

1-1 By: Taylor of Galveston S.B. No. 1897
1-2 (In the Senate - Filed March 13, 2015; March 25, 2015, read
1-3 first time and referred to Committee on Education; May 5, 2015,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 10, Nays 1; May 5, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
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		

1-19 COMMITTEE SUBSTITUTE FOR S.B. No. 1897 By: Taylor of Galveston

1-20 A BILL TO BE ENTITLED
1-21 AN ACT

1-22 relating to public school accountability, including the powers and
1-23 duties of the commissioner of education regarding open-enrollment
1-24 charter schools.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 12.101, Education Code, is amended by
1-27 amending Subsection (b-4) and adding Subsection (b-9) to read as
1-28 follows:

1-29 (b-4) Notwithstanding Section 12.114, approval of the
1-30 commissioner under that section is not required for establishment
1-31 of a new open-enrollment charter school campus if the requirements
1-32 of this subsection~~[, including the absence of commissioner~~
1-33 ~~disapproval under Subdivision (3),]~~ are satisfied. A charter
1-34 holder having an accreditation status of accredited and at least 50
1-35 percent of its student population in grades assessed under
1-36 Subchapter B, Chapter 39, or at least 50 percent of the students in
1-37 the grades assessed having been enrolled in the school for at least
1-38 three school years may establish one or more new campuses under an
1-39 existing charter held by the charter holder if:

1-40 (1) the charter holder is currently evaluated under
1-41 the standard accountability procedures for evaluation under
1-42 Chapter 39 and received a district rating in the highest or second
1-43 highest performance rating category under Subchapter C, Chapter 39,
1-44 for three of the last five years with at least 75 percent of the
1-45 campuses rated under the charter also receiving a rating in the
1-46 highest or second highest performance rating category and, ~~[with no~~
1-47 ~~campus with a rating in the lowest performance rating category]~~ in
1-48 the most recent ratings, no more than 10 percent of the campuses
1-49 under the charter have received a rating in the lowest performance
1-50 rating category;

1-51 (2) the charter holder provides written notice to the
1-52 commissioner of the establishment of any campus under this
1-53 subsection in the time, manner, and form provided by rule of the
1-54 commissioner; and

1-55 (3) not later than the 60th day after the date the
1-56 charter holder provides written notice under Subdivision (2), the
1-57 commissioner does not provide written notice to the charter holder
1-58 that the commissioner has determined that the charter holder does
1-59 not satisfy the requirements of this section ~~[of disapproval of a~~
1-60 ~~new campus under this section].~~

2-1 (b-9) Notwithstanding Subsection (b-3), the commissioner
2-2 may grant an additional charter for an open-enrollment charter
2-3 school to a charter holder if:

2-4 (1) one of the charters is for a virtual
2-5 open-enrollment charter school that provides only electronic
2-6 courses through the state virtual school network; and

2-7 (2) the other charter is for any other type of
2-8 open-enrollment charter school allowable under this chapter or
2-9 commissioner rule.

2-10 SECTION 2. Section 12.1141, Education Code, is amended by
2-11 adding Subsection (1) to read as follows:

2-12 (1) For purposes of determination of renewal under
2-13 Subsection (d), the charter holder's first assigned performance
2-14 rating under Subchapter C, Chapter 39, or first assigned
2-15 performance rating under Subchapter D, Chapter 39, may not be
2-16 considered.

2-17 SECTION 3. Section 12.115, Education Code, is amended by
2-18 adding Subsection (c-2) to read as follows:

2-19 (c-2) For purposes of revocation under Subsection (c), a
2-20 charter holder's first assigned performance rating under
2-21 Subchapter C, Chapter 39, or first assigned performance rating
2-22 under Subchapter D, Chapter 39, may not be considered.

2-23 SECTION 4. Section 12.116, Education Code, is amended by
2-24 amending Subsection (a) and adding Subsection (a-1) to read as
2-25 follows:

2-26 (a) The commissioner shall adopt an informal procedure to be
2-27 used for:

2-28 (1) revoking the charter of an open-enrollment charter
2-29 school or for reconstituting the governing body of the charter
2-30 holder as authorized by Section 12.115; and

2-31 (2) denying the renewal of a charter of an
2-32 open-enrollment charter school as authorized by Section
2-33 12.1141(c).

2-34 (a-1) The procedure adopted under Subsection (a) must allow
2-35 representatives of the charter holder to meet with the commissioner
2-36 to discuss the commissioner's decision and must allow the charter
2-37 holder to submit additional information to the commissioner
2-38 relating to the commissioner's decision. In a final decision
2-39 issued by the commissioner, the commissioner shall provide a
2-40 written response to any information the charter holder submits
2-41 under this subsection.

2-42 SECTION 5. Section 39.151, Education Code, is amended by
2-43 amending Subsection (b) and adding Subsection (c-1) to read as
2-44 follows:

2-45 (b) The rules under Subsection (a) must provide for the
2-46 commissioner to appoint a committee to make recommendations to the
2-47 commissioner on a challenge made to an agency decision relating to
2-48 an academic performance rating or determination or financial
2-49 accountability rating. The committee shall review the challenge
2-50 regardless of the issue identified in the challenge by the school
2-51 district or open-enrollment charter school. The commissioner may
2-52 not appoint an agency employee as a member of the committee.

2-53 (c-1) The commissioner may not limit a challenge relating to
2-54 a data or calculation error or inaccuracy attributable to the
2-55 school district or open-enrollment charter school, even if the
2-56 challenge demonstrates the data or calculation error or inaccuracy
2-57 caused the district or school to have a lower academic or financial
2-58 accountability rating. If a challenge demonstrates that the data
2-59 or calculation error or inaccuracy caused the district or school to
2-60 have a lower academic or financial accountability rating, the
2-61 commissioner shall assign the district or school the corrected
2-62 rating or shall indicate that the district or school will not be
2-63 rated for that school year. The commissioner may not revoke the
2-64 charter of an open-enrollment charter school as provided by Section
2-65 12.115(c) or allow the charter to expire as provided by Section
2-66 12.1141(d) if for one of the school years considered for the
2-67 commissioner's decision the school is not rated as provided by this
2-68 subsection.

2-69 SECTION 6. This Act applies beginning with the 2015-2016

3-1 school year.

3-2 SECTION 7. This Act takes effect immediately if it receives
3-3 a vote of two-thirds of all the members elected to each house, as
3-4 provided by Section 39, Article III, Texas Constitution. If this
3-5 Act does not receive the vote necessary for immediate effect, this
3-6 Act takes effect September 1, 2015.

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