

By: West

S.B. No. 2426

A BILL TO BE ENTITLED

AN ACT

relating to public school discipline and law and order issues  
regarding open-enrollment charter schools.

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

SECTION 1. Section 12.104(b), Education Code, as amended by  
Chapters 324 (S.B. 1488), 522 (S.B. 179), and 735 (S.B. 1153), Acts  
of the 85th Legislature, Regular Session, 2017, is reenacted and  
amended to read as follows:

(b) An open-enrollment charter school is subject to:

(1) a provision of this title establishing a criminal  
offense; and

(2) a prohibition, restriction, or requirement, as  
applicable, imposed by this title or a rule adopted under this  
title, relating to:

(A) the Public Education Information Management  
System (PEIMS) to the extent necessary to monitor compliance with  
this subchapter as determined by the commissioner;

(B) criminal history records under Subchapter C,  
Chapter 22;

(C) reading instruments and accelerated reading  
instruction programs under Section 28.006;

(D) accelerated instruction under Section  
28.0211;

(E) high school graduation requirements under

1 Section 28.025;  
2 (F) special education programs under Subchapter  
3 A, Chapter 29;  
4 (G) bilingual education under Subchapter B,  
5 Chapter 29;  
6 (H) prekindergarten programs under Subchapter E  
7 or E-1, Chapter 29;  
8 (I) extracurricular activities under Section  
9 33.081;  
10 (J) discipline and law and order ~~[management~~  
11 ~~practices or behavior management techniques]~~ under Chapter 37  
12 ~~[Section 37.0021]~~;  
13 (K) health and safety under Chapter 38;  
14 (L) public school accountability under  
15 Subchapters B, C, D, F, G, and J, Chapter 39, and Chapter 39A;  
16 (M) the requirement under Section 21.006 to  
17 report an educator's misconduct;  
18 (N) intensive programs of instruction under  
19 Section 28.0213;  
20 (O) the right of a school employee to report a  
21 crime, as provided by Section 37.148; ~~and~~  
22 (P) bullying prevention policies and procedures  
23 under Section 37.0832;  
24 (Q) the right of a school under Section 37.0052  
25 to place a student who has engaged in certain bullying behavior in a  
26 disciplinary alternative education program or to expel the student;  
27 ~~and~~

(R) the right under Section 37.0151 to report to local law enforcement certain conduct constituting assault or harassment; and

(S) ~~[(P)]~~ a parent's right to information regarding the provision of assistance for learning difficulties to the parent's child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d).

SECTION 2. Section 12.111(a), Education Code, is amended to read as follows:

(a) Each charter granted under this subchapter ~~[must]~~:

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

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

(5) must prohibit discrimination in admission policy on the basis of:

(A) sex;

(B) [~~τ~~] national origin;

(C) [~~τ~~] ethnicity;

(D) [~~τ~~] religion;

(E) [~~τ~~] disability;

(F) eligibility for special education programs under Subchapter A, Chapter 29, or bilingual education and special language programs under Subchapter B, Chapter 29;

(G) discipline history;

(H) [~~τ~~] academic, artistic, or athletic ability; [~~τ~~] or

(I) the district the child would otherwise attend in accordance with this code;

(6) notwithstanding Subdivision (5), [~~τ although the charter~~] may[~~+~~

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

~~[(B)]~~ provide for an admission policy that requires a student to demonstrate artistic ability if the school

1 specializes in performing arts;

2 (7) must [~~(6)~~] specify the grade levels to be offered;

3 (8) must [~~(7)~~] describe the governing structure of the  
4 program, including:

5 (A) the officer positions designated;

6 (B) the manner in which officers are selected and  
7 removed from office;

8 (C) the manner in which members of the governing  
9 body of the school are selected and removed from office;

10 (D) the manner in which vacancies on that  
11 governing body are filled;

12 (E) the term for which members of that governing  
13 body serve; and

14 (F) whether the terms are to be staggered;

15 (9) must [~~(8)~~] specify the powers or duties of the  
16 governing body of the school that the governing body may delegate to  
17 an officer;

