

By: Hancock

S.B. No. 1012

A BILL TO BE ENTITLED

AN ACT

relating to local control school districts.

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

SECTION 1. The heading to Chapter 12, Education Code, is amended to read as follows:

CHAPTER 12. CHARTERS AND OTHER ALTERNATIVES

SECTION 2. Section 12.001(b), Education Code, is amended to read as follows:

(b) This chapter shall be applied in a manner that ensures the fiscal and academic accountability of persons operating [~~holding charters issued~~] under this chapter. This chapter may not be applied in a manner that unduly regulates the instructional methods or pedagogical innovations of [~~charter~~] schools operating under this chapter.

SECTION 3. Section 12.0011, Education Code, is amended to read as follows:

Sec. 12.0011. ALTERNATIVE METHOD OF OPERATION. As an alternative to operating in the manner generally provided by this title, an independent school district, a school campus, or an educational program may choose to operate [~~under a charter~~] in accordance with this chapter.

SECTION 4. Section 12.002, Education Code, is amended to read as follows:

Sec. 12.002. CLASSES OF ALTERNATIVES [~~CHARTER~~]. The

1 classes of alternatives [~~charter~~] under this chapter are:

2 (1) a local control [~~home-rule~~] school district  
3 [~~charter~~] as provided by Subchapter B;

4 (2) a campus or campus program charter as provided by  
5 Subchapter C; or

6 (3) an open-enrollment charter as provided by  
7 Subchapter D.

8 SECTION 5. Subchapter B, Chapter 12, Education Code, is  
9 amended to read as follows:

10 SUBCHAPTER B. LOCAL CONTROL [~~HOME-RULE~~] SCHOOL DISTRICT [~~CHARTER~~]

11 Sec. 12.011. AUTHORIZATION AND STATUS. (a) In accordance  
12 with this subchapter, a school district may adopt a local control  
13 plan [~~home-rule school district charter~~] under which the district  
14 will operate.

15 (b) The adoption of a local control plan [~~home-rule school~~  
16 ~~district charter~~] by a school district does not affect:

17 (1) the district's boundaries; or

18 (2) taxes or bonds of the district authorized before  
19 the effective date of the plan [~~charter~~].

20 Sec. 12.012. APPLICABILITY OF LAWS AND RULES TO LOCAL  
21 CONTROL [~~HOME-RULE~~] SCHOOL DISTRICT. (a) A local control

22 [~~home-rule~~] school district is subject to federal and state laws  
23 and rules governing school districts, except that a local control  
24 [~~home-rule~~] school district is subject to:

25 (1) this code only to the extent that the  
26 applicability to a local control [~~home-rule~~] school district of a  
27 provision of this code is specifically provided;

1           (2) a rule adopted under this code by the State Board  
2 of Education or the commissioner only if the code provision  
3 authorizing the rule specifically applies to a local control  
4 [~~home-rule~~] school district; and

5           (3) all requirements of federal law and applicable  
6 court orders relating to eligibility for and the provision of  
7 special education and bilingual programs.

8           (b) An employee of a local control [~~home-rule~~] school  
9 district who qualifies for membership in the Teacher Retirement  
10 System of Texas shall be covered under the system in the same manner  
11 and to the same extent as a qualified employee employed by an  
12 independent school district is covered.

13           (c) This section does not permit a local control [~~home-rule~~]  
14 school district to discriminate against a student who has been  
15 diagnosed as having a learning disability, including dyslexia or  
16 attention deficit/hyperactivity disorder. Discrimination  
17 prohibited by this subsection includes denial of placement in a  
18 gifted and talented program if the student would otherwise be  
19 qualified for the program but for the student's learning  
20 disability. This section does not permit a local control  
21 [~~home-rule~~] school district to, on the basis of race, socioeconomic  
22 status, learning disability, or family support status, place a  
23 student in a program other than the highest-level program necessary  
24 to ensure the student's success.

25           Sec. 12.013. APPLICABILITY OF TITLE. (a) A local control  
26 [~~home-rule~~] school district has the powers and entitlements granted  
27 to school districts and school district boards of trustees under

1 this title, including taxing authority.

2 (b) A local control [~~home-rule~~] school district is subject  
3 to:

4 (1) a provision of this title establishing a criminal  
5 offense;

6 (2) a provision of this title relating to limitations  
7 on liability; and

8 (3) a prohibition, restriction, or requirement, as  
9 applicable, imposed by this title or a rule adopted under this  
10 title, relating to:

11 (A) the Public Education Information Management  
12 System (PEIMS) to the extent necessary to monitor compliance with  
13 this subchapter as determined by the commissioner;

14 (B) educator certification under Chapter 21 and  
15 educator rights under Sections 21.407, 21.408, and 22.001;

16 (C) criminal history records under Subchapter C,  
17 Chapter 22;

18 (D) student admissions under Section 25.001;

19 (E) school attendance under Sections 25.085,  
20 25.086, and 25.087;

21 (F) inter-district or inter-county transfers of  
22 students under Subchapter B, Chapter 25;

23 (G) [~~elementary class size limits under Section~~  
24 ~~25.112, in the case of any campus in the district that fails to~~  
25 ~~satisfy any standard under Section 39.054(e),~~

26 [~~H~~] high school graduation under Section  
27 28.025;

1                    (H) [~~(I)~~] special education programs under  
2 Subchapter A, Chapter 29;

3                    (I) [~~(J)~~] bilingual education under Subchapter  
4 B, Chapter 29;

5                    (J) [~~(K)~~] prekindergarten programs under  
6 Subchapter E, Chapter 29;

7                    (K) [~~(L)~~] safety provisions relating to the  
8 transportation of students under Sections [34.002](#), [34.003](#), [34.004](#),  
9 and [34.008](#);

10                   (L) [~~(M)~~] computation and distribution of state  
11 aid under Chapters 31, 42, [~~and~~] [43](#), and [46](#);

12                   (M) [~~(N)~~] extracurricular activities under  
13 Section [33.081](#);

14                   (N) [~~(O)~~] health and safety under Chapter 38;

15                   (O) [~~(P)~~] public school accountability under  
16 Subchapters B, C, D, E, F, and J, Chapter 39;

17                   (P) [~~(Q)~~] equalized wealth under Chapter 41;

18                   (Q) [~~(R)~~] a bond or other obligation or tax rate  
19 under Chapters 42, 43, and 45; and

20                   (R) [~~(S)~~] purchasing under Chapter 44.

