

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 14
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Education
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current Texas law, parents of students at failing campuses have the option to petition the Texas commissioner of education (commissioner) for changes only after attempts to improve the campus have failed for five consecutive school years. No parent should be forced to wait five years before gaining the power to intervene in their child's school, especially when their child is not performing on grade level or on track to graduate.

S.B. 14 strengthens the state's existing parent empowerment law by shortening the period before a parent may act from five consecutive school years to two consecutive school years of a campus failing. Additionally, the bill increases existing intervention options available after two school years of a campus failing, requires the commissioner to implement the requested, parental-ordered action, and provides clarity to the current law by specifying petition requirements, a timeline, and a structure for challenges.

Key Points:

- S.B. 14 empowers a majority of a school's parents to compel meaningful action to improve an individual campus that has failed for two or more consecutive years (as opposed to after five consecutive years under current law).
- Parental-ordered action includes the following intervention options:
 - Reconstituting of staff;
 - Repurposing the campus model – for example, college prep or fine arts academy (allowed under current law);
 - Identifying alternative management experts to run the campus on a performance contract (allowed under current law); and
 - Closing the campus and transferring students to other campuses within the district (allowed under current law).
- Requires the Texas commissioner of education to implement the parental-ordered action specified in the petition.
- Provides clarity to current law by specifying petition requirements, timeline, and structure for challenges.
- Prohibits the school district or campus from using taxpayers' resources to support or oppose a petition except to comply with the state's Public Information Act. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 14 amends current law relating to empowering the parents of students to petition for the reconstitution, repurposing, alternative management, or closure of low-performing public school campuses.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 2 (Section 39.1071, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 39.107(a) and (e), Education Code, as follows:

(a) Requires the commissioner of education (commissioner), after a campus has been identified as unacceptable for two consecutive school years, to order the reconstitution of the campus, subject to Section 39.1071.

(e) Requires the commissioner, subject to Subsection (e-1) (authorizing the commissioner to waive the requirement to enter a certain order) or Section 39.1071, rather than Subsection (e-1) or (e-2), if a campus is considered to have an unacceptable performance rating for three consecutive school years after the campus is reconstituted under Subsection (a), to order:

(1)-(3) Makes no change to these subdivisions.

SECTION 2. Amends Subchapter E, Chapter 39, Education Code, by adding Section 39.1071, 39.1072, and 39.1073, as follows:

Sec. 39.1071. PETITION BY PARENTS FOR RECONSTITUTION, REPURPOSING, ALTERNATIVE MANAGEMENT, OR CLOSURE. (a) Authorizes the parents of students enrolled at a campus with an unacceptable performance rating under Section 39.054 (Methods and Standards for Evaluating Performance) for two consecutive school years to, at any time, unless the commissioner has ordered the closure of the campus under Section 39.107, submit a petition to the commissioner requesting that the commissioner order one of the following actions authorized by Section 39.107:

- (1) reconstitution of the campus;
- (2) repurposing of the campus;
- (3) alternative management of the campus; or
- (4) closure of the campus.

(b) Provides that a petition that seeks alternative management of a campus under Subsection (a)(3) may specify the process to be used in selecting the organization or team to assume management of the campus. Requires the commissioner, if the petition specifies a process to be used, to use the specified process and comply with the requirements prescribed by Section 39.1073. Requires the organization or team, if the petition does not specify a process to be used, to be selected by the parents of students enrolled at the campus. Provides that this subsection prevails, to the extent this subsection conflicts with another provision of this subchapter.

(c) Requires that a petition:

- (1) be in a form developed by the commissioner;
- (2) be made available to all parents of students enrolled at the campus;
- (3) include state accountability data on the status of the campus, including the performance rating of the campus for each year; and
- (4) include detailed information on the options available for the campus, including a copy of the proposed options listed under Subsection (a).

(d) Requires the commissioner, if the petition is signed by the parents of a majority of the students enrolled at the campus, as determined under Subsection

(e), to order the specific action requested by the petition. Provides that if the petition requests:

(1) reconstitution or repurposing of the campus, the commissioner shall consider input from the lead petitioner and the parents of students enrolled at the campus in implementing the order;

(2) alternative management of the campus, the commissioner shall order alternative management of the campus by the organization or team selected as described by Subsection (b);

(3) closure of the campus, the commissioner shall order closure of the campus for the following school year.

(e) Requires that the percentage of parents signing a petition be calculated based on the total number of students enrolled at the campus, applying the following rules:

(1) the signature of only one parent of a student is required;

(2) a student may not be counted more than once, regardless of whether more than one parent signs the petition on behalf of the student; and

(3) the signature of a parent shall be counted on behalf of each child of the parent who is enrolled at the campus, unless otherwise indicated in the petition.

(f) Provides that the petition may designate as a lead petitioner one or more parents of one or more students enrolled at the campus. Requires the parent or parents to be chosen annually by the parents of students enrolled at the campus.

