

BILL ANALYSIS

Senate Research Center
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S.B. 1883
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Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 1995, the 74th Legislature passed legislation to allow public charter schools to operate in Texas. Since then, public charter schools have served an increasing number of students across the state. Current law caps the number of open-enrollment charter schools at 275 by 2019, however, there are 176 charter school operators in the state. Since the establishment of S.B. 2 in the 83rd Legislature, only 15 charter operators have been approved by the State Board of Education (SBOE), although 18 were approved by the Texas Education Agency and 117 applied. With over 140,000 students on charter school waitlists, Texas should welcome high-performing charter school operators to help meet the demand of families and students.

In addition, schools are unable to appeal academic accountability ratings, especially when a school submits data incorrectly. S.B. 1883 addresses this issue by allowing school districts and charter schools to appeal an academic rating based on data submission error.

S.B. 1883 creates an appeal process for initial charter applicants who did not meet a certain threshold in the application process, which limits the appeal within 10 percent of the threshold. S.B. 1883 also removes SBOE's veto of the commissioner of education's recommendations for charter authorization.

As proposed, S.B. 1883 amends current law relating to the approval of open-enrollment charter schools and the review of challenges by open-enrollment charter schools or school districts to accountability determinations.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 12.101(b), Education Code, to delete existing text authorizing the commissioner of education (commissioner), in coordination with a member of the State Board of Education (SBOE) designated for the purpose by the chair of the board, to grant a charter for an open-enrollment school only to certain applicants.

SECTION 2. Amends Subchapter D, Chapter 12, Education Code, by adding Section 12.1102, as follows:

Sec. 12.1102. APPEAL OF APPLICATION SELECTION DETERMINATION. (a) Provides that this section applies only if the charter application selection process includes scoring criteria and procedures for use of the criteria by an external application review panel selected by the commissioner and selection criteria that include the minimum score necessary for an applicant to be eligible for selection.

(b) Requires the commissioner to adopt procedures for the appeal of an application selection determination made based on the submission of an application under a process described by Subsection (a).

(c) Requires the procedures adopted under this section to provide for an applicant who scores within 10 percent of the minimum score necessary for an applicant to be eligible for selection to appeal to the commissioner a score determined by the external application review panel.

(d) Provides that the commissioner's determination in an appeal under the procedures adopted under this section is final.

SECTION 3. Amends Section 12.1141, Education Code, by adding Subsection (d-1), to prohibit the commissioner from allowing the charter of an open-enrollment charter school to expire as provided by Subsection (d) (relating to certain circumstances in which the commissioner is required to allow a charter for an open-enrollment charter school to expire) if for one of the school years the commissioner considers in making a decision the school is not rated as provided by Section 39.151(c-1).

SECTION 4. Amends Section 12.115, Education Code, by adding Subsection (c-1), to prohibit the commissioner from revoking the charter of an open-enrollment charter school as provided by Subsection (c) (relating to certain circumstances in which the commissioner is required to revoke the charter of an open-enrollment charter school) if for one of the school years the commissioner considers in making a decision the school is not rated as provided by Section 39.151(c-1).

SECTION 5. Amends Section 39.151, Education Code, by amending Subsection (b) and adding Subsection (c-1), as follows:

(b) Requires the committee appointed by the commissioner to review any challenge regardless of the basis identified in the challenge by the school district or open-enrollment charter school for the rating or determination and makes a nonsubstantive change.

(c-1) Prohibits the commissioner from limiting a challenge relating to a data or calculation error or inaccuracy attributable to the school district or open-enrollment charter school, even if the challenge demonstrates that the data or calculation error or inaccuracy caused the district or school to have a lower academic performance rating or financial accountability rating, Requires the commissioner, if a challenge demonstrates that the data or calculation error or inaccuracy caused the district or school to have a lower academic performance rating or financial accountability rating, to assign the district or school the corrected rating or indicate for that school year that the district or school is not rated.

SECTION 6. Repealer: Section 12.101(b-0) (relating to requiring the commissioner to notify SBOE of each certain charter the commissioner proposes to grant), Education Code.

SECTION 7. Requires the commissioner, as soon as practicable after the effective date of this Act, to adopt procedures for the appeal of an application selection determination as provided by Section 12.1102, Education Code, as added by this Act.

SECTION 8. Makes application of Section 12.1102, Education Code, as added by this Act, prospective.

SECTION 9. Effective date: upon passage or September 1, 2017.