

1-1 By: Taylor of Galveston, Creighton S.B. No. 14  
 1-2 (In the Senate - Filed March 3, 2015; March 3, 2015, read  
 1-3 first time and referred to Committee on Education; April 13, 2015,  
 1-4 reported adversely, with favorable Committee Substitute by the  
 1-5 following vote: Yeas 9, Nays 1, 1 present not voting;  
 1-6 April 13, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Taylor of Galveston	X			
1-9 Lucio	X			
1-10 Bettencourt	X			
1-11 Campbell	X			
1-12 Garcia				X
1-13 Huffines	X			
1-14 Kolkhorst	X			
1-15 Rodríguez		X		
1-16 Seliger	X			
1-17 Taylor of Collin	X			
1-18 West	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 14 By: Taylor of Galveston

1-21 A BILL TO BE ENTITLED  
 1-22 AN ACT

1-23 relating to empowering the parents of students to petition for the  
 1-24 reconstitution, repurposing, alternative management, or closure of  
 1-25 low-performing public school campuses.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Sections 39.107(a) and (e), Education Code, are  
 1-28 amended to read as follows:

1-29 (a) After a campus has been identified as unacceptable for  
 1-30 two consecutive school years, the commissioner shall order the  
 1-31 reconstitution of the campus, subject to Section 39.1071.

1-32 (e) If a campus is considered to have an unacceptable  
 1-33 performance rating for three consecutive school years after the  
 1-34 campus is reconstituted under Subsection (a), the commissioner,  
 1-35 subject to Subsection (e-1) or Section 39.1071 [~~(e-2)~~], shall  
 1-36 order:

- 1-37 (1) repurposing of the campus under this section;
- 1-38 (2) alternative management of the campus under this  
 1-39 section; or
- 1-40 (3) closure of the campus.

1-41 SECTION 2. Subchapter E, Chapter 39, Education Code, is  
 1-42 amended by adding Sections 39.1071, 39.1072, and 39.1073 to read as  
 1-43 follows:

1-44 Sec. 39.1071. PETITION BY PARENTS FOR RECONSTITUTION,  
 1-45 REPURPOSING, ALTERNATIVE MANAGEMENT, OR CLOSURE. (a) Unless the  
 1-46 commissioner has ordered the closure of the campus under Section  
 1-47 39.107, the parents of students enrolled at a campus with an  
 1-48 unacceptable performance rating under Section 39.054 for two  
 1-49 consecutive school years may, at any time, submit a petition to the  
 1-50 commissioner requesting that the commissioner order one of the  
 1-51 following actions authorized by Section 39.107:

- 1-52 (1) reconstitution of the campus;
- 1-53 (2) repurposing of the campus;
- 1-54 (3) alternative management of the campus; or
- 1-55 (4) closure of the campus.

1-56 (b) A petition that seeks alternative management of a campus  
 1-57 under Subsection (a)(3) may specify the process to be used in  
 1-58 selecting the organization or team to assume management of the  
 1-59 campus. If the petition specifies a process to be used, the  
 1-60 commissioner is required to use the specified process and comply

2-1 with the requirements prescribed by Section 39.1073. If the  
 2-2 petition does not specify a process to be used, the organization or  
 2-3 team must be selected by the parents of students enrolled at the  
 2-4 campus. To the extent this subsection conflicts with another  
 2-5 provision of this subchapter, this subsection prevails.

2-6 (c) A petition must:  
 2-7 (1) be in a form developed by the commissioner;  
 2-8 (2) be made available to all parents of students  
 2-9 enrolled at the campus;  
 2-10 (3) include state accountability data on the status of  
 2-11 the campus, including the performance rating of the campus for each  
 2-12 year; and  
 2-13 (4) include detailed information on the options  
 2-14 available for the campus, including a copy of the proposed options  
 2-15 listed under Subsection (a).

