

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

1 open-enrollment charter school to jointly operate a campus program.

2 SECTION 2. Sections 11.174(f) and (i), Education Code, are  
3 amended to read as follows:

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

18 (i) A [~~The~~] contract entered into as provided by this  
19 section [~~of a campus subject to Subsection (f)~~] must provide that  
20 any student residing in the attendance zone of the district campus  
21 as the attendance zone existed before operation of the district  
22 campus under the contract shall be admitted for enrollment at the  
23 campus. The contract must establish enrollment preference for  
24 students who do not reside in the attendance zone as follows:

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

27 (2) students who reside outside the school district.

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

3 (a-1) If, after a turnaround plan has been ordered under  
4 Section 39A.101, the commissioner approves a contract under Section  
5 11.174, the campus turnaround plan is considered to have been  
6 approved by the commissioner as provided by Subsection (a).

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

9 (a) This section applies only to:

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

13 (2) a charter granted by a school district for a  
14 program operated by an entity that has entered into a contract under  
15 Section 11.174, provided that the district does not appoint a  
16 majority of the governing body of the charter holder; and

17 (3) a school district that contracts with an  
18 open-enrollment charter school to jointly operate a campus or  
19 campus program as provided by Section 11.157(b).

20 (b) Notwithstanding any other provision of this chapter or  
21 Chapter 41, a school district subject to this section is entitled to  
22 receive for each student in average daily attendance at the campus  
23 or program described by Subsection (a) an amount equivalent to the  
24 difference, if the difference results in increased funding,  
25 between:

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

27 (2) the amount to which the district would be entitled

1 under this chapter.

2 SECTION 5. Section [11.174\(g\)](#), Education Code, is repealed.

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

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

12 SECTION 8. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section [39](#), Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect September 1, 2019.