21                   Sec. 12.0131. LOCAL CONTROL SCHOOL DISTRICT OPERATION  
22 BEGINS AFTER VOTER APPROVAL. An independent school district shall  
23 begin operation as a local control school district under the local  
24 control plan after the approval of a proposed local control plan by  
25 registered voters of the school district through the process  
26 provided by this subchapter.

27                   Sec. 12.014. SUBMISSION OF LOCAL CONTROL PLAN TO VOTERS

1 ~~[APPOINTMENT OF CHARTER COMMISSION]~~. A local control plan shall be  
2 submitted to the voters under Section 12.019 ~~[The board of trustees~~  
3 ~~of a school district shall appoint a charter commission to frame a~~  
4 ~~home-rule school district charter]~~ if:

5 (1) the board of trustees of a school district  
6 receives a petition signed by at least five percent of the  
7 registered voters of the district, as verified under Section  
8 12.0151, requesting that the district adopt the local control plan  
9 that accompanies the petition ~~[appointment of a charter commission~~  
10 ~~to frame a home-rule school district charter signed by at least five~~  
11 ~~percent of the registered voters of the district]~~; or

12 (2) at least two-thirds of the total membership of the  
13 board of trustees of a school district adopt a resolution  
14 requesting that the district adopt the local control plan  
15 considered with the resolution ~~[ordering that a charter commission~~  
16 ~~be appointed]~~.

17 Sec. 12.015. PETITION TO OPERATE AS A LOCAL CONTROL SCHOOL  
18 DISTRICT. (a) For a petition to operate as a local control school  
19 district to be valid:

20 (1) the petition must include a statement worded  
21 substantially as follows on each page of the petition preceding the  
22 space reserved for signatures: "This petition is to request that an  
23 election be held for (name of school district) to operate under the  
24 local control plan available at (Internet website address).  
25 Technical amendments to the local control plan posted on the  
26 Internet may be adopted before the election on adoption of the  
27 plan.";

1           (2) the petition must include each signer's printed  
2 name and residential address, including zip code;

3           (3) each signer must enter beside his or her signature  
4 the date on which he or she signed the petition;

5           (4) the petition must designate one or more persons as  
6 lead petitioner;

7           (5) the proposed local control plan must be available  
8 online at the Internet website referenced on the petition during  
9 the period signatures are collected; and

10           (6) the petition, when submitted to the board of  
11 trustees of the school district as provided by Subsection (c), must  
12 include a signed statement by the lead petitioner stating that it is  
13 the lead petitioner's reasonable belief that the petition is signed  
14 by at least five percent of the registered voters of the district.

15           (b) A digital signature may be accepted if the board of  
16 trustees of the school district or county clerk of the county in  
17 which the school district's central administrative office is  
18 located has adopted rules under Section 2054.060, Government Code.

19           (c) When the lead petitioner believes that at least five  
20 percent of the registered voters of the school district have signed  
21 the petition, the lead petitioner shall submit the petition and  
22 proposed local control plan to the board of trustees of the school  
23 district.

24           (d) Not later than the fifth day after the date of receipt of  
25 the petition and local control plan, the board of trustees of the  
26 school district shall:

27           (1) submit a copy of the petition to the county clerk

1 of the county in which the school district's central administrative  
2 office is located for verification of the signatures, as provided  
3 by Section 12.0151; and

4 (2) submit a copy of the proposed local control plan to  
5 the commissioner for review, as provided by Section 12.018.

6 (e) The failure of the board of trustees of the school  
7 district to comply with Subsection (d) does not invalidate the  
8 petition or the local control plan but may be a basis for equitable  
9 relief issued by a court of competent jurisdiction.

10 (f) If the board of trustees of the school district fails to  
11 comply with Subsection (d), the lead petitioner may:

12 (1) submit a copy of the petition to the county clerk  
13 of the county in which the school district's central administrative  
14 office is located for verification of the signatures, as provided  
15 by Section 12.0151; and

16 (2) submit a copy of the proposed local control plan to  
17 the commissioner for review, as provided by Section 12.018.

18 (g) The county clerk and commissioner shall consider the  
19 petition and local control plan received from the lead petitioner  
20 under Subsection (f) as if submitted in a timely manner by the board  
21 of trustees of the school district in accordance with Subsection

22 (d). ~~[CHARTER COMMISSION. (a) Not later than the 30th day after~~  
23 ~~the date of receipt of a petition or adoption of a resolution under~~  
24 ~~Section 12.014, the board of trustees of the school district shall~~  
25 ~~appoint 15 residents of the district to serve on the commission to~~  
26 ~~frame a charter for the district.~~

27 ~~[(b) The membership of the charter commission must reflect~~

1 ~~the racial, ethnic, socioeconomic, and geographic diversity of the~~  
2 ~~district. A majority of the members appointed to the commission~~  
3 ~~must be parents of school-age children attending public school. At~~  
4 ~~least 25 percent of the commission must be classroom teachers~~  
5 ~~selected by the representatives of the professional staff pursuant~~  
6 ~~to Section 11.251(e).~~

7 ~~[(c) The charter commission must complete a proposed~~  
8 ~~charter not later than the first anniversary of the date of its~~  
9 ~~appointment. After that date, the commission expires and the~~  
10 ~~appointment under Section 12.014 is void.~~

11 ~~[(d) A charter commission appointed under this section is~~  
12 ~~considered a governmental body for purposes of Chapters 551 and~~  
13 ~~552, Government Code.]~~

14 Sec. 12.0151. DUTIES OF COUNTY CLERK ON RECEIPT OF  
15 PETITION. (a) On receipt of a petition under Section 12.015, the  
16 county clerk of the county in which the school district's central  
17 administrative office is located, in cooperation with the county  
18 clerk of any other county in which any part of the school district  
19 is located, shall verify that each signer of the petition is  
20 registered to vote in the school district.

