

By: Taylor of Galveston  
Campbell

S.B. No. 1897

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to public school accountability, including the powers and  
3 duties of the commissioner of education regarding open-enrollment  
4 charter schools.

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

6 SECTION 1. Section 12.101, Education Code, is amended by  
7 amending Subsection (b-4) and adding Subsection (b-9) to read as  
8 follows:

9 (b-4) Notwithstanding Section 12.114, approval of the  
10 commissioner under that section is not required for establishment  
11 of a new open-enrollment charter school campus if the requirements  
12 of this subsection[~~, including the absence of commissioner~~  
13 ~~disapproval under Subdivision (3),~~] are satisfied. A charter  
14 holder having an accreditation status of accredited and at least 50  
15 percent of its student population in grades assessed under  
16 Subchapter B, Chapter 39, or at least 50 percent of the students in  
17 the grades assessed having been enrolled in the school for at least  
18 three school years may establish one or more new campuses under an  
19 existing charter held by the charter holder if:

20 (1) the charter holder is currently evaluated under  
21 the standard accountability procedures for evaluation under  
22 Chapter 39 and received a district rating in the highest or second  
23 highest performance rating category under Subchapter C, Chapter 39,  
24 for three of the last five years with at least 75 percent of the

1 campuses rated under the charter also receiving a rating in the  
2 highest or second highest performance rating category and, ~~[with no~~  
3 ~~campus with a rating in the lowest performance rating category]~~ in  
4 the most recent ratings, no more than 10 percent of the campuses  
5 under the charter have received a rating in the lowest performance  
6 rating category;

7 (2) the charter holder provides written notice to the  
8 commissioner of the establishment of any campus under this  
9 subsection in the time, manner, and form provided by rule of the  
10 commissioner; and

11 (3) not later than the 60th day after the date the  
12 charter holder provides written notice under Subdivision (2), the  
13 commissioner does not provide written notice to the charter holder  
14 that the commissioner has determined that the charter holder does  
15 not satisfy the requirements of this section ~~[of disapproval of a~~  
16 ~~new campus under this section].~~

17 (b-9) Notwithstanding Subsection (b-3), the commissioner  
18 may grant an additional charter for an open-enrollment charter  
19 school to a charter holder if:

20 (1) one of the charters is for a virtual  
21 open-enrollment charter school that provides only electronic  
22 courses through the state virtual school network; and

23 (2) the other charter is for any other type of  
24 open-enrollment charter school allowable under this chapter or  
25 commissioner rule.

26 SECTION 2. Section 12.1141, Education Code, is amended by  
27 adding Subsection (1) to read as follows:

1       (1) For purposes of determination of renewal under  
2 Subsection (d), the charter holder's first assigned performance  
3 rating under Subchapter C, Chapter 39, or first assigned  
4 performance rating under Subchapter D, Chapter 39, may not be  
5 considered.

6       SECTION 3. Section 12.115, Education Code, is amended by  
7 adding Subsection (c-2) to read as follows:

8       (c-2) For purposes of revocation under Subsection (c), a  
9 charter holder's first assigned performance rating under  
10 Subchapter C, Chapter 39, or first assigned performance rating  
11 under Subchapter D, Chapter 39, may not be considered.

12       SECTION 4. Section 12.116, Education Code, is amended by  
13 amending Subsection (a) and adding Subsection (a-1) to read as  
14 follows:

15       (a) The commissioner shall adopt an informal procedure to be  
16 used for:

17       (1) revoking the charter of an open-enrollment charter  
18 school or for reconstituting the governing body of the charter  
19 holder as authorized by Section 12.115; and

20       (2) denying the renewal of a charter of an  
21 open-enrollment charter school as authorized by Section  
22 12.1141(c).

23       (a-1) The procedure adopted under Subsection (a) must allow  
24 representatives of the charter holder to meet with the commissioner  
25 to discuss the commissioner's decision and must allow the charter  
26 holder to submit additional information to the commissioner  
27 relating to the commissioner's decision. In a final decision

1 issued by the commissioner, the commissioner shall provide a  
2 written response to any information the charter holder submits  
3 under this subsection.

4 SECTION 5. Section 39.151, Education Code, is amended by  
5 amending Subsection (b) and adding Subsection (c-1) to read as  
6 follows:

7 (b) The rules under Subsection (a) must provide for the  
8 commissioner to appoint a committee to make recommendations to the  
9 commissioner on a challenge made to an agency decision relating to  
10 an academic performance rating or determination or financial  
11 accountability rating. The committee shall review the challenge  
12 regardless of the issue identified in the challenge by the school  
13 district or open-enrollment charter school. The commissioner may  
14 not appoint an agency employee as a member of the committee.

15 (c-1) The commissioner may not limit a challenge relating to  
16 a data or calculation error or inaccuracy attributable to the  
17 school district or open-enrollment charter school, even if the  
18 challenge demonstrates the data or calculation error or inaccuracy  
19 caused the district or school to have a lower academic or financial  
20 accountability rating. If a challenge demonstrates that the data  
21 or calculation error or inaccuracy caused the district or school to  
22 have a lower academic or financial accountability rating, the  
23 commissioner shall assign the district or school the corrected  
24 rating or shall indicate that the district or school will not be  
25 rated for that school year. The commissioner may not revoke the  
26 charter of an open-enrollment charter school as provided by Section  
27 12.115(c) or allow the charter to expire as provided by Section

1 12.1141(d) if for one of the school years considered for the  
2 commissioner's decision the school is not rated as provided by this  
3 subsection.

4 SECTION 6. This Act applies beginning with the 2015-2016  
5 school year.

6 SECTION 7. 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.