(g) Requires the commissioner to review the signatures on a petition to verify that the petition is signed by the parents of a majority of the students enrolled at the campus. Authorizes the commissioner, in verifying that the petition is signed by the parents of a majority of the students enrolled at the campus, to consult with any person necessary to make the verification, including the board of trustees for the district in which the campus is located, the principal of the campus, the lead petitioner, or any designated lead petitioner representative.

(h) Requires the commissioner, not later than the 30th day after receipt of the petition or additional signatures under Subsection (j), to notify, in writing, the board of trustees for the district in which the campus is located, the principal of the campus, the lead petitioner, any designated lead petitioner representative, and any other person who has requested notice in writing of the commissioner's determination regarding whether the number of signatures on the petition is sufficient to compel the action sought in the petition. Requires that the commissioner's written notice, additionally, must:

(1) state the number of students the commissioner has determined are enrolled at the campus;

(2) state the number of signatures the commissioner counted when determining whether the necessary majority was attained; and

(3) list the signatures that were not counted toward determining whether the necessary majority was attained and the reason each disqualified signature was not counted.

(i) Provides that the commissioner, in verifying signatures, may not disregard a signature if the clear intent of the person providing the signature was to support the petition.

(j) Authorizes the parents to, not later than the 45th day after the date of the commissioner's written notice under Subsection (h), if the commissioner determines that a petition is not signed by the parents of a majority of the students enrolled at the campus, submit additional signatures in support of the petition.

(k) Requires the commissioner, if additional signatures are submitted to the commissioner under Subsection (j), to review and verify the additional signatures in accordance with Subsections (e), (g), and (h).

(l) Provides that the commissioner's determination, if the commissioner determines that the petition is not signed by the parents of a majority of the students enrolled at the campus, is final and may not be appealed.

(m) Authorizes a student who resided in the campus's assigned attendance zone, as that zone existed during the school year immediately preceding implementation of an order under this section, and who is otherwise eligible to attend the campus to:

(1) enroll in the campus during each school year that the student would otherwise be eligible to attend the campus; or

(2) transfer and enroll in another campus in the district during each school year that the student would otherwise be eligible to attend the campus.

(n) Authorizes the board of trustees of a school district, notwithstanding Subsection (m), to assign or transfer a student between school facilities or classrooms in accordance with Chapter 37.

(o) Prohibits a person from using school district or campus resources to support or oppose a petition under this section, except that school district or campus resources may be used to comply with a public information request under Chapter 552, Government Code.

(p) Prohibits a person from coercing or bribing a parent to sign or decline to sign a petition under this section.

(q) Provides that "parent," for purposes of this section, includes a student's parent, a student's legal guardian, a person with legal authority to act in place of a student's parent or legal guardian, or the student, if the student is 18 years of age or older, but does not include a parent whose parental rights have been terminated or whose rights to make decisions concerning a student's education have been limited.

(r) Authorizes the commissioner to adopt rules necessary to implement this section.

Sec. 39.1072. PERFORMANCE UPDATES FOLLOWING PETITION BY PARENTS FOR RECONSTITUTION, REPURPOSING, ALTERNATIVE MANAGEMENT, OR CLOSURE. Requires the commissioner, following the submission of a petition for the reconstitution, repurposing, alternative management, or closure of a campus by the parents of students enrolled at the campus under Section 39.1071, to provide quarterly updates on the performance of the campus to parents of students enrolled at the campus.

Sec. 39.1073. SELECTION OF ALTERNATIVE MANAGEMENT FOLLOWING PETITION BY PARENTS. (a) Defines "management company."

(b) Requires the commissioner, if the commissioner selects an organization or team to assume alternative management of a campus in accordance with a process specified in a petition for alternative management submitted by parents under Section 39.1071, to give preference to proposals submitted by charter holders who do not use the services of a management company to operate the charter holder's open-enrollment charter schools. Authorizes the commissioner to only consider proposals from charter holders that use the services of a management company if the commissioner does not receive proposals from charter holders that do not use the services of a management company.

(c) Requires that laws and rules applicable to school districts, including laws and rules related to public information, open meetings, nepotism, conflict of interest, and other protections of public funds and public trust, continue to apply to the campus if the commissioner selects a charter school to assume alternative management of a campus in accordance with a process specified in a petition for alternative management submitted by parents under Section 39.1071.

SECTION 3. Repealer: Sections 39.107 (e-2) (defining "parent" and requiring the commissioner to order a certain action if presented with a certain written petition) and (e-3) (providing that a signature of only one parent of a student is required), Education Code.

SECTION 4. Provides that this Act applies beginning with the 2016-2017 school year, except that parents of students enrolled at a school campus that has been identified as unacceptable for three or more consecutive years as of the effective date of this Act may submit a petition under Section 39.1071, Education Code, as added by this Act, beginning on the effective date of this Act.

SECTION 5. Effective date: upon passage or September 1, 2015.