21 (b) Not later than the 30th day after receipt of the  
22 petition, the county clerk shall certify to the board of trustees of  
23 the school district and the lead petitioner the percentage of  
24 registered voters of the district who signed the petition. The  
25 county clerk's certification is a public record.

26 Sec. 12.0152. SUBMISSION OF ADDITIONAL SIGNATURES; FINAL  
27 CERTIFICATION BY COUNTY CLERK. (a) If the county clerk certifies

1 that less than five percent of the registered voters of the school  
2 district signed the petition submitted to the board of trustees of  
3 the school district under Section 12.015, the lead petitioner may  
4 submit one tranche of additional signatures in support of the  
5 petition to the county clerk not later than the 30th day after the  
6 date of the clerk's certification.

7 (b) On receipt of additional signatures from the lead  
8 petitioner, the county clerk shall verify the additional signatures  
9 and, not later than the 30th day after the date of receipt of the  
10 additional signatures, certify to the board of trustees of the  
11 school district and the lead petitioner the percentage of  
12 registered voters of the district who signed the petition, as  
13 supplemented by the additional signatures. The county clerk's  
14 certification is a public record.

15 Sec. 12.0153. SUIT TO CONTEST VERIFICATION OF SIGNATURES.  
16 Any suit to contest the verification of signatures for a petition  
17 must be filed not later than the 30th day after the date of the  
18 county clerk's final certification.

19 Sec. 12.016. CONTENT. (a) Each local control plan  
20 ~~[home-rule school district charter]~~ must:

21 (1) describe the educational program to be offered;

22 (2) provide that continuation of the local control

23 ~~[home-rule]~~ school district ~~[charter]~~ is contingent on:

24 (A) acceptable student performance on assessment  
25 instruments adopted under Subchapter B, Chapter 39; and

26 (B) compliance with other applicable  
27 accountability provisions under Chapter 39;

1           (3) specify any basis, in addition to a basis  
2 specified by this subchapter, on which the local control school  
3 district [~~charter~~] may be placed on probation or the local control  
4 plan may be revoked;

5           (4) describe the governing structure of the district  
6 and campuses;

7           (5) specify any procedure or requirement, in addition  
8 to those under Chapter 38, that the district will follow to ensure  
9 the health and safety of students and employees;

10          (6) describe the process by which the district will  
11 adopt an annual budget, including a description of the use of  
12 program-weight funds; and

13          (7) describe the manner in which an annual audit of  
14 financial and programmatic operations of the district is to be  
15 conducted, including the manner in which the district will provide  
16 information necessary for the district to participate in the Public  
17 Education Information Management System (PEIMS) to the extent  
18 required by this subchapter [~~, and~~

19           ~~[(8) include any other provision the charter~~  
20 ~~commission considers necessary].~~

21          (b) This section does not limit the permissible content of a  
22 local control plan.

23          Sec. 12.017. DETERMINATION OF COMPLIANCE WITH VOTING RIGHTS  
24 ACT. (a) If a local control plan is proposed by the board of  
25 trustees of a school district, the board may [~~The charter~~  
26 ~~commission shall~~] submit the proposed local control plan [~~charter~~]  
27 to the secretary of state. The secretary of state shall determine

1 whether a proposed local control plan requires preclearance under  
2 federal law [~~charter contains a change in the governance of the~~  
3 ~~school district~~].

4 (b) If a local control plan is proposed by petition, the  
5 lead petitioner may submit the proposed local control plan to the  
6 secretary of state. The secretary of state shall determine whether  
7 a proposed local control plan requires preclearance under federal  
8 law.

9 (c) If the secretary of state determines that a proposed  
10 local control plan requires preclearance under federal law [~~charter~~  
11 ~~contains a change in the governance of the school district~~], the  
12 secretary of state shall, not later than the second working day  
13 after the date the secretary of state makes that determination,  
14 [~~notify the board of trustees of the school district. The board~~  
15 ~~shall~~] submit the proposed local control plan [~~change~~] to the  
16 United States Department of Justice or the United States District  
17 Court for the District of Columbia for preclearance under the  
18 Voting Rights Act (52 U.S.C. Section 10101 et seq.) [~~(42 U.S.C.~~  
19 ~~Section 1973c et seq.)~~].

20 Sec. 12.018. TECHNICAL [~~LEGAL~~] REVIEW. (a) Not later than  
21 the fifth day after the date the board of trustees of a school  
22 district adopts a resolution or receives a petition and local  
23 control plan under Section 12.014, the board [~~The charter~~  
24 ~~commission~~] shall submit the proposed local control plan [~~charter~~]  
25 to the commissioner for review.

26 (b) As soon as practicable, but not later than the 30th day  
27 after the date the commissioner receives the proposed local control

1 plan [~~charter~~], the commissioner shall review the proposed local  
2 control plan for compliance [~~charter to ensure that the proposed~~  
3 ~~charter complies~~] with any applicable state and federal laws and  
4 shall provide written notification to the board of trustees of the  
5 school district and the lead petitioner, if applicable, of the  
6 results of the review, including any recommended technical  
7 amendments for compliance with state or federal law [~~recommend to~~  
8 ~~the charter commission any modifications necessary~~].

