By: Johnson of Harris H.B. No. 3398

A BILL TO BE ENTITLED

AN ACT

relating to challenges by school districts and open-enrollment charter schools to accountability determinations.

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

SECTION 1. 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 the challenge regardless of the issue identified in the challenge by the school district or open-enrollment charter school. The commissioner may not appoint an agency employee as a member of the committee.

(c-1) 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 the data or calculation error or inaccuracy caused the district or school to have a lower academic or financial accountability rating. If a challenge demonstrates that the data or calculation error or inaccuracy caused the district or school to have a lower academic or financial accountability rating, the commissioner shall assign the district or school the corrected

rating or shall indicate that the district or school will not be rated for that school year. The commissioner may not revoke the charter of an open-enrollment charter school as provided by Section 12.115(c) or allow the charter to expire as provided by Section 12.1141(d) if for one of the school years considered for the commissioner's decision the school is not rated as provided by this subsection.

SECTION 2. This Act applies beginning with the 2019-2020 school year.

SECTION 3. 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.