

BILL ANALYSIS

C.S.S.B. 2117
By: Bettencourt
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted that, although an independent school district that contracts with an open-enrollment charter school to operate a district campus is eligible for state funding that a charter school is normally entitled to receive, districts that jointly operate a campus with a charter school are not eligible to receive such funding. C.S.S.B. 2117 seeks to address this issue by entitling certain districts that jointly operate a district campus or campus program with a charter school to this additional funding.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTION 1 of this bill.

ANALYSIS

C.S.S.B. 2117 amends the Education Code to authorize an independent school district and open-enrollment charter school to apply to the commissioner of education for approval to jointly operate a campus or campus program. The bill limits the commissioner, during each school year, to approving only three contracts for a district and charter school to jointly operate a campus or campus program and to receive funding under the bill's provisions, except for the renewal of a contract previously approved by the commissioner. The bill establishes that a contract to jointly operate a campus or campus program during the 2017-2018 school year is considered to be a contract approved by the commissioner and is eligible to receive funding under the bill's provisions. The bill establishes that a district that enters into such a contract qualifies for certain additional foundation school program funding for each student or the portion of each student's school day under the direction of the charter school if the most recent accountability rating for performance of the campus and charter school was a C or higher, as applicable. The bill authorizes the commissioner to adopt rules and collect data to determine the portion of funding to which a district is entitled if the district contracts with a charter school to jointly operate a campus program. The bill applies beginning with the 2019-2020 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 2117 may differ from the engrossed in minor or nonsubstantive ways, the

following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute includes provisions authorizing an independent school district and open-enrollment charter school to apply to the commissioner of education for approval to jointly operate a campus or campus program and limiting the number of contracts the commissioner may approve for a district and charter school to do so and receive certain additional foundation school program funding. The substitute includes a specification that a contract for joint operation during the 2017-2018 school year is considered to be a contract approved by the commissioner and is eligible to receive such funding.

The substitute does not include a provision limiting an exemption from commissioner intervention for a district campus subject to a contract for the operation of the campus in partnership with an applicable charter entity to a campus that is subject to a contract entered into before September 1, 2019. The substitute does not repeal a provision requiring a campus that receives such an exemption to receive commissioner approval before receiving another exemption while operating under a subsequent contract.

The substitute does not include a provision establishing that a turnaround plan ordered by the commissioner for a district campus is considered to have been approved by the commissioner if the commissioner approves a contract for the operation of the campus in partnership with an applicable charter entity.

The substitute does not include a provision establishing that the Texas Education Agency is required to implement a provision of the bill only if the legislature does not appropriate money specifically for that purpose and that TEA is otherwise authorized, but not required, to do so.