9 (c) If the commissioner does not act within the prescribed  
10 time, it is presumed that the commissioner has determined that the  
11 proposed local control plan [~~charter~~] is in compliance with  
12 applicable state and federal laws [~~approved~~]. The commissioner will  
13 be considered to have notified the board of trustees of the school  
14 district of the commissioner's determination on the 30th day after  
15 the date the commissioner received the proposed local control plan.

16 Sec. 12.0181. DESIGNATING PROPOSED LOCAL CONTROL PLAN AS  
17 FINAL. (a) If the local control plan was proposed by the board of  
18 trustees of a school district, the board shall, not later than the  
19 30th day after the date of receipt of the commissioner's  
20 recommendations under Section 12.018, accept or reject any  
21 technical amendments recommended by the commissioner and designate  
22 the local control plan as final.

23 (b) If the local control plan was proposed by petition, the  
24 lead petitioner or a majority of persons originally designated as  
25 lead petitioners may, not later than the 45th day after the date of  
26 receipt of the commissioner's recommendations under Section  
27 12.018, notify the board of trustees of the school district in

1 writing that the lead petitioner or majority accepts or rejects any  
2 technical amendments recommended by the commissioner and designate  
3 the local control plan as final. If the board of trustees does not  
4 receive written notice under this subsection, the board of trustees  
5 shall accept all technical amendments recommended by the  
6 commissioner and designate the local control plan as final.

7 (c) If the commissioner does not recommend any technical  
8 amendments under Section 12.018, the proposed local control plan is  
9 considered final on receipt of the commissioner's notification.

10 Sec. 12.019. LOCAL CONTROL PLAN [CHARTER] ELECTION. (a) The  
11 board of trustees of a school district shall order an election on  
12 the local control plan not later than the 15th day after the date  
13 the board receives notice from the county clerk certifying that at  
14 least five percent of the registered voters of the district have  
15 signed the petition under Section 12.0151 or 12.0152 and the local  
16 control plan is designated as final under Section 12.0181 [As soon  
17 as practicable after approval of a home-rule school district  
18 charter under Section 12.018, the board of trustees of the district  
19 shall order an election on the proposed charter].

20 (b) The proposed local control plan [~~charter~~] shall be  
21 submitted to the voters of the district at an election to be held on  
22 the first uniform election date in November of an even-numbered  
23 year that occurs at least 78 [~~45~~] days after the date on which the  
24 board of trustees orders the election.

25 (c) If the local control plan was proposed by the board of  
26 trustees of the school district, the ballot shall be printed to  
27 permit voting for or against the proposition "Whether the (name of

1 school district) School District shall be governed under the local  
2 control plan that is proposed by the board of trustees and under  
3 which only certain laws and rules apply to the district." [~~At least~~  
4 ~~three copies of the proposed charter must be available in the office~~  
5 ~~of each school campus in the district and at the district's central~~  
6 ~~administrative office between the date of the election order and~~  
7 ~~election day. Notice of the election must include a statement of~~  
8 ~~where and how copies may be obtained or viewed. A summary of the~~  
9 ~~content of the proposed charter shall be attached to each copy. The~~  
10 ~~summary also shall be made available to school district employees,~~  
11 ~~parents, community members, and members of the media.]~~

12 (d) If the local control plan was proposed by petition, the  
13 ~~[The]~~ ballot shall be printed to permit voting for or against the  
14 proposition "Whether the (name of school district) School District  
15 shall be governed under the local control plan that [~~home-rule~~  
16 ~~school district charter, which]~~ is proposed by a petition of  
17 (percentage of valid signatures of registered voters on the  
18 petition) percent of registered voters of the school district  
19 ~~[charter commission appointed by the board of trustees]~~ and under  
20 which only certain laws and rules apply to the district."

21 (e) If two or more local control plans are submitted to the  
22 voters, the board of trustees of the school district shall request  
23 that the county clerk include neutral ballot language to allow  
24 voters to distinguish between the plans. If two or more local  
25 control plans are approved at the same election, the plan receiving  
26 the highest affirmative vote prevails.

27 Sec. 12.0191. NOTICE OF LOCAL CONTROL PLAN ELECTION. (a)

1 At least three copies of the proposed local control plan must be  
2 available in the office of each campus in the school district and at  
3 the district's central administrative office between the date of  
4 the election order and election day. Notice of the election must  
5 include a statement of where and how copies may be obtained or  
6 viewed. A summary of the content of the proposed local control plan  
7 shall be attached to each copy. The summary also shall be made  
8 available to school district employees, parents, community  
9 members, and members of the media.

10 (b) At the time the board of trustees of the school district  
11 orders an election on the proposed local control plan, the school  
12 district shall post on the district's Internet website a copy of the  
13 proposed local control plan, a summary of the content of the  
14 proposed plan, and a notice of the election. These items shall  
15 remain posted on the school district's Internet website until the  
16 election is held.

17 (c) The school district and each campus in the district  
18 shall prominently display and maintain on the main page of the  
19 district's or campus's Internet website a link to the Internet  
20 website containing the information required under Subsection (b).

21 Sec. 12.020. LOCAL CONTROL PLAN [~~CHARTER~~] AMENDMENT. (a)  
22 The governing body of a local control [~~home-rule~~] school district  
23 on its own motion may submit a proposed [~~charter~~] amendment to the  
24 local control plan that complies with this subchapter to the  
25 commissioner for technical [~~legal~~] review.

