

By: Davis of Dallas

H.B. No. 4209

A BILL TO BE ENTITLED

AN ACT

relating to the election of members of the governing body of an open-enrollment charter school.

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

SECTION 1. Section 12.111(a), Education Code, is amended to read as follows:

(a) Each charter granted under this subchapter must:

(1) describe the educational program to be offered, which must include the required curriculum as provided by Section 28.002;

(2) provide that continuation of the charter is contingent on the status of the charter as determined under Section 12.1141 or 12.115 or under Chapter 39A;

(3) specify the academic, operational, and financial performance expectations by which a school operating under the charter will be evaluated, which must include applicable elements of the performance frameworks adopted under Section 12.1181;

(4) specify:

(A) any basis, in addition to a basis specified by this subchapter or Chapter 39A, on which the charter may be revoked, renewal of the charter may be denied, or the charter may be allowed to expire; and

(B) the standards for evaluation of a school operating under the charter for purposes of charter renewal, denial

1 of renewal, expiration, revocation, or other intervention in
2 accordance with Section 12.1141 or 12.115 or Chapter 39A, as
3 applicable;

4 (5) prohibit discrimination in admission policy on the
5 basis of sex, national origin, ethnicity, religion, disability,
6 academic, artistic, or athletic ability, or the district the child
7 would otherwise attend in accordance with this code, although the
8 charter may:

9 (A) provide for the exclusion of a student who
10 has a documented history of a criminal offense, a juvenile court
11 adjudication, or discipline problems under Subchapter A, Chapter
12 37; and

13 (B) provide for an admission policy that requires
14 a student to demonstrate artistic ability if the school specializes
15 in performing arts;

16 (6) specify the grade levels to be offered;

17 (7) describe the governing structure of the program,
18 including:

19 (A) the officer positions designated;

20 (B) the manner in which officers are selected and
21 removed from office;

22 (C) the manner in which temporary members of the
23 governing body of the school are selected;

24 (D) the manner in which members of the governing
25 body to be elected as required by this subchapter;

26 (E) the manner in which elected members of the
27 governing body are ~~and~~ removed from office;

1 (F) [~~(D)~~] the manner in which vacancies for
2 elected members on that governing body are filled;

3 (G) [~~(E)~~] the term for which elected members of
4 that governing body serve, provided that the term does not exceed
5 four years; and

6 (H) [~~(F)~~] whether the terms are to be staggered;

7 (8) specify the powers or duties of the governing body
8 of the school that the governing body may delegate to an officer;

9 (9) specify the manner in which the school will
10 distribute to parents information related to the qualifications of
11 each professional employee of the program, including any
12 professional or educational degree held by each employee, a
13 statement of any certification under Subchapter B, Chapter 21, held
14 by each employee, and any relevant experience of each employee;

15 (10) describe the process by which the person
16 providing the program will adopt an annual budget;

17 (11) describe the manner in which an annual audit of
18 the financial and programmatic operations of the program is to be
19 conducted, including the manner in which the person providing the
20 program will provide information necessary for the school district
21 in which the program is located to participate, as required by this
22 code or by commissioner rule, in the Public Education Information
23 Management System (PEIMS);

24 (12) describe the facilities to be used;

25 (13) describe the geographical area served by the
26 program;

27 (14) specify any type of enrollment criteria to be

1 used;

2 (15) provide information, as determined by the
3 commissioner, relating to any management company that will provide
4 management services to a school operating under the charter; and

5 (16) specify that the governing body of an
6 open-enrollment charter school accepts and may not delegate
7 ultimate responsibility for the school, including the school's
8 academic performance and financial and operational viability, and
9 is responsible for overseeing any management company providing
10 management services for the school and for holding the management
11 company accountable for the school's performance.

12 SECTION 2. Subchapter D, Chapter 12, Education Code, is
13 amended by adding Sections 12.1135 and 12.1136 to read as follows:

14 Sec. 12.1135. ELECTION OF CERTAIN MEMBERS OF GOVERNING
15 BODY. (a) Not later than one school year after an open-enrollment
16 charter school begins providing instruction to students, the
17 temporary members of the governing body of the school shall, in the
18 manner prescribed by the charter, hold an election to elect the
19 members of the governing body.

20 (b) Each parent of or person standing in parental relation
21 to a student enrolled at the school may vote in an election under
22 this section, regardless of the disproportionate representation
23 that may result.

24 (c) This section does not prohibit the election or selection
25 of a temporary member.

26 Sec. 12.1136. ELECTION OF CERTAIN MEMBERS OF GOVERNING
27 BODY: CHARTERS IN OPERATION ON SEPTEMBER 1, 2019. (a) This section

1 applies to an open-enrollment charter school that:

2 (1) is in operation on September 1, 2019; and

3 (2) is not subject to alternative management or
4 another sanction affecting its governance under this code.

5 (b) Not later than September 1, 2020, an open-enrollment
6 charter school subject to this section shall:

7 (1) revise the school's charter to conform to the
8 changes in law made by H.B. , 86th Legislature, Regular Session,
9 2019; and

10 (2) in the manner prescribed by the charter, hold an
11 election of the members of the governing body.

12 (c) Each parent of or person standing in parental relation
13 to a student enrolled at the school may vote in an election under
14 this section, regardless of the disproportionate representation
15 that may result.

16 (d) This section expires September 1, 2021.

17 SECTION 3. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2019.