under this subchapter must:

2 (1) describe the educational program to be offered,  
3 which must include the required curriculum as provided by Section  
4 28.002;

5 (2) provide that continuation of the charter is  
6 contingent on the status of the charter as determined under Section  
7 12.1141 or 12.115 or under Subchapter E, Chapter 39;

8 (3) specify the academic, operational, and financial  
9 performance expectations by which a school operating under the  
10 charter will be evaluated, which must include applicable elements  
11 of the performance frameworks adopted under Section 12.1181;

12 (4) specify:

13 (A) any basis, in addition to a basis specified  
14 by this subchapter or Subchapter E, Chapter 39, on which the charter  
15 may be revoked, renewal of the charter may be denied, or the charter  
16 may be allowed to expire; and

17 (B) the standards for evaluation of a school  
18 operating under the charter for purposes of charter renewal, denial  
19 of renewal, expiration, revocation, or other intervention in  
20 accordance with Section 12.1141 or 12.115 or Subchapter E, Chapter  
21 39, as applicable;

22 (5) prohibit discrimination in admission policy on the  
23 basis of sex, national origin, ethnicity, religion, disability,  
24 academic, artistic, or athletic ability, or the district the child  
25 would otherwise attend in accordance with this code, although the  
26 charter may[+]

27 [~~(A) provide for the exclusion of a student who~~]

1 ~~has a documented history of a criminal offense, a juvenile court~~  
2 ~~adjudication, or discipline problems under Subchapter A, Chapter~~  
3 ~~37, and~~

4 [~~B~~] provide for an admission policy that  
5 requires a student to demonstrate artistic ability if the school  
6 specializes in performing arts;

7 (6) specify the grade levels to be offered;

8 (7) describe the governing structure of the program,  
9 including:

10 (A) the officer positions designated;

11 (B) the manner in which officers are selected and  
12 removed from office;

13 (C) the manner in which members of the governing  
14 body of the school are selected and removed from office;

15 (D) the manner in which vacancies on that  
16 governing body are filled;

17 (E) the term for which members of that governing  
18 body serve; and

19 (F) whether the terms are to be staggered;

20 (8) specify the powers or duties of the governing body  
21 of the school that the governing body may delegate to an officer;

22 (9) specify the manner in which the school will  
23 distribute to parents information related to the qualifications of  
24 each professional employee of the program, including any  
25 professional or educational degree held by each employee, a  
26 statement of any certification under Subchapter B, Chapter 21, held  
27 by each employee, and any relevant experience of each employee;

1           (10) describe the process by which the person  
2 providing the program will adopt an annual budget;

3           (11) describe the manner in which an annual audit of  
4 the financial and programmatic operations of the program is to be  
5 conducted, including the manner in which the person providing the  
6 program will provide information necessary for the school district  
7 in which the program is located to participate, as required by this  
8 code or by commissioner rule, in the Public Education Information  
9 Management System (PEIMS);

10          (12) describe the facilities to be used;

11          (13) describe the geographical area served by the  
12 program;

13          (14) specify any type of enrollment criteria to be  
14 used;

15          (15) provide information, as determined by the  
16 commissioner, relating to any management company that will provide  
17 management services to a school operating under the charter; and

18          (16) specify that the governing body of an  
19 open-enrollment charter school accepts and may not delegate  
20 ultimate responsibility for the school, including the school's  
21 academic performance and financial and operational viability, and  
22 is responsible for overseeing any management company providing  
23 management services for the school and for holding the management  
24 company accountable for the school's performance.

25          SECTION 3. Section [26.004](#), Education Code, is amended to  
26 read as follows:

27          Sec. 26.004. ACCESS TO STUDENT RECORDS. A parent is

1 entitled to access to all written records of a school district or  
2 open-enrollment charter school concerning the parent's child,  
3 including:

- 4 (1) attendance records;
- 5 (2) test scores;
- 6 (3) grades;
- 7 (4) disciplinary records;
- 8 (5) counseling records;
- 9 (6) psychological records;
- 10 (7) applications for admission;
- 11 (8) health and immunization information;
- 12 (9) teacher and school counselor evaluations; and
- 13 (10) reports of behavioral patterns.

14 SECTION 4. Section 26.006(b), Education Code, is amended to  
15 read as follows:

16 (b) A school district or open-enrollment charter school  
17 shall make teaching materials and tests readily available for  
18 review by parents. The district or school may specify reasonable  
19 hours for review.

20 SECTION 5. Section 26.007, Education Code, is amended to  
21 read as follows:

22 Sec. 26.007. ACCESS TO PUBLIC [~~BOARD~~] MEETINGS. (a) A  
23 parent is entitled to complete access to any meeting of the board of  
24 trustees of the school district or the governing body of an  
25 open-enrollment charter school, other than a closed meeting held in  
26 compliance with Subchapters D and E, Chapter 551, Government Code.

27 (b) A board of trustees of a school district or a governing

1 body of an open-enrollment charter school must hold each public  
2 meeting of the board or governing body within the boundaries of the  
3 district or the area served by the school except as required by law  
4 or except to hold a joint meeting with another district or school or  
5 with another governmental entity, as defined by Section 2051.041,  
6 Government Code, if the boundaries of the governmental entity are  
7 in whole or in part within the boundaries of the district or the  
8 area served by the school. All public meetings must comply with  
9 Chapter 551, Government Code.

10 SECTION 6. Section 26.0081, Education Code, is amended to  
11 read as follows:

12 Sec. 26.0081. RIGHT TO INFORMATION CONCERNING SPECIAL  
13 EDUCATION AND EDUCATION OF STUDENTS WITH LEARNING DIFFICULTIES.

14 (a) The agency shall produce and provide to school districts and  
15 open-enrollment charter schools sufficient copies of a  
16 comprehensive, easily understood document that explains the  
17 process by which an individualized education program is developed  
18 for a student in a special education program and the rights and  
19 responsibilities of a parent concerning the process. The document  
20 must include information a parent needs to effectively participate  
21 in an admission, review, and dismissal committee meeting for the  
22 parent's child.

23 (b) The agency will ensure that each school district or  
24 open-enrollment charter school provides the document required  
25 under this section to the parent as provided by 20 U.S.C. Section  
26 1415(b):

27 (1) as soon as practicable after a child is referred to

1 determine the child's eligibility for admission into the district's  
2 or school's special education program, but at least five school  
3 days before the date of the initial meeting of the admission,  
4 review, and dismissal committee; and

5 (2) at any other time on reasonable request of the  
6 child's parent.

7 (c) The agency shall produce and provide to school districts  
8 and open-enrollment charter schools a written explanation of the  
9 options and requirements for providing assistance to students who  
10 have learning difficulties or who need or may need special  
11 education. The explanation must state that a parent is entitled at  
12 any time to request an evaluation of the parent's child for special  
13 education services under Section 29.004. Each school year, each  
14 district or school shall provide the written explanation to a  
15 parent of each district or school student by including the  
16 explanation in the student handbook or by another means.

17 SECTION 7. This Act takes effect September 1, 2015.