26 (b) The governing body shall submit a proposed [~~charter~~]  
27 amendment to the local control plan that complies with this

1 subchapter to the commissioner for technical [~~legal~~] review if a  
2 petition submitted to the governing body proposing the [~~charter~~]  
3 amendment is signed by at least five percent of the registered  
4 voters of the district. The petition must designate one or more  
5 persons as a lead petitioner.

6 (c) As soon as practicable, but not later than the 30th day  
7 after the date on which the requirements [~~for an election~~] under  
8 Subsection (a) or (b) are satisfied, the commissioner shall review  
9 the proposed amendment to ensure that the proposed amendment  
10 complies with any applicable state and federal laws and shall  
11 recommend any modifications necessary in accordance with Section  
12 12.018. If the commissioner does not act within the prescribed  
13 time, the proposed [~~charter~~] amendment is considered to be in  
14 compliance with applicable state and federal laws [~~approved~~].

15 (d) The governing body or lead petitioner, as applicable,  
16 may accept or reject any proposed modifications and designate the  
17 amendment as final through the process described by Section  
18 12.0181. As soon as practicable, but not later than the 15th day  
19 after the date an amendment is designated as final [~~commissioner~~  
20 ~~review under Subsection (c)~~], the governing body of the district  
21 shall order an election on the proposed amendment.

22 (e) An election under this section shall be held on the  
23 first uniform election date in November of an even-numbered year  
24 that occurs at least 78 [~~45~~] days after the date the election is  
25 ordered.

26 (f) Notice of the election must include a substantial copy  
27 of the proposed [~~charter~~] amendment to the local control plan.

1 (g) An [~~A charter~~] amendment to a local control plan may not  
2 contain more than one subject.

3 (h) The ballot shall be prepared so that a voter may approve  
4 or disapprove any one or more [~~charter~~] amendments to a local  
5 control plan without having to approve or disapprove all of the  
6 [~~charter~~] amendments to a local control plan.

7 (i) The governing body may not order an election on a  
8 proposed [~~charter~~] amendment to a local control plan earlier than  
9 the first anniversary of the date of any previous election to amend  
10 the plan [~~charter~~].

11 (j) Section 12.017 applies to a proposed [~~charter~~]  
12 amendment to a local control plan [~~, except that the governing body~~  
13 ~~shall submit the proposed charter amendment to the secretary of~~  
14 ~~state~~].

15 Sec. 12.021. ADOPTION OF LOCAL CONTROL PLAN [~~CHARTER~~] OR  
16 [~~CHARTER~~] AMENDMENT. (a) A [~~Subject to Section 12.022, a~~] proposed  
17 local control plan [~~home-rule school district charter~~] or a  
18 proposed [~~charter~~] amendment to a local control plan is adopted if  
19 approved by a majority of the registered [~~qualified~~] voters of the  
20 district voting at an election held for that purpose.

21 (b) A local control plan [~~charter~~] or [~~charter~~] amendment to  
22 a local control plan shall specify an effective date and takes  
23 effect according to its terms when the board of trustees or  
24 governing body of the school district enters an order declaring  
25 that the plan [~~charter~~] or [~~charter~~] amendment is adopted. The  
26 board of trustees or governing body shall enter an order not later  
27 than the 10th day after the date the canvass of the election returns

1 is completed.

2 (c) As soon as practicable after a school district adopts a  
3 local control plan or amendment to a local control plan [~~home-rule~~  
4 ~~school district charter or charter amendment~~], the board of  
5 trustees or governing body shall notify the commissioner of the  
6 outcome of the election.

7 Sec. 12.022. [~~MINIMUM VOTER TURNOUT REQUIRED.~~ (a) An  
8 election on the adoption of a proposed home-rule school district  
9 charter has no effect unless at least 25 percent of the registered  
10 voters of the district vote in the election in which the adoption of  
11 the charter is on the ballot.

12 [(b) An election on the adoption of a proposed amendment to  
13 a home-rule school district charter has no effect unless at least 20  
14 percent of the registered voters of the district vote in the  
15 election in which the adoption of the amendment is on the ballot.

16 [(c) If the required number of voters prescribed by  
17 Subsection (a) or (b) do not vote in the election, the board of  
18 trustees shall order an election on the issue to be held on the  
19 first uniform election date:

20 [(1) that occurs at least 45 days after the date the  
21 election is ordered, and

22 [(2) on which one or more elections are to be held, the  
23 combination of which covers all of the territory of the school  
24 district.

25 [(d) If the required number of voters prescribed by  
26 Subsection (a) or (b) do not vote at an election ordered as required  
27 by Subsection (c), the board of trustees may continue to order

1 ~~elections on the issue in accordance with Subsection (c) until the~~  
2 ~~required minimum voter turnout is achieved.~~

3       ~~[Sec. 12.023.]~~ CERTIFICATION OF LOCAL CONTROL PLAN OR  
4 AMENDMENT [~~CHARTER OR CHARTER AMENDMENT~~]. (a) As soon as  
5 practicable after a school district adopts a local control plan or  
6 amendment to a local control plan [~~home-rule school district~~  
7 ~~charter or charter amendment~~], the president of the board of  
8 trustees or presiding officer of the governing body shall certify  
9 to the secretary of state a copy of the plan [~~charter~~] or amendment  
10 showing the approval by the voters of the district.

11       (b) The secretary of state shall file and record the  
12 certification in the secretary of state's office.

13       Sec. 12.023 [~~12.024~~]. EFFECT OF RECORDING LOCAL CONTROL  
14 PLAN OR AMENDMENT [~~CHARTER OR CHARTER AMENDMENT~~]. A recorded local  
15 control plan or amendment to a local control plan [~~charter or~~  
16 ~~charter amendment~~] is a public act. A court shall take judicial  
17 notice of a recorded plan [~~charter~~] or [~~charter~~] amendment and  
18 proof is not required of its provisions.