2-16 (d) If the petition is signed by the parents of a majority of  
 2-17 the students enrolled at the campus, as determined under Subsection  
 2-18 (e), the commissioner shall order the specific action requested by  
 2-19 the petition. If the petition requests:

2-20 (1) reconstitution or repurposing of the campus, the  
 2-21 commissioner shall consider input from the lead petitioner and the  
 2-22 parents of students enrolled at the campus in implementing the  
 2-23 order;

2-24 (2) alternative management of the campus, the  
 2-25 commissioner shall order alternative management of the campus by  
 2-26 the organization or team selected as described by Subsection (b);  
 2-27 or

2-28 (3) closure of the campus, the commissioner shall  
 2-29 order closure of the campus for the following school year.

2-30 (e) The percentage of parents signing a petition shall be  
 2-31 calculated based on the total number of students enrolled at the  
 2-32 campus, applying the following rules:

2-33 (1) the signature of only one parent of a student is  
 2-34 required;

2-35 (2) a student may not be counted more than once,  
 2-36 regardless of whether more than one parent signs the petition on  
 2-37 behalf of the student; and

2-38 (3) the signature of a parent shall be counted on  
 2-39 behalf of each child of the parent who is enrolled at the campus,  
 2-40 unless otherwise indicated in the petition.

2-41 (f) The petition may designate as a lead petitioner one or  
 2-42 more parents of one or more students enrolled at the campus. The  
 2-43 parent or parents shall be chosen annually by the parents of  
 2-44 students enrolled at the campus.

2-45 (g) The commissioner shall review the signatures on a  
 2-46 petition to verify that the petition is signed by the parents of a  
 2-47 majority of the students enrolled at the campus. In verifying that  
 2-48 the petition is signed by the parents of a majority of the students  
 2-49 enrolled at the campus, the commissioner may consult with any  
 2-50 person necessary to make the verification, including the board of  
 2-51 trustees for the district in which the campus is located, the  
 2-52 principal of the campus, the lead petitioner, or any designated  
 2-53 lead petitioner representative.

2-54 (h) Not later than the 30th day after receipt of the  
 2-55 petition or additional signatures under Subsection (j), the  
 2-56 commissioner shall notify, in writing, the board of trustees for  
 2-57 the district in which the campus is located, the principal of the  
 2-58 campus, the lead petitioner, any designated lead petitioner  
 2-59 representative, and any other person who has requested notice in  
 2-60 writing of the commissioner's determination regarding whether the  
 2-61 number of signatures on the petition is sufficient to compel the  
 2-62 action sought in the petition. Additionally, the commissioner's  
 2-63 written notice must:

2-64 (1) state the number of students the commissioner has  
 2-65 determined are enrolled at the campus;

2-66 (2) state the number of signatures the commissioner  
 2-67 counted when determining whether the necessary majority was  
 2-68 attained; and

2-69 (3) list the signatures that were not counted toward

3-1 determining whether the necessary majority was attained and the  
 3-2 reason each disqualified signature was not counted.

3-3 (i) In verifying signatures, the commissioner may not  
 3-4 disregard a signature if the clear intent of the person providing  
 3-5 the signature was to support the petition.

3-6 (j) If the commissioner determines that a petition is not  
 3-7 signed by the parents of a majority of the students enrolled at the  
 3-8 campus, the parents may, not later than the 45th day after the date  
 3-9 of the commissioner's written notice under Subsection (h), submit  
 3-10 additional signatures in support of the petition.

3-11 (k) If additional signatures are submitted to the  
 3-12 commissioner under Subsection (j), the commissioner shall review  
 3-13 and verify the additional signatures in accordance with Subsections  
 3-14 (e), (g), and (h).

3-15 (1) If the commissioner determines that the petition is not  
 3-16 signed by the parents of a majority of the students enrolled at the  
 3-17 campus, the commissioner's determination is final and may not be  
 3-18 appealed.