18 (10) must [~~(9)~~] specify the manner in which the  
19 school will distribute to parents information related to the  
20 qualifications of each professional employee of the program,  
21 including any professional or educational degree held by each  
22 employee, a statement of any certification under Subchapter B,  
23 Chapter 21, held by each employee, and any relevant experience of  
24 each employee;

25 (11) must [~~(10)~~] describe the process by which the  
26 person providing the program will adopt an annual budget;

27 (12) must [~~(11)~~] describe the manner in which an

1 annual audit of the financial and programmatic operations of the  
2 program is to be conducted, including the manner in which the person  
3 providing the program will provide information necessary for the  
4 school district in which the program is located to participate, as  
5 required by this code or by commissioner rule, in the Public  
6 Education Information Management System (PEIMS);

7           (13) must [~~(12)~~] describe the facilities to be used;

8           (14) must [~~(13)~~] describe the geographical area served  
9 by the program;

10           (15) must [~~(14)~~] specify any type of enrollment  
11 criteria to be used;

12           (16) must [~~(15)~~] provide information, as determined by  
13 the commissioner, relating to any management company that will  
14 provide management services to a school operating under the  
15 charter; and

16           (17) must [~~(16)~~] specify that the governing body of an  
17 open-enrollment charter school accepts and may not delegate  
18 ultimate responsibility for the school, including the school's  
19 academic performance and financial and operational viability, and  
20 is responsible for overseeing any management company providing  
21 management services for the school and for holding the management  
22 company accountable for the school's performance.

23           SECTION 3. Section [12.117](#), Education Code, is amended by  
24 adding Subsection (a-1) to read as follows:

25           (a-1) An application required under Subsection (a) may not  
26 include any questions regarding the applicant's discipline history  
27 or whether the applicant is eligible for special education programs

1 under Subchapter A, Chapter 29, or bilingual education and special  
2 language programs under Subchapter B, Chapter 29.

3 SECTION 4. Section 12.119(c), Education Code, is amended to  
4 read as follows:

5 (c) On request, the commissioner shall provide the  
6 information required by this section and Section 12.111(a)(8)  
7 [~~12.111(a)(7)~~] to a member of the public. The commissioner may  
8 charge a reasonable fee to cover the commissioner's cost in  
9 providing the information.

10 SECTION 5. Section 37.008(j), Education Code, is amended to  
11 read as follows:

12 (j) If a student placed in a disciplinary alternative  
13 education program enrolls in another school district before the  
14 expiration of the period of placement, the board of trustees of the  
15 district requiring the placement shall provide to the district in  
16 which the student enrolls, at the same time other records of the  
17 student are provided, a copy of the placement order. The district  
18 in which the student enrolls shall inform each educator who will  
19 have responsibility for, or will be under the direction and  
20 supervision of an educator who will have responsibility for, the  
21 instruction of the student of the contents of the placement order.  
22 Each educator shall keep the information received under this  
23 subsection confidential from any person not entitled to the  
24 information under this subsection, except that the educator may  
25 share the information with the student's parent or guardian as  
26 provided for by state or federal law. The district in which the  
27 student enrolls may continue the disciplinary alternative

1 education program placement under the terms of the order or may  
2 allow the student to attend regular classes without completing the  
3 period of placement. A district may take any action permitted by  
4 this subsection if [÷

5 ~~[(1) the student was placed in a disciplinary~~  
6 ~~alternative education program by an open-enrollment charter school~~  
7 ~~under Section 12.131 and the charter school provides to the~~  
8 ~~district a copy of the placement order; or~~

9 [(2)] the student was placed in a disciplinary  
10 alternative education program by a school district in another state  
11 and:

12 (1) ~~[(A)]~~ the out-of-state district provides to the  
13 district a copy of the placement order; and

14 (2) ~~[(B)]~~ the grounds for the placement by the  
15 out-of-state district are grounds for placement in the district in  
16 which the student is enrolling.

17 SECTION 6. Section 12.131, Education Code, is repealed.

18 SECTION 7. This Act applies beginning with the 2019-2020  
19 school year.

20 SECTION 8. To the extent of any conflict, this Act prevails  
21 over another Act of the 86th Legislature, Regular Session, 2019,  
22 relating to nonsubstantive additions to and corrections in enacted  
23 codes.

24 SECTION 9. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this



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1 Act takes effect September 1, 2019.