

By: Koop

H.B. No. 3439

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a school district contract to partner with an
3 open-enrollment charter school to operate a district campus and
4 share education resources.

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

6 SECTION 1. Subchapter D, Chapter 11, Education Code, is
7 amended by adding Section 11.174 to read as follows:

8 Sec. 11.174. CONTRACT WITH OPEN-ENROLLMENT CHARTER SCHOOL
9 REGARDING OPERATION OF DISTRICT CAMPUS. (a) The board of trustees
10 of a school district may contract with the governing body of an
11 open-enrollment charter school for the district to partner with the
12 charter school to operate a district campus and share teachers,
13 facilities, or other education resources on that campus.

14 (b) The board of trustees of a school district may not enter
15 into a contract as provided by Subsection (a) if:

16 (1) the charter of the open-enrollment charter school
17 has been previously revoked; or

18 (2) the charter school has received an unacceptable
19 performance rating under Subchapter C, Chapter 39, for each of the
20 three school years preceding the school year of the proposed
21 operation of the district campus as described by Subsection (a).

22 (c) Except as provided by Subsection (d), the commissioner
23 shall continue to evaluate and assign performance ratings under
24 Section 39.054 to a school district, district campus, and

1 open-enrollment charter school subject to a contract described by
2 Subsection (a).

3 (d) This subsection applies only to a campus subject to a
4 contract described by Subsection (a) that received a D or F for a
5 performance rating under Subchapter C, Chapter 39, for the school
6 year before the school district and the open-enrollment charter
7 school began operation of the district campus. Notwithstanding any
8 other law, the commissioner shall assign a campus subject to this
9 subsection a performance rating of "undesigned" under Section
10 39.054 for the first school year of the operation of the campus by
11 the district and the charter school. The commissioner may not
12 impose a sanction or take action against the campus under
13 Subchapter E, Chapter 39, for failure to satisfy academic
14 performance standards during that first school year.

15 (e) The commissioner may adopt rules as necessary to
16 administer this section.

17 SECTION 2. Subchapter A, Chapter 42, Education Code, is
18 amended by adding Section 42.010 to read as follows:

19 Sec. 42.010. SCHOOL DISTRICT ENTITLEMENT FOR CERTAIN
20 STUDENTS. (a) This section applies only to a school district and
21 an open-enrollment charter school that enter into a contract to
22 operate a district campus and share teachers, facilities, or other
23 education resources as provided by Section 11.174.

24 (b) Notwithstanding any other provision of this chapter, a
25 school district and open-enrollment charter school to which this
26 section applies collectively are entitled to receive the greater of
27 the following amount for each student in weighted average daily

1 attendance at the campus:

2 (1) the amount to which the district would be entitled
3 under this chapter; or

4 (2) the amount described by Section 12.106.

5 (c) The amount provided under Subsection (b) must be
6 allocated in accordance with the contract described by Subsection
7 (a).

8 (d) The commissioner shall adopt rules as necessary to
9 administer this section.

10 SECTION 3. This Act applies beginning with the 2017-2018
11 school year.

12 SECTION 4. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2017.