

1-1 By: Campbell S.B. No. 1883  
 1-2 (In the Senate - Filed March 10, 2017; March 23, 2017, read  
 1-3 first time and referred to Committee on Education; May 1, 2017,  
 1-4 reported adversely, with favorable Committee Substitute by the  
 1-5 following vote: Yeas 10, Nays 1; May 1, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Taylor of Galveston	X			
1-8 Lucio	X			
1-9 Bettencourt	X			
1-10 Campbell	X			
1-11 Hall	X			
1-12 Huffines	X			
1-13 Hughes	X			
1-14 Seliger	X			
1-15 Taylor of Collin	X			
1-16 Uresti		X		
1-17 West	X			

1-19 COMMITTEE SUBSTITUTE FOR S.B. No. 1883 By: Campbell

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

1-22 relating to the approval of open-enrollment charter schools and the  
 1-23 review of challenges by open-enrollment charter schools or school  
 1-24 districts to accountability determinations.

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

1-26 SECTION 1. Section 12.101(b), Education Code, is amended to  
 1-27 read as follows:

1-28 (b) After thoroughly investigating and evaluating an  
 1-29 applicant, the commissioner [~~in coordination with a member of the~~  
 1-30 ~~State Board of Education designated for the purpose by the chair of~~  
 1-31 ~~the board,~~] may grant a charter for an open-enrollment charter  
 1-32 school only to an applicant that meets any financial, governing,  
 1-33 educational, and operational standards adopted by the commissioner  
 1-34 under this subchapter, that the commissioner determines is capable  
 1-35 of carrying out the responsibilities provided by the charter and  
 1-36 likely to operate a school of high quality, and that:

1-37 (1) has not within the preceding 10 years had a charter  
 1-38 under this chapter or a similar charter issued under the laws of  
 1-39 another state surrendered under a settlement agreement, revoked,  
 1-40 denied renewal, or returned; or

1-41 (2) is not, under rules adopted by the commissioner,  
 1-42 considered to be a corporate affiliate of or substantially related  
 1-43 to an entity that has within the preceding 10 years had a charter  
 1-44 under this chapter or a similar charter issued under the laws of  
 1-45 another state surrendered under a settlement agreement, revoked,  
 1-46 denied renewal, or returned.

1-47 SECTION 2. Subchapter D, Chapter 12, Education Code, is  
 1-48 amended by adding Section 12.1102 to read as follows:

1-49 Sec. 12.1102. APPEAL OF APPLICATION SELECTION  
 1-50 DETERMINATION. (a) This section applies only if the charter  
 1-51 application selection process includes:

1-52 (1) scoring criteria and procedures for use of the  
 1-53 criteria by an external application review panel selected by the  
 1-54 commissioner; and

1-55 (2) selection criteria that include the minimum score  
 1-56 necessary for an applicant to be eligible for selection.

1-57 (b) The commissioner shall adopt procedures for the appeal  
 1-58 of an application selection determination made based on the  
 1-59 submission of an application under a process described by  
 1-60 Subsection (a).

2-1           (c) The procedures adopted under this section must provide  
2-2 for an applicant who scores within 10 percentage points of the  
2-3 minimum score necessary for an applicant to be eligible for  
2-4 selection to appeal to the commissioner a score determined by the  
2-5 external application review panel.

2-6           (d) The commissioner's determination in an appeal under the  
2-7 procedures adopted under this section is final.

2-8           SECTION 3. Section 12.1141, Education Code, is amended by  
2-9 adding Subsection (d-1) to read as follows:

2-10           (d-1) The commissioner may not allow the charter of an  
2-11 open-enrollment charter school to expire as provided by Subsection  
2-12 (d) if for one of the school years the commissioner considers in  
2-13 making a decision the school is not rated as provided by Section  
2-14 39.151(c-1).

2-15           SECTION 4. Section 12.115, Education Code, is amended by  
2-16 adding Subsection (c-1) to read as follows:

2-17           (c-1) The commissioner may not revoke the charter of an  
2-18 open-enrollment charter school as provided by Subsection (c) if for  
2-19 one of the school years the commissioner considers in making a  
2-20 decision the school is not rated as provided by Section  
2-21 39.151(c-1).

2-22           SECTION 5. Section 39.151, Education Code, is amended by  
2-23 amending Subsection (b) and adding Subsection (c-1) to read as  
2-24 follows:

2-25           (b) The rules under Subsection (a) must provide for the  
2-26 commissioner to appoint a committee to make recommendations to the  
2-27 commissioner on a challenge made to an agency decision relating to  
2-28 an academic performance rating or determination or financial  
2-29 accountability rating. The committee shall review any challenge  
2-30 regardless of the basis identified in the challenge by the school  
2-31 district or open-enrollment charter school for the rating or  
2-32 determination. The commissioner may not appoint an agency employee  
2-33 as a member of a [the] committee.

2-34           (c-1) Except as provided by this subsection, the  
2-35 commissioner may not limit a challenge relating to a data or  
2-36 calculation error or inaccuracy attributable to the school district  
2-37 or open-enrollment charter school, even if the challenge  
2-38 demonstrates that the data or calculation error or inaccuracy  
2-39 caused the district or school to have a lower academic performance  
2-40 rating or financial accountability rating. To consider a challenge  
2-41 under this subsection, supporting documentation related to a data  
2-42 or calculation error or inaccuracy must be submitted not later than  
2-43 the first anniversary of the date of the deadline to submit a  
2-44 challenge. If a challenge demonstrates that the data or  
2-45 calculation error or inaccuracy caused the district or school to  
2-46 have a lower academic performance rating or financial  
2-47 accountability rating, the commissioner shall:

2-48           (1) assign the district or school the corrected  
2-49 rating; or

2-50           (2) indicate for that school year that the district or  
2-51 school is not rated.

2-52           SECTION 6. Section 12.101(b-0), Education Code, is  
2-53 repealed.

2-54           SECTION 7. As soon as practicable after the effective date  
2-55 of this Act, the commissioner of education shall adopt procedures  
2-56 for the appeal of an application selection determination as  
2-57 provided by Section 12.1102, Education Code, as added by this Act.

2-58           SECTION 8. Section 12.1102, Education Code, as added by  
2-59 this Act, applies only to an application submitted on or after the  
2-60 effective date of this Act.

2-61           SECTION 9. Section 39.151(c-1), Education Code, as added by  
2-62 this Act, applies only to a data or calculation error or inaccuracy  
2-63 challenge to an academic performance rating or financial  
2-64 accountability rating assigned for the 2017-2018 school year or a  
2-65 later school year.

2-66           SECTION 10. This Act takes effect immediately if it  
2-67 receives a vote of two-thirds of all the members elected to each  
2-68 house, as provided by Section 39, Article III, Texas Constitution.  
2-69 If this Act does not receive the vote necessary for immediate

3-1 effect, this Act takes effect September 1, 2017.

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