

By: Taylor of Galveston
Bettencourt, Creighton

S.B. No. 14

A BILL TO BE ENTITLED

AN ACT

relating to empowering the parents of students to petition for the reconstitution, repurposing, alternative management, or closure of low-performing public school campuses.

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

SECTION 1. Sections 39.107(a) and (e), Education Code, are amended to read as follows:

(a) After a campus has been identified as unacceptable for two consecutive school years, the commissioner shall order the reconstitution of the campus, subject to Section 39.1071.

(e) If a campus is considered to have an unacceptable performance rating for three consecutive school years after the campus is reconstituted under Subsection (a), the commissioner, subject to Subsection (e-1) or Section 39.1071 [~~(e-2)~~], shall order:

(1) repurposing of the campus under this section;

(2) alternative management of the campus under this section; or

(3) closure of the campus.

SECTION 2. Subchapter E, Chapter 39, Education Code, is amended by adding Sections 39.1071, 39.1072, and 39.1073 to read as follows:

Sec. 39.1071. PETITION BY PARENTS FOR RECONSTITUTION, REPURPOSING, ALTERNATIVE MANAGEMENT, OR CLOSURE. (a) Unless the

1 commissioner has ordered the closure of the campus under Section
2 39.107, the parents of students enrolled at a campus with an
3 unacceptable performance rating under Section 39.054 for three
4 consecutive school years may, at any time, submit a petition to the
5 commissioner requesting that the commissioner order one of the
6 following actions authorized by Section 39.107:

- 7 (1) reconstitution of the campus;
- 8 (2) repurposing of the campus;
- 9 (3) alternative management of the campus; or
- 10 (4) closure of the campus.

11 (b) A petition that seeks alternative management of a campus
12 under Subsection (a)(3) may specify the process to be used in
13 selecting the organization or team to assume management of the
14 campus. If the petition specifies a process to be used, the
15 commissioner is required to use the specified process and comply
16 with the requirements prescribed by Section 39.1073. If the
17 petition does not specify a process to be used, the organization or
18 team must be selected by the parents of students enrolled at the
19 campus. To the extent this subsection conflicts with another
20 provision of this subchapter, this subsection prevails.

21 (c) A petition must:

- 22 (1) be in a form developed by the commissioner;
- 23 (2) be made available to all parents of students
24 enrolled at the campus;
- 25 (3) include state accountability data on the status of
26 the campus, including the performance rating of the campus for each
27 year; and

1 (4) include detailed information on the options
2 available for the campus, including a copy of the proposed options
3 listed under Subsection (a).

4 (d) If the petition is signed by the parents of a majority of
5 the students enrolled at the campus, as determined under Subsection
6 (e), the commissioner shall order the specific action requested by
7 the petition. If the petition requests:

8 (1) reconstitution or repurposing of the campus, the
9 commissioner shall consider input from the lead petitioner and the
10 parents of students enrolled at the campus in implementing the
11 order;

12 (2) alternative management of the campus, the
13 commissioner shall order alternative management of the campus by
14 the organization or team selected as described by Subsection (b);
15 or

16 (3) closure of the campus, the commissioner shall
17 order closure of the campus for the following school year.

18 (e) The percentage of parents signing a petition shall be
19 calculated based on the total number of students enrolled at the
20 campus, applying the following rules:

21 (1) the signature of only one parent of a student is
22 required;

23 (2) a student may not be counted more than once,
24 regardless of whether more than one parent signs the petition on
25 behalf of the student; and

26 (3) the signature of a parent shall be counted on
27 behalf of each child of the parent who is enrolled at the campus,

1 unless otherwise indicated in the petition.

2 (f) The petition may designate as a lead petitioner one or
3 more parents of one or more students enrolled at the campus. The
4 parent or parents shall be chosen annually by the parents of
5 students enrolled at the campus.

6 (g) The commissioner shall review the signatures on a
7 petition to verify that the petition is signed by the parents of a
8 majority of the students enrolled at the campus. In verifying that
9 the petition is signed by the parents of a majority of the students
10 enrolled at the campus, the commissioner may consult with any
11 person necessary to make the verification, including the board of
12 trustees for the district in which the campus is located, the
13 principal of the campus, the lead petitioner, or any designated
14 lead petitioner representative.

15 (h) Not later than the 30th day after receipt of the
16 petition or additional signatures under Subsection (j), the
17 commissioner shall notify, in writing, the board of trustees for
18 the district in which the campus is located, the principal of the
19 campus, the lead petitioner, any designated lead petitioner
20 representative, and any other person who has requested notice in
21 writing of the commissioner's determination regarding whether the
22 number of signatures on the petition is sufficient to compel the
23 action sought in the petition. Additionally, the commissioner's
24 written notice must:

25 (1) state the number of students the commissioner has
26 determined are enrolled at the campus;

27 (2) state the number of signatures the commissioner

1 counted when determining whether the necessary majority was
2 attained; and

3 (3) list the signatures that were not counted toward
4 determining whether the necessary majority was attained and the
5 reason each disqualified signature was not counted.