19       Sec. 12.024 [~~12.025~~]. GOVERNANCE. (a) A local control  
20 [~~home-rule~~] school district may adopt and operate under any  
21 governing structure.

22       (b) The district may:

23               (1) create offices;  
24               (2) determine the time and method for selecting  
25 officers; and

26               (3) prescribe the qualifications and duties of  
27 officers.

1 (c) The term of any officer of the district is determined  
2 under Section 11.059.

3 Sec. 12.025 [~~12.026~~]. CHANGE IN GOVERNING BODY. If the  
4 adoption, amendment, or revocation of a local control [~~home-rule~~]  
5 school district plan [~~charter~~] changes the structure of the  
6 governing body of the school district, the members of the governing  
7 body serving on the date the adoption, amendment, or revocation  
8 takes effect continue in office until their successors are chosen  
9 and have qualified for office.

10 Sec. 12.026 [~~12.027~~]. BASIS FOR PLACEMENT ON PROBATION OR  
11 REVOCATION OF LOCAL CONTROL PLAN [~~CHARTER~~]. (a) The commissioner  
12 [~~State Board of Education~~] may place a local control school  
13 district on probation or revoke the local control plan [~~a home-rule~~  
14 ~~school district charter~~] of a school district if the commissioner  
15 [~~board~~] determines that the district:

16 (1) committed a material violation of the local  
17 control plan [~~charter~~];

18 (2) failed to satisfy generally accepted accounting  
19 standards of fiscal management; or

20 (3) failed to comply with this subchapter or other  
21 applicable federal or state law or rule.

22 (b) The action the commissioner [~~board~~] takes under  
23 Subsection (a) shall be based on the best interest of district  
24 students, the severity of the violation, and any previous violation  
25 the district has committed.

26 (c) A district whose local control plan [~~home-rule school~~  
27 ~~district charter~~] is revoked or rescinded under this subchapter

1 shall operate under the other provisions of Title 1 and this title  
2 that apply to school districts.

3 Sec. 12.027 [~~12.028~~]. PROCEDURE FOR PLACEMENT ON PROBATION  
4 OR REVOCATION. (a) The commissioner [~~State Board of Education~~] by  
5 rule shall adopt a procedure to be used for placing a local control  
6 school district on probation or revoking a local control plan  
7 [~~home-rule school district charter~~].

8 (b) The procedure adopted under Subsection (a) must provide  
9 an opportunity for a hearing to the district and to parents of  
10 district students. A hearing under this subsection must be held in  
11 the district.

12 Sec. 12.028 [~~12.029~~]. STATUS OF DISTRICT IN CASE OF  
13 ANNEXATION OR CONSOLIDATION. (a) If a school district is annexed  
14 to another district under Chapter 13, and only one of the districts  
15 has a local control [~~home-rule~~] school district status, the  
16 status[~~, as a home-rule or other type of school district,~~] of the  
17 receiving district is the status for both districts following  
18 annexation.

19 (b) Except as provided by Subchapter H, Chapter 41, if two  
20 or more school districts having different status, one of which is  
21 local control [~~home-rule~~] school district status, consolidate into  
22 a single district, the petition under Section 13.003 initiating the  
23 consolidation must state the status for the consolidated district.  
24 The ballot shall be printed to permit voting for or against the  
25 proposition: "Consolidation of (names of school districts) into a  
26 single school district governed as (status of school district  
27 specified in the petition)."

1           Sec. 12.029 [~~12.030~~]. RESCISSION OF LOCAL CONTROL PLAN  
2 [CHARTER]. (a) A local control plan [~~home-rule school district~~  
3 ~~charter~~] may be rescinded as provided by this section.

4           (b) The governing body of the district shall order an  
5 election on the question of rescinding a local control plan  
6 [~~home-rule school district charter~~] if:

7                   (1) the governing body receives a petition requesting  
8 a rescission election signed by at least five percent of the  
9 registered voters of the district; or

10                   (2) at least two-thirds of the total membership of the  
11 governing body adopt a resolution ordering that a rescission  
12 election be held.

13           (c) As soon as practicable after the date of receipt or  
14 adoption of a resolution under Subsection (b), the governing body  
15 shall order an election.

16           (d) The proposition to rescind the local control plan  
17 [~~home-rule school district charter~~] shall be submitted to the  
18 voters of the district at an election to be held on the first  
19 uniform election date in November of an even-numbered year that  
20 occurs at least 78 [~~45~~] days after the date on which the governing  
21 body orders the election.

22           (e) The ballot shall be printed to permit voting for or  
23 against the proposition: "Whether the local control plan [~~home-rule~~  
24 ~~school district charter~~] of (name of school district) shall be  
25 rescinded so that the school district becomes an independent school  
26 district."

27           (f) A local control plan [~~home-rule school district~~

1 ~~charter~~] is rescinded if the rescission is approved by a majority of  
2 the registered [~~qualified~~] voters of the district voting at an  
3 election held for that purpose [~~at which at least 25 percent of the~~  
4 ~~registered voters of the district vote~~].

5 (g) The rescission takes effect on a date established by  
6 resolution of the governing body but not later than the 90th day  
7 after the date of an election held under this section at which  
8 rescission of the local control plan [~~charter~~] is approved [~~and at~~  
9 ~~which the number of registered voters required under Subsection (f)~~  
10 ~~vote~~]. As soon as practicable after that election, the governing  
11 body shall notify the commissioner and the secretary of state of the  
12 results of the election and of the effective date of the rescission.

13 (h) The rescission of a local control plan [~~home-rule school~~  
14 ~~district charter~~] under this section does not affect:

- 15 (1) the district's boundaries; or  
16 (2) taxes or bonds of the district authorized before  
17 the effective date of the rescission.

