

BILL ANALYSIS

Senate Research Center
86R22689 CAE-D

C.S.S.B. 2117
By: Bettencourt
Education
4/27/2019
Committee Report (Substituted)

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; or 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. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 2117 amends current law relating to state funding and accountability intervention and sanction provisions applicable to school district campuses and programs operated under school district and charter partnerships.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 11.157, Education Code) of this bill.

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 a school district that contracts with the governing body of an open-enrollment charter school to jointly operate a campus or campus program qualifies for funding under Section 42.2511 (School District Entitlement For Certain Students) for each student or the portion of each student's school day under the direction of the open-enrollment charter school if the most recent accountability rating of:

(1) the campus was a C or higher under Subchapter C (Accreditation), Chapter 39; and

(2) the open-enrollment charter school was a C or higher under Subchapters C and D (Financial Accountability), Chapter 39.

(c) Authorizes the commissioner of education (commissioner) to adopt rules and collect data to determine the portion of funding a school district is entitled to under Subsection (b) if the district contracts with an open-enrollment charter school to jointly operate a campus program.

SECTION 2. Amends Sections 11.174(a) and (i), Education Code, as follows:

(a) Deletes existing text providing that a school district campus qualifies for an exemption from intervention as provided by Subsection (f) (relating to certain exemptions from sanctions for a district campus subject to a contract if the sanctions relate to ratings received before operation of the district campus under which the contract began).

(i) Requires a contract entered into as provided by this section (Contract Regarding Operation of District Campus) to provide that any student residing in the attendance zone of the district campus as the attendance zone existed before operation of the district campus under the contract is required to be admitted for enrollment at the campus, rather than requiring the contract of a campus subject to Subsection (f) to provide that any student residing in the attendance zone of the district campus as the attendance zone existed before operation of the district campus under the contract is required to be admitted for enrollment at the campus.

SECTION 3. Amends Section 39A.107, Education Code, by adding Subsection (a-1) to provide that if, after a turnaround plan has been ordered under Section 39A.101 (Order For Preparation of Campus Turnaround Plan), the commissioner approves a contract under Section 11.174, the campus turnaround plan is considered to have been approved by the commissioner as provided by Subsection (a) (relating to authorizing the commissioner to approve a campus turnaround plan if the commissioner determines that the campus will satisfy student performance standards).

SECTION 4. 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 open-enrollment charter school to jointly operate a campus or campus program as provided by Section 11.157(b).

(b) Provides that, notwithstanding any other provision of this chapter (Foundation School Program) 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 certain specified amounts.

SECTION 5. Repealers: Sections 11.174(f) (relating to certain exemptions from sanctions for a district campus subject to a contract if the sanctions relate to ratings received before operation of the district campus under which the contract began) and (g) (relating to authorizing a campus that receives an exemption from a sanction to receive another exemption while operating under a subsequent contract only if the campus receives approval from the commissioner), Education Code.

SECTION 6. Provides that this Act applies beginning with the 2019–2020 school year.

SECTION 7. Provides that the Texas Education Agency (TEA) is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. Authorizes, but does not require, TEA, if the legislature does not appropriate money specifically for that purpose, to implement a provision of this Act using other appropriations available for that purpose.

SECTION 8. Effective date: upon passage or September 1, 2019.