86R10639 MP-F

By:  Campbell S.B. No. 917

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

(b)  The State Board of Education shall adopt procedures for the appeal of an application selection determination made based on the submission of an application under a process described by Subsection (a).

(c)  The procedures adopted under this section must provide for an applicant who scores within 10 percentage points of the minimum score necessary for an applicant to be eligible for selection to appeal to the State Board of Education a score determined by the external application review panel.

(d)  The determination of the State Board of Education in an appeal under the procedures adopted under this section is final.

(e)  If the charter applicant prevails in an appeal to the State Board of Education, the commissioner shall consider the applicant's application.

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

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

SECTION 3.  Section 12.115, Education Code, is amended by adding Subsection (c-1) to read as follows:

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

SECTION 4.  Section 39.151, Education Code, is amended by amending Subsection (b) and adding Subsection (c-1) to read as follows:

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

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

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

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

SECTION 5.  Section 12.101(b-0), Education Code, is repealed.

SECTION 6.  As soon as practicable after the effective date of this Act, the State Board of Education shall adopt procedures for the appeal of an application selection determination as provided by Section 12.1102, Education Code, as added by this Act.

SECTION 7.  Section 12.1102, Education Code, as added by this Act, applies only to an application submitted on or after the effective date of this Act.

SECTION 8.  Section 39.151(c-1), Education Code, as added by this Act, applies only to a data or calculation error or inaccuracy challenge to an academic performance rating or financial accountability rating assigned for the 2019-2020 school year or a later school year.

SECTION 9.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.