

BILL ANALYSIS

Senate Research Center

S.B. 1882
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Education
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Charter schools and school districts educate over 5.3 million Texas public school students. Encouraging collaboration between districts and charter schools, whether through facilities sharing, shared professional development, or a host of innovative partnership ideas, will allow more students to access high-quality schools, regardless of type. District-charter partnerships focus on building collaboration, instead of competition, between traditional school districts and charter schools.

S.B. 1882 creates conditions that encourage cooperation and innovation between districts and charter schools. If school districts and charter schools choose to partner, both entities enter into a written agreement to share teaching responsibilities, facilities, or other education resources.

S.B. 1882 incentivizes this partnership in two ways. In the partnership, the school district receives the higher of the maintenance and operations (M&O) funding amount that the district or charter school would be entitled to for each student in the partnership. Also, the district or charter will receive a one-year pause in the accountability system, receiving individual domain scores but an overall rating of "undesigned" for that first year without restarting the intervention clock. (Original Author's / Sponsor's Statement of Intent)

S.B. 1882 amends current law relating to a school district contract to partner with an open-enrollment charter school to operate a district campus.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 11.174, Education Code) and SECTION 2 (Section 42.2511, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 11, Education Code, by adding Section 11.174, as follows:

Sec. 11.174. CONTRACT REGARDING OPERATION OF DISTRICT CAMPUS. (a) Provides that a school district campus qualifies for an exemption from intervention as provided by Subsection (f) and qualifies for funding as provided by Section 42.2511, which is added by this Act, if the board of trustees of the district contracts to partner to operate the district campus as provided by this section with:

- (1) the governing body of an open-enrollment charter school; or
- (2) on approval by the commissioner of education (commissioner), an entity granted a charter by the district under Subchapter C (Campus or Campus Program Charter), Chapter 12 (Charters), that is eligible to be awarded a charter under Section 12.101(a) (relating to authorizing the commissioner to grant a charter).

(b) Authorizes the board of trustees of a school district (board) to enter into a contract as provided by Subsection (a) only if:

(1) the charter of the open-enrollment charter school has not been previously revoked;

(2) for the three school years preceding the school year of the proposed operation of the district campus as described by Subsection (a), the open-enrollment charter school has received an overall performance rating of acceptable or higher under Subchapter C (Accreditation), Chapter 39 (Public School System Accountability), and a financial accountability rating under Subchapter D (Financial Accountability), Chapter 39, indicating financial performance of satisfactory or higher; or

(3) the entity considered for a district-authorized charter has not previously operated an open-enrollment charter school in which the charter expired or was revoked or surrendered.

(c) Requires a school district, before entering into a contract as provided by this section, to consult with campus personnel regarding the provisions to be included in the contract between the school district and the open-enrollment charter school. Prohibits all rights and protections afforded by current employment contracts or agreements from being affected by the contract entered into between a school district and an open-enrollment charter school under this section.

(d) Requires the district campus, to operate a district campus as provided by this section, to be granted a charter under Subchapter C, Chapter 12.

(e) Requires the commissioner to continue to evaluate and assign overall and domain performance ratings under Section 39.054 (Methods and Standards for Evaluating Performance) to a district campus subject to a contract described by Subsection (a).

(f) Provides that this subsection applies only to a district campus subject to a contract described by Subsection (a) that received an overall performance rating of unacceptable under Subchapter C, Chapter 39, for the school year before operation of the district campus under the contract began. Prohibits the commissioner from imposing a sanction or taking action against the campus under Section 39.107(a) (relating to requiring the commissioner to order a campus that has been identified as unacceptable for two consecutive years to prepare and submit a campus turnaround plan) or (e) (relating to a campus having an unacceptable performance rating for three consecutive school years after the campus is ordered to submit a campus turnaround plan) for failure to satisfy academic performance standards during the first two school years of operation of a district campus under Subsection (a). Provides that the overall performance rating received by the campus during those first two school years is not included in calculating consecutive school years and is not considered a break in consecutive school years under Section 39.107(a) or (e).

(g) Authorizes a campus that receives an exemption from a sanction or other action under Subsection (f) to receive another exemption while operating under a subsequent contract only if the campus receives approval for the exemption from the commissioner.

(h) Requires that a contract, subject to Subsection (i), entered into by the board and the governing body of an open-enrollment charter school for the operation of a district campus as provided by Subsection (a) include a provision addressing student eligibility for enrollment.

(i) Requires that the contract of a campus subject to Subsection (f) provide that any student residing in the attendance zone of the district campus as the attendance zone existed before operation of the district campus under the contract be admitted for enrollment at the campus. Requires that the contract establish enrollment preference for students who do not reside in the attendance zone as follows:

(1) other students residing in the school district in which the campus is located; and

(2) students who reside outside the school district.

(j) Provides that an employee of an entity granted a district-authorized charter that enters into a contract under this section to operate a district campus is eligible for membership in and benefits from the Teacher Retirement System of Texas if the employee would be eligible for membership and benefits if holding the same position at the district.

(k) Requires a district proposing to enter into a contract under Subsection (a)(2) to notify the commissioner of the district's intent to enter into the contract. Requires the commissioner, by rule, to establish the procedures for a district to notify the commissioner under this subsection, including the period within which the notification is required before the school year in which the proposed contract would take effect, and for a district and, if necessary, an entity to submit information as required by the commissioner. Requires the commissioner to notify the district whether the proposed contract is approved not later than the 60th day after the date the commissioner receives notice of the proposed contract and all information required by the commissioner to be submitted. Provides that if the commissioner fails to notify the district that the proposed contract has been approved or denied within the period prescribed by this subsection, the proposed contract is considered approved.

(l) Prohibits the commissioner, except as expressly provided by this section, from imposing additional requirements on an open-enrollment charter school to be eligible for a contract under Subsection (a).

(m) Requires the commissioner to adopt rules as necessary to administer this section, including requirements for an entity and the contract with the entity, including the standards required for an entity to receive approval under Subsection (a)(2).

(n) Provides that this section does not prohibit a contract between a school district and another entity for the provision of services for the campus.

SECTION 2. Amends Subchapter E, Chapter 42, Education Code, by adding Section 42.2511, as follows:

Sec. 42.2511. SCHOOL DISTRICT ENTITLEMENT FOR CERTAIN STUDENTS. (a) Provides that this section applies only to a school district and an open-enrollment charter school that enter into a contract to operate a district campus as provided by Section 11.174 and a charter granted by a school district for a program operated by an entity that has entered into a contract under Section 11.174, provided that the district does not appoint a majority of the governing body of the charter holder.

(b) Provides that, notwithstanding any other provision of this chapter (Foundation School Program) or Chapter 41 (Equalized Wealth Level), a school district subject to this section is entitled to receive for each student in average daily attendance at the campus described by Subsection (a) an amount equivalent to the difference, if the difference results in increased funding, between certain amounts.

(c) Requires the commissioner to adopt rules as necessary to administer this section.

SECTION 3. Provides that the commissioner is required to implement this Act only if the legislature appropriates money specifically for that purpose. Authorizes, but does not require the commissioner, if the legislature does not appropriate money specifically for that purpose, to implement this Act using other appropriations available for that purpose.

SECTION 4. Provides that this Act applies beginning with the 2017-2018 school year.

SECTION 5. Effective date: upon passage or September 1, 2017.