By:  Bettencourt S.B. No. 2117

A BILL TO BE ENTITLED

AN ACT

relating to state funding and accountability intervention and sanction provisions applicable to school district campuses and programs operated under school district and charter partnerships.

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

SECTION 1.  Section 11.157, Education Code, is amended to read as follows:

Sec. 11.157.  CONTRACTS FOR EDUCATIONAL SERVICES. (a)  The board of trustees of an independent school district may contract with a public or private entity for that entity to provide educational services for the district.

(b)  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 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, Chapter 39; and

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

(c)  The commissioner may 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.  Sections 11.174(f) and (i), Education Code, are amended to read as follows:

(f)  This subsection applies only to a district campus that is subject to a contract described by Subsection (a) entered into before September 1, 2019, and that received an overall performance rating of unacceptable under Subchapter C, Chapter 39, for the school year before operation of the district campus under the contract began. The commissioner may not impose a sanction or take action against the campus under Section 39A.101 [~~39.107(a) or (e)~~] for failure to satisfy academic performance standards during the first two school years of operation of a district campus under Subsection (a). The overall performance rating received by the campus during those first two school years is not included in calculating consecutive school years and is not considered a break in consecutive school years under Section 39A.101 [~~39.107(a) or (e)~~].

(i)  A [~~The~~] contract entered into as provided by this section [~~of a campus subject to Subsection (f)~~] must 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 shall be admitted for enrollment at the campus. The contract must establish enrollment preference for students who do not reside in the attendance zone as follows:

(1)  other students residing in the school district in which the campus is located; and

(2)  students who reside outside the school district.

SECTION 3.  Section 39A.107, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1)  If, after a turnaround plan has been ordered under Section 39A.101, 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).

SECTION 4.  Sections 42.2511(a) and (b), Education Code, are amended to read as follows:

(a)  This section applies only to:

(1)  a school district and an open-enrollment charter school that enter into a contract to operate a district campus as provided by Section 11.174; [~~and~~]

(2)  a charter granted by a school district for a program operated by an entity that has entered into a contract under Section 11.174, provided that the district does not appoint a majority of the governing body of the charter holder; 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)  Notwithstanding any other provision of this chapter or Chapter 41, a school district subject to this section is entitled to receive for each student in average daily attendance at the campus or program described by Subsection (a) an amount equivalent to the difference, if the difference results in increased funding, between:

(1)  the amount described by Section 12.106; and

(2)  the amount to which the district would be entitled under this chapter.

SECTION 5.  Section 11.174(g), Education Code, is repealed.

SECTION 6.  This Act applies beginning with the 2019-2020 school year.

SECTION 7.  The Texas Education Agency is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the Texas Education Agency may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 8.  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.