

By: Campbell

S.B. No. 1883

A BILL TO BE ENTITLED

AN ACT

relating to the approval of open-enrollment charter schools and the review of challenges by open-enrollment charter schools or school districts to accountability determinations.

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

SECTION 1. Subchapter D, Chapter 12, Education Code, is amended by adding Section 12.1102 to read as follows:

Sec. 12.1102. APPEAL OF APPLICATION SELECTION DETERMINATION. (a) This section applies only if the charter application selection process includes:

(1) scoring criteria and procedures for use of the criteria by an external application review panel selected by the commissioner; and

(2) selection criteria that include the minimum score necessary for an applicant to be eligible for selection.

(b) The State Board of Education shall adopt procedures for the appeal of an application selection determination made based on the submission of an application under a process described by Subsection (a).

(c) The procedures adopted under this section must provide for an applicant who scores within 10 percentage points of the minimum score necessary for an applicant to be eligible for selection to appeal to the State Board of Education a score determined by the external application review panel.

1       (d) The determination of the State Board of Education in an  
2 appeal under the procedures adopted under this section is final.

3       (e) If the charter applicant prevails in an appeal to the  
4 State Board of Education, the commissioner shall consider the  
5 applicant's application.

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

8       (d-1) The commissioner may not allow the charter of an  
9 open-enrollment charter school to expire as provided by Subsection  
10 (d) if for one of the school years the commissioner considers in  
11 making a decision the school is not rated as provided by Section  
12 39.151(c-1).

13       SECTION 3. Section 12.115, Education Code, is amended by  
14 adding Subsection (c-1) to read as follows:

15       (c-1) The commissioner may not revoke the charter of an  
16 open-enrollment charter school as provided by Subsection (c) if for  
17 one of the school years the commissioner considers in making a  
18 decision the school is not rated as provided by Section  
19 39.151(c-1).

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

23       (b) The rules under Subsection (a) must provide for the  
24 commissioner to appoint a committee to make recommendations to the  
25 commissioner on a challenge made to an agency decision relating to  
26 an academic performance rating or determination or financial  
27 accountability rating. The committee shall review any challenge

1 regardless of the basis identified in the challenge by the school  
2 district or open-enrollment charter school for the rating or  
3 determination. The commissioner may not appoint an agency employee  
4 as a member of a [the] committee.

5 (c-1) Except as provided by this subsection, the  
6 commissioner may not limit a challenge relating to a data or  
7 calculation error or inaccuracy attributable to the school district  
8 or open-enrollment charter school, even if the challenge  
9 demonstrates that the data or calculation error or inaccuracy  
10 caused the district or school to have a lower academic performance  
11 rating or financial accountability rating. To consider a challenge  
12 under this subsection, supporting documentation related to a data  
13 or calculation error or inaccuracy must be submitted not later than  
14 the first anniversary of the date of the deadline to submit a  
15 challenge. If a challenge demonstrates that the data or  
16 calculation error or inaccuracy caused the district or school to  
17 have a lower academic performance rating or financial  
18 accountability rating, the commissioner shall:

19 (1) assign the district or school the corrected  
20 rating; or

21 (2) indicate for that school year that the district or  
22 school is not rated.

23 SECTION 5. Section [12.101\(b-0\)](#), Education Code, is  
24 repealed.

25 SECTION 6. As soon as practicable after the effective date  
26 of this Act, the State Board of Education shall adopt procedures for  
27 the appeal of an application selection determination as provided by

1 Section 12.1102, Education Code, as added by this Act.

2 SECTION 7. Section 12.1102, Education Code, as added by  
3 this Act, applies only to an application submitted on or after the  
4 effective date of this Act.

5 SECTION 8. Section 39.151(c-1), Education Code, as added by  
6 this Act, applies only to a data or calculation error or inaccuracy  
7 challenge to an academic performance rating or financial  
8 accountability rating assigned for the 2017-2018 school year or a  
9 later school year.

10 SECTION 9. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2017.