

By: Taylor of Galveston, Creighton

S.B. No. 14

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

16 (1) repurposing of the campus under this section;

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

19 (3) closure of the campus.

20 SECTION 2. Subchapter E, Chapter 39, Education Code, is
21 amended by adding Section 39.1071 to read as follows:

22 Sec. 39.1071. PETITION BY PARENTS FOR RECONSTITUTION,
23 REPURPOSING, ALTERNATIVE MANAGEMENT, OR CLOSURE. (a) Unless the
24 commissioner has ordered the closure of the campus under Section

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

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

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

19 (c) If the petition is signed by the parents of a majority of
20 the students enrolled at the campus, as determined under Subsection
21 (d), the commissioner shall order the specific action requested by
22 the petition. If the petition requests:

23 (1) reconstitution or repurposing of the campus, the
24 commissioner shall consider input from the lead petitioner and the
25 parents of students enrolled at the campus in implementing the
26 order;

27 (2) alternative management of the campus, the

1 commissioner shall order alternative management of the campus by
2 the organization or team selected as described by Subsection (b);
3 or

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

6 (d) The percentage of parents signing a petition shall be
7 calculated based on the total number of students enrolled at the
8 campus, applying the following rules:

9 (1) the signature of only one parent of a student is
10 required;

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

14 (3) the signature of a parent shall be counted on
15 behalf of each child of the parent who is enrolled at the campus,
16 unless otherwise indicated in the petition.

17 (e) The petition may designate one or more persons as a lead
18 petitioner.

19 (f) The commissioner shall review the signatures on a
20 petition to verify that the petition is signed by the parents of a
21 majority of the students enrolled at the campus. In verifying that
22 the petition is signed by the parents of a majority of the students
23 enrolled at the campus, the commissioner may consult with any
24 person necessary to make the verification, including the board of
25 trustees for the district in which the campus is located, the
26 principal of the campus, the lead petitioner, or any designated
27 lead petitioner representative.

1 (g) Not later than the 30th day after receipt of the
2 petition or additional signatures under Subsection (i), the
3 commissioner shall notify, in writing, the board of trustees for
4 the district in which the campus is located, the principal of the
5 campus, the lead petitioner, any designated lead petitioner
6 representative, and any other person who has requested notice in
7 writing of the commissioner's determination regarding whether the
8 number of signatures on the petition is sufficient to compel the
9 action sought in the petition. Additionally, the commissioner's
10 written notice must:

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

13 (2) state the number of signatures the commissioner
14 counted when determining whether the necessary majority was
15 attained; and

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

19 (h) In verifying signatures, the commissioner may not
20 disregard a signature if the clear intent of the person providing
21 the signature was to support the petition.

22 (i) If the commissioner determines that a petition is not
23 signed by the parents of a majority of the students enrolled at the
24 campus, the parents may, not later than the 45th day after the date
25 of the commissioner's written notice under Subsection (g), submit
26 additional signatures in support of the petition.

27 (j) If additional signatures are submitted to the

1 commissioner under Subsection (i), the commissioner shall review
2 and verify the additional signatures in accordance with Subsections
3 (d), (f), and (g).

4 (k) If the commissioner determines that the petition is not
5 signed by the parents of a majority of the students enrolled at the
6 campus, any petitioner may contest the commissioner's
7 determination by filing a petition for review with the State Office
8 of Administrative Hearings not later than the 30th day after the
9 date of the commissioner's determination. The State Office of
10 Administrative Hearings shall conduct a hearing and receive
11 evidence necessary to make a final determination regarding the
12 commissioner's determination.

13 (l) A student who resided in the campus's assigned
14 attendance zone during the school year immediately preceding
15 implementation of an order under this section may:

16 (1) enroll in the campus after issuance of the order;

17 or

18 (2) transfer to another campus in the district.

19 (m) A person may not use school district or campus resources
20 to support or oppose a petition under this section, except that
21 school district or campus resources may be used to comply with a
22 public information request under Chapter 552, Government Code.

23 (n) For purposes of this section, "parent" includes a
24 student's parent, a student's legal guardian, a person with legal
25 authority to act in place of a student's parent or legal guardian,
26 and a student, if the student is 18 years of age or older.

27 (o) The commissioner may adopt rules necessary to implement

1 this section.

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

4 SECTION 4. This Act applies beginning with the 2015-2016
5 school year.

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