18 SECTION 6. Section 12.051(2), Education Code, is amended to  
19 read as follows:

20 (2) "Board" and "board of trustees" mean the board of  
21 trustees of a school district or the governing body of a local  
22 control [~~home-rule~~] school district.

23 SECTION 7. Section 12.052(a), Education Code, is amended to  
24 read as follows:

25 (a) In accordance with this subchapter, the board of  
26 trustees of a school district or the governing body of a local  
27 control [~~home-rule~~] school district shall grant or deny, through a

1 public vote of the board of trustees or governing body, a charter to  
2 parents and teachers for a campus or a program on a campus if the  
3 board is presented with a petition signed by:

4 (1) the parents of a majority of the students at that  
5 school campus; and

6 (2) a majority of the classroom teachers at that  
7 school campus.

8 SECTION 8. Section 12.0521(a), Education Code, is amended  
9 to read as follows:

10 (a) Notwithstanding Section 12.052, in accordance with this  
11 subchapter and in the manner provided by this section, the board of  
12 trustees of a school district or the governing body of a local  
13 control [~~home-rule~~] school district may grant a charter for:

14 (1) a new district campus; or

15 (2) a program that is operated:

16 (A) by an entity that has entered into a contract  
17 with the district under Section 11.157 to provide educational  
18 services to the district through the campus or program; and

19 (B) at a facility located in the boundaries of  
20 the district.

21 SECTION 9. Section 12.0522(a), Education Code, is amended  
22 to read as follows:

23 (a) Notwithstanding Section 12.052, in the manner provided  
24 by this section, the board of trustees of a school district or the  
25 governing body of a local control [~~home-rule~~] school district may  
26 grant a district charter to a campus to the extent authorized under  
27 this section.

1 SECTION 10. Section 12.101(a), Education Code, is amended  
2 to read as follows:

3 (a) In accordance with this subchapter, the commissioner  
4 may grant a charter on the application of an eligible entity for an  
5 open-enrollment charter school to operate in a facility of a  
6 commercial or nonprofit entity, an eligible entity, or a school  
7 district, including a local control [~~home-rule~~] school district.  
8 In this subsection, "eligible entity" means:

9 (1) an institution of higher education as defined  
10 under Section 61.003;

11 (2) a private or independent institution of higher  
12 education as defined under Section 61.003;

13 (3) an organization that is exempt from taxation under  
14 Section 501(c)(3), Internal Revenue Code of 1986 (26 U.S.C. Section  
15 501(c)(3)); or

16 (4) a governmental entity.

17 SECTION 11. Sections 22.003(d) and (e), Education Code, are  
18 amended to read as follows:

19 (d) A school district employee with available personal  
20 leave under this section is entitled to use the leave for  
21 compensation during a term of active military service. This  
22 subsection applies to any personal or sick leave available under  
23 former law or provided by local policy of a school district,  
24 including a local control [~~home-rule~~] school district.

25 (e) A school district, including a local control  
26 [~~home-rule~~] school district, may adopt a policy providing for the  
27 paid leave of absence of employees taking leave for active military

1 service as part of the consideration of employment by the district.

2 SECTION 12. Section 37.007(e), Education Code, is amended  
3 to read as follows:

4 (e) In accordance with 20 U.S.C. Section 7151, a local  
5 educational agency, including a school district, local control  
6 [~~home-rule~~] school district, or open-enrollment charter school,  
7 shall expel a student who brings a firearm, as defined by 18 U.S.C.  
8 Section 921, to school. The student must be expelled from the  
9 student's regular campus for a period of at least one year, except  
10 that:

11 (1) the superintendent or other chief administrative  
12 officer of the school district or of the other local educational  
13 agency, as defined by 20 U.S.C. Section 7801, may modify the length  
14 of the expulsion in the case of an individual student;

15 (2) the district or other local educational agency  
16 shall provide educational services to an expelled student in a  
17 disciplinary alternative education program as provided by Section  
18 37.008 if the student is younger than 10 years of age on the date of  
19 expulsion; and

20 (3) the district or other local educational agency may  
21 provide educational services to an expelled student who is 10 years  
22 of age or older in a disciplinary alternative education program as  
23 provided in Section 37.008.

24 SECTION 13. Section 37.022(a)(2), Education Code, is  
25 amended to read as follows:

26 (2) "District or school" includes an independent  
27 school district, a local control [~~home-rule~~] school district, a

1 campus or campus program charter holder, or an open-enrollment  
2 charter school.

3 SECTION 14. Section 38.152, Education Code, is amended to  
4 read as follows:

5 Sec. 38.152. APPLICABILITY. This subchapter applies to an  
6 interscholastic athletic activity, including practice and  
7 competition, sponsored or sanctioned by:

8 (1) a school district, including a local control  
9 ~~[home-rule]~~ school district, or a public school, including any  
10 school for which a charter has been granted under Chapter 12; or

11 (2) the University Interscholastic League.

12 SECTION 15. Section 38.157(c), Education Code, is amended  
13 to read as follows:

14 (c) The school district superintendent or the  
15 superintendent's designee or, in the case of a local control  
16 ~~[home-rule]~~ school district or open-enrollment charter school, the  
17 person who serves the function of superintendent or that person's  
18 designee shall supervise an athletic trainer or other person  
19 responsible for compliance with the return-to-play protocol. The  
20 person who has supervisory responsibilities under this subsection  
21 may not be a coach of an interscholastic athletics team.

22 SECTION 16. Section 38.158(f), Education Code, is amended  
23 to read as follows:

24 (f) Each person described by Subsection (c) must submit  
25 proof of timely completion of an approved course in compliance with  
26 Subsection (e) to the school district superintendent or the  
27 superintendent's designee or, in the case of a local control

1 [~~home-rule~~] school district or open-enrollment charter school, a  
2 person who serves the function of a superintendent or that person's  
3 designee.

