

By: Bohac

H.B. No. 3861

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to state funding and accountability provisions applicable  
3 to school district campuses and programs operated under school  
4 district and charter partnerships.

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

6 SECTION 1. Section [11.157](#), Education Code, is amended to  
7 read as follows:

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

12 (b) If the board of trustees of a school district grants a  
13 campus program charter as provided by Section [12.052](#) and contracts  
14 with an entity that has been awarded a charter under Section  
15 [12.101\(a\)](#) to jointly operate the campus program, the school  
16 district qualifies for funding for the campus program under Section  
17 [42.2511](#).

18 SECTION 2. Section [11.174](#), Education Code, is amended by  
19 amending Subsection (f) and adding Subsection (f-1) to read as  
20 follows:

21 (f) This subsection applies only to a district campus  
22 subject to a contract described by Subsection (a) that received an  
23 overall performance rating of unacceptable under Subchapter C,  
24 Chapter [39](#), for the school year before operation of the district

1 campus under the contract began. The commissioner may not impose a  
2 sanction or take action against the campus under Section 39A.101  
3 [~~39.107(a) or (e)~~] for failure to satisfy academic performance  
4 standards during the first two school years of operation of a  
5 district campus under Subsection (a). The overall performance  
6 rating received by the campus during those first two school years is  
7 not included in calculating consecutive school years and is not  
8 considered a break in consecutive school years under Section  
9 39A.101 [~~39.107(a) or (e)~~].

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

19 SECTION 3. Sections 42.2511(a) and (b), Education Code, are  
20 amended to read as follows:

21 (a) This section applies only to:

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

25 (2) a charter granted by a school district for a  
26 program operated by an entity that has entered into a contract under  
27 Section 11.174, provided that the district does not appoint a

1 majority of the governing body of the charter holder; and

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

4 (b) Notwithstanding any other provision of this chapter or  
5 Chapter 41, a school district subject to this section is entitled to  
6 receive for each student in average daily attendance at the campus  
7 or program described by Subsection (a) an amount equivalent to the  
8 difference, if the difference results in increased funding,  
9 between:

10 (1) the amount described by Section 12.106; and

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

13 SECTION 4. This Act applies beginning with the 2019-2020  
14 school year.

15 SECTION 5. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect September 1, 2019.