

By: Campbell

S.B. No. 1883

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the approval of open-enrollment charter schools and the
3 review of challenges by open-enrollment charter schools or school
4 districts to accountability determinations.

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

6 SECTION 1. Section 12.101(b), Education Code, is amended to
7 read as follows:

8 (b) After thoroughly investigating and evaluating an
9 applicant, the commissioner [~~, in coordination with a member of the~~
10 ~~State Board of Education designated for the purpose by the chair of~~
11 ~~the board,~~] may grant a charter for an open-enrollment charter
12 school only to an applicant that meets any financial, governing,
13 educational, and operational standards adopted by the commissioner
14 under this subchapter, that the commissioner determines is capable
15 of carrying out the responsibilities provided by the charter and
16 likely to operate a school of high quality, and that:

17 (1) has not within the preceding 10 years had a charter
18 under this chapter or a similar charter issued under the laws of
19 another state surrendered under a settlement agreement, revoked,
20 denied renewal, or returned; or

21 (2) is not, under rules adopted by the commissioner,
22 considered to be a corporate affiliate of or substantially related
23 to an entity that has within the preceding 10 years had a charter
24 under this chapter or a similar charter issued under the laws of

1 another state surrendered under a settlement agreement, revoked,
2 denied renewal, or returned.

3 SECTION 2. Subchapter D, Chapter 12, Education Code, is
4 amended by adding Section 12.1102 to read as follows:

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

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

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

13 (b) The commissioner shall adopt procedures for the appeal
14 of an application selection determination made based on the
15 submission of an application under a process described by
16 Subsection (a).

17 (c) The procedures adopted under this section must provide
18 for an applicant who scores within 10 percent of the minimum score
19 necessary for an applicant to be eligible for selection to appeal to
20 the commissioner a score determined by the external application
21 review panel.

22 (d) The commissioner's determination in an appeal under the
23 procedures adopted under this section is final.

24 SECTION 3. Section 12.1141, Education Code, is amended by
25 adding Subsection (d-1) to read as follows:

26 (d-1) The commissioner may not allow the charter of an
27 open-enrollment charter school to expire as provided by Subsection

1 (d) if for one of the school years the commissioner considers in
2 making a decision the school is not rated as provided by Section
3 39.151(c-1).

4 SECTION 4. Section 12.115, Education Code, is amended by
5 adding Subsection (c-1) to read as follows:

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

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

14 (b) The rules under Subsection (a) must provide for the
15 commissioner to appoint a committee to make recommendations to the
16 commissioner on a challenge made to an agency decision relating to
17 an academic performance rating or determination or financial
18 accountability rating. The committee shall review any challenge
19 regardless of the basis identified in the challenge by the school
20 district or open-enrollment charter school for the rating or
21 determination. The commissioner may not appoint an agency employee
22 as a member of a [the] committee.

23 (c-1) The commissioner may not limit a challenge relating to
24 a data or calculation error or inaccuracy attributable to the
25 school district or open-enrollment charter school, even if the
26 challenge demonstrates that the data or calculation error or
27 inaccuracy caused the district or school to have a lower academic

1 performance rating or financial accountability rating. If a
2 challenge demonstrates that the data or calculation error or
3 inaccuracy caused the district or school to have a lower academic
4 performance rating or financial accountability rating, the
5 commissioner shall:

6 (1) assign the district or school the corrected
7 rating; or

8 (2) indicate for that school year that the district or
9 school is not rated.

10 SECTION 6. Section 12.101(b-0), Education Code, is
11 repealed.

12 SECTION 7. As soon as practicable after the effective date
13 of this Act, the commissioner of education shall adopt procedures
14 for the appeal of an application selection determination as
15 provided by Section 12.1102, Education Code, as added by this Act.

16 SECTION 8. Section 12.1102, Education Code, as added by
17 this Act, applies only to an application submitted on or after the
18 effective date of this Act.

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