3-19 (m) A student who resides in the campus's assigned  
 3-20 attendance zone, as that zone existed during the school year  
 3-21 immediately preceding implementation of an order under this  
 3-22 section, and who is otherwise eligible to attend the campus may:

3-23 (1) enroll in the campus during each school year that  
 3-24 the student would otherwise be eligible to attend the campus; or

3-25 (2) transfer and enroll in another campus in the  
 3-26 district during each school year that the student would otherwise  
 3-27 be eligible to attend the campus.

3-28 (n) Notwithstanding Subsection (m), the board of trustees  
 3-29 of a school district may assign or transfer a student between school  
 3-30 facilities or classrooms in accordance with Chapter 37.

3-31 (o) A person may not use school district or campus resources  
 3-32 to support or oppose a petition under this section, except that  
 3-33 school district or campus resources may be used to comply with a  
 3-34 public information request under Chapter 552, Government Code.

3-35 (p) A person may not coerce or bribe a parent to sign or  
 3-36 decline to sign a petition under this section.

3-37 (q) For purposes of this section, "parent" includes a  
 3-38 student's parent, a student's legal guardian, a person with legal  
 3-39 authority to act in place of a student's parent or legal guardian,  
 3-40 or the student, if the student is 18 years of age or older, but does  
 3-41 not include a parent whose parental rights have been terminated or  
 3-42 whose rights to make decisions concerning a student's education  
 3-43 have been limited.

3-44 (r) The commissioner may adopt rules necessary to implement  
 3-45 this section.

3-46 Sec. 39.1072. PERFORMANCE UPDATES FOLLOWING PETITION BY  
 3-47 PARENTS FOR RECONSTITUTION, REPURPOSING, ALTERNATIVE MANAGEMENT,  
 3-48 OR CLOSURE. Following the submission of a petition for the  
 3-49 reconstitution, repurposing, alternative management, or closure of  
 3-50 a campus by the parents of students enrolled at the campus under  
 3-51 Section 39.1071, the commissioner shall provide quarterly updates  
 3-52 on the performance of the campus to parents of students enrolled at  
 3-53 the campus.

3-54 Sec. 39.1073. SELECTION OF ALTERNATIVE MANAGEMENT  
 3-55 FOLLOWING PETITION BY PARENTS. (a) In this section, "management  
 3-56 company" has the meaning assigned by Section 12.1012.

3-57 (b) If the commissioner selects an organization or team to  
 3-58 assume alternative management of a campus in accordance with a  
 3-59 process specified in a petition for alternative management  
 3-60 submitted by parents under Section 39.1071, the commissioner shall  
 3-61 give preference to proposals submitted by charter holders who do  
 3-62 not use the services of a management company to operate the charter  
 3-63 holder's open-enrollment charter schools. The commissioner may  
 3-64 only consider proposals from charter holders that use the services  
 3-65 of a management company if the commissioner does not receive  
 3-66 proposals from charter holders that do not use the services of a  
 3-67 management company.

3-68 (c) If the commissioner selects a charter school to assume  
 3-69 alternative management of a campus in accordance with a process

4-1 specified in a petition for alternative management submitted by  
4-2 parents under Section 39.1071, laws and rules applicable to school  
4-3 districts, including laws and rules related to public information,  
4-4 open meetings, nepotism, conflict of interest, and other  
4-5 protections of public funds and public trust, shall continue to  
4-6 apply to the campus.

4-7 SECTION 3. Sections 39.107(e-2) and (e-3), Education Code,  
4-8 are repealed.

4-9 SECTION 4. This Act applies beginning with the 2016-2017  
4-10 school year, except that parents of students enrolled at a school  
4-11 campus that has been identified as unacceptable for three or more  
4-12 consecutive years as of the effective date of this Act may submit a  
4-13 petition under Section 39.1071, Education Code, as added by this  
4-14 Act, beginning on the effective date of this Act.

4-15 SECTION 5. This Act takes effect immediately if it receives  
4-16 a vote of two-thirds of all the members elected to each house, as  
4-17 provided by Section 39, Article III, Texas Constitution. If this  
4-18 Act does not receive the vote necessary for immediate effect, this  
4-19 Act takes effect September 1, 2015.

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