4 SECTION 17. Section 39.102(a), Education Code, is amended  
5 to read as follows:

6 (a) If a school district does not satisfy the accreditation  
7 criteria under Section 39.052, the academic performance standards  
8 under Section 39.053 or 39.054, or any financial accountability  
9 standard as determined by commissioner rule, the commissioner shall  
10 take any of the following actions to the extent the commissioner  
11 determines necessary:

12 (1) issue public notice of the deficiency to the board  
13 of trustees;

14 (2) order a hearing conducted by the board of trustees  
15 of the district for the purpose of notifying the public of the  
16 insufficient performance, the improvements in performance expected  
17 by the agency, and the interventions and sanctions that may be  
18 imposed under this section if the performance does not improve;

19 (3) order the preparation of a student achievement  
20 improvement plan that addresses each student achievement indicator  
21 under Section 39.053(c) for which the district's performance is  
22 insufficient, the submission of the plan to the commissioner for  
23 approval, and implementation of the plan;

24 (4) order a hearing to be held before the commissioner  
25 or the commissioner's designee at which the president of the board  
26 of trustees of the district and the superintendent shall appear and  
27 explain the district's low performance, lack of improvement, and

1 plans for improvement;

2 (5) arrange an on-site investigation of the district;

3 (6) appoint an agency monitor to participate in and  
4 report to the agency on the activities of the board of trustees or  
5 the superintendent;

6 (7) appoint a conservator to oversee the operations of  
7 the district;

8 (8) appoint a management team to direct the operations  
9 of the district in areas of insufficient performance or require the  
10 district to obtain certain services under a contract with another  
11 person;

12 (9) if a district has a current accreditation status  
13 of accredited-warned or accredited-probation, fails to satisfy any  
14 standard under Section 39.054(e), or fails to satisfy financial  
15 accountability standards as determined by commissioner rule,  
16 appoint a board of managers to exercise the powers and duties of the  
17 board of trustees;

18 (10) if for two consecutive school years, including  
19 the current school year, a district has received an accreditation  
20 status of accredited-warned or accredited-probation, has failed to  
21 satisfy any standard under Section 39.054(e), or has failed to  
22 satisfy financial accountability standards as determined by  
23 commissioner rule, revoke the district's accreditation and:

24 (A) order closure of the district and annex the  
25 district to one or more adjoining districts under Section 13.054;  
26 or

27 (B) in the case of a local control [~~home-rule~~]

1 school district or open-enrollment charter school, order closure of  
2 all programs operated under the district's local control plan or  
3 school's charter; or

4 (11) if a district has failed to satisfy any standard  
5 under Section 39.054(e) due to the district's dropout rates, impose  
6 sanctions designed to improve high school completion rates,  
7 including:

8 (A) ordering the development of a dropout  
9 prevention plan for approval by the commissioner;

10 (B) restructuring the district or appropriate  
11 school campuses to improve identification of and service to  
12 students who are at risk of dropping out of school, as defined by  
13 Section 29.081;

14 (C) ordering lower student-to-counselor ratios  
15 on school campuses with high dropout rates; and

16 (D) ordering the use of any other intervention  
17 strategy effective in reducing dropout rates, including mentor  
18 programs and flexible class scheduling.

19 SECTION 18. Section 42.152(c), Education Code, is amended  
20 to read as follows:

21 (c) Funds allocated under this section shall be used to fund  
22 supplemental programs and services designed to eliminate any  
23 disparity in performance on assessment instruments administered  
24 under Subchapter B, Chapter 39, or disparity in the rates of high  
25 school completion between students at risk of dropping out of  
26 school, as defined by Section 29.081, and all other students.  
27 Specifically, the funds, other than an indirect cost allotment

1 established under State Board of Education rule, which may not  
2 exceed 45 percent, may be used to meet the costs of providing a  
3 compensatory, intensive, or accelerated instruction program under  
4 Section 29.081 or a disciplinary alternative education program  
5 established under Section 37.008, to pay the costs associated with  
6 placing students in a juvenile justice alternative education  
7 program established under Section 37.011, or to support a program  
8 eligible under Title I of the Elementary and Secondary Education  
9 Act of 1965, as provided by Pub. L. No. 103-382 and its subsequent  
10 amendments, and by federal regulations implementing that Act, at a  
11 campus at which at least 40 percent of the students are  
12 educationally disadvantaged. In meeting the costs of providing a  
13 compensatory, intensive, or accelerated instruction program under  
14 Section 29.081, a district's compensatory education allotment  
15 shall be used for costs supplementary to the regular education  
16 program, such as costs for program and student evaluation,  
17 instructional materials and equipment and other supplies required  
18 for quality instruction, supplemental staff expenses, salary for  
19 teachers of at-risk students, smaller class size, and  
20 individualized instruction. A local control [~~home-rule~~] school  
21 district or an open-enrollment charter school must use funds  
22 allocated under Subsection (a) for a purpose authorized in this  
23 subsection but is not otherwise subject to Subchapter C, Chapter  
24 29. For purposes of this subsection, a program specifically  
25 designed to serve students at risk of dropping out of school, as  
26 defined by Section 29.081, is considered to be a program  
27 supplemental to the regular education program, and a district may

1 use its compensatory education allotment for such a program.

2 SECTION 19. Section 7.102(c)(8), Education Code, is  
3 repealed.

4 SECTION 20. This Act takes effect immediately if it  
5 receives a vote of two-thirds of all the members elected to each  
6 house, as provided by Section 39, Article III, Texas Constitution.  
7 If this Act does not receive the vote necessary for immediate  
8 effect, this Act takes effect September 1, 2015.