6 (i) In verifying signatures, the commissioner may not
7 disregard a signature if the clear intent of the person providing
8 the signature was to support the petition.

9 (j) If the commissioner determines that a petition is not
10 signed by the parents of a majority of the students enrolled at the
11 campus, the parents may, not later than the 45th day after the date
12 of the commissioner's written notice under Subsection (h), submit
13 additional signatures in support of the petition.

14 (k) If additional signatures are submitted to the
15 commissioner under Subsection (j), the commissioner shall review
16 and verify the additional signatures in accordance with Subsections
17 (e), (g), and (h).

18 (l) If the commissioner determines that the petition is not
19 signed by the parents of a majority of the students enrolled at the
20 campus, the commissioner's determination is final and may not be
21 appealed.

22 (m) A student who resides in the campus's assigned
23 attendance zone, as that zone existed during the school year
24 immediately preceding implementation of an order under this
25 section, and who is otherwise eligible to attend the campus may:

26 (1) enroll in the campus during each school year that
27 the student would otherwise be eligible to attend the campus; or

1 (2) transfer and enroll in another campus in the
2 district during each school year that the student would otherwise
3 be eligible to attend the campus.

4 (n) Notwithstanding Subsection (m), the board of trustees
5 of a school district may assign or transfer a student between school
6 facilities or classrooms in accordance with Chapter 37.

7 (o) A person may not use school district or campus resources
8 to support or oppose a petition under this section, except that
9 school district or campus resources may be used to comply with a
10 public information request under Chapter 552, Government Code.

11 (p) A person may not coerce or bribe a parent to sign or
12 decline to sign a petition under this section.

13 (q) An operator of a charter school is prohibited from
14 funding a parent petition campaign conducted under this section.

15 (r) For purposes of this section, "parent" includes a
16 student's parent, a student's legal guardian, a person with legal
17 authority to act in place of a student's parent or legal guardian,
18 or the student, if the student is 18 years of age or older, but does
19 not include a parent whose parental rights have been terminated or
20 whose rights to make decisions concerning a student's education
21 have been limited.

22 (s) The commissioner may adopt rules necessary to implement
23 this section.

24 Sec. 39.1072. PERFORMANCE UPDATES FOLLOWING PETITION BY
25 PARENTS FOR RECONSTITUTION, REPURPOSING, ALTERNATIVE MANAGEMENT,
26 OR CLOSURE. Following the submission of a petition for the
27 reconstitution, repurposing, alternative management, or closure of

1 a campus by the parents of students enrolled at the campus under
2 Section 39.1071, the commissioner shall provide quarterly updates
3 on the performance of the campus to parents of students enrolled at
4 the campus.

5 Sec. 39.1073. SELECTION OF ALTERNATIVE MANAGEMENT
6 FOLLOWING PETITION BY PARENTS. (a) In this section, "management
7 company" has the meaning assigned by Section 12.1012.

8 (b) If the commissioner selects a charter holder as the
9 organization or team to assume alternative management of a campus
10 in accordance with a process specified in a petition for
11 alternative management submitted by parents under Section 39.1071,
12 the commissioner shall give preference to proposals submitted by
13 charter holders who do not use the services of a management company
14 to operate the charter holder's open-enrollment charter schools and
15 who submit information demonstrating a record of success with
16 respect to each item listed under Section 39.107(k). The
17 commissioner may only consider proposals from charter holders that
18 use the services of a management company if the commissioner does
19 not receive proposals from charter holders that do not use the
20 services of a management company and that submit information
21 demonstrating a record of success with respect to each item listed
22 under Section 39.107(k).

23 (c) If the commissioner selects a charter school to assume
24 alternative management of a campus in accordance with a process
25 specified in a petition for alternative management submitted by
26 parents under Section 39.1071, laws and rules applicable to
27 open-enrollment charter schools under Subchapter D, Chapter 12,

1 including laws and rules related to public information, open
2 meetings, nepotism, conflict of interest, and other protections of
3 public funds and public trust, shall apply to the campus.

4 SECTION 3. Sections 39.107(e-2) and (e-3), Education Code,
5 are repealed.

6 SECTION 4. This Act applies beginning with the 2016-2017
7 school year, except that parents of students enrolled at a school
8 campus that has been identified as unacceptable for three or more
9 consecutive years as of the effective date of this Act may submit a
10 petition under Section 39.1071, Education Code, as added by this
11 Act, beginning on the effective date of this Act.

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