

BILL ANALYSIS

Senate Research Center
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S.B. 2117
By: Bettencourt
Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Background

- S.B. 1882, which passed in the 85th session, provided incentives for traditional independent school districts to enter into partnerships with:
 - an open-enrollment charter school;
 - an institution of higher education;
 - a non-profit; and
 - a governmental entity.
- Under such partnerships, districts could receive:
 - a potential increase in state funding; receiving the better of the calculation between local entitlement of funding or the state funding of open-enrollment charters; and
 - an exemption from state accountability interventions for two years.
- Unfortunately, since implementation, interested parties have learned two valuable lessons:
 - Two of the original three districts that were touted by policymakers as examples of DCPs were excluded from receiving a funding increase in their innovation partnerships; and
 - Many districts have utilized the accountability exemption forestalling the mandatory five-year intervention in a chronically failing school.

Goals

- S.B. 2117 will ensure previous and future districts receive a funding increase for those districts who enter into an innovation partnership.
- Align the accountability exemption/pause with the requirement to order closure or a board of managers after a five-year chronically failing campus.

As proposed, S.B. 2117 amends current law relating to state funding and accountability provisions applicable to school district campuses and programs operated under school district and charter partnerships.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 11.157, Education Code, as follows:

Sec. 11.157. **CONTRACTS FOR EDUCATIONAL SERVICES.** (a) Creates this subsection from existing text and makes no further changes.

(b) Provides that if the board of trustees of a school district grants a campus program charter as provided by Section 12.052 (Authorization) and contracts with an entity that has been awarded a charter under Section 12.101(a) (relating to authorizing the commissioner of education (commissioner) to grant a charter on the application of an eligible entity for an open-enrollment charter school to operate in a facility of a commercial or nonprofit entity, an eligible entity, or a school district, including a home-rule school district) to jointly operate the campus program, the school district qualifies for funding for the campus program under Section 42.2511 (School District Entitlement For Certain Students).

SECTION 2. Amends Section 11.174, Education Code, by amending Subsection (f) and adding Subsection (f-1), as follows:

(f) Prohibits the commissioner from imposing a sanction or taking action against the campus under Section 39A.101 (Order For Preparation of Campus Turnaround Plan), rather than Sections 39.107(a) (relating to requirement of a campus turnaround plan) or (e) (relating to requiring the commissioner to order certain actions if a campus has unacceptable performance ratings), for failure to satisfy academic performance standards during the first two school years of operation of a district campus under Subsection (a) (relating to a school district campus qualifies for an exemption from intervention under certain conditions). Makes a conforming change.

(f-1) Provides that Subsection (f) does not affect the applicability of Section 39A.111 (Continued Unacceptable Performance Rating) to the campus, and the performance rating received by the campus during those first two school years is included in calculating consecutive school years for purposes of that section. Provides that a campus that, as a result of the exemption from intervention, is not required to submit a campus turnaround plan after two consecutive school years of unacceptable performance is subject to Section 39A.111 as if the campus submitted a plan at the time that the plan would have otherwise been required.

SECTION 3. Amends Sections 42.2511(a) and (b), Education Code, as follows:

(a) Provides that this section applies only to:

(1) and (2) makes nonsubstantive changes to these subdivisions; and

(3) a school district that contracts with an entity to operate a campus program as provided by Section 11.157(b).

(b) Provides that, notwithstanding any other provision of this chapter or Chapter 41 (Equalized Wealth Level), a school district subject to this section is entitled to receive for each student in average daily attendance at the campus or program, rather than the campus, described by Subsection (a) an amount equivalent to the difference, if the difference results in increased funding, between:

(1) and (2) makes no changes to these subdivisions.

SECTION 4. Provides that this Act applies beginning with the 2019–2020 school year.

SECTION 5. Effective date: upon passage or September 1, 2019.