

1-1 By: Menéndez, Bettencourt S.B. No. 1882  
 1-2 (In the Senate - Filed March 10, 2017; March 23, 2017, read  
 1-3 first time and referred to Committee on Education; April 26, 2017,  
 1-4 reported adversely, with favorable Committee Substitute by the  
 1-5 following vote: Yeas 10, Nays 0; April 26, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Taylor of Galveston	X			
1-8 Lucio	X			
1-9 Bettencourt	X			
1-10 Campbell	X			
1-11 Hall	X			
1-12 Huffines	X			
1-13 Hughes	X			
1-14 Seliger	X			
1-15 Taylor of Collin	X			
1-16 Uresti	X			
1-17 West			X	

1-19 COMMITTEE SUBSTITUTE FOR S.B. No. 1882 By: Uresti

1-20 A BILL TO BE ENTITLED  
 1-21 AN ACT

1-22 relating to a school district contract to partner with an  
 1-23 open-enrollment charter school to operate a district campus.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subchapter D, Chapter 11, Education Code, is  
 1-26 amended by adding Section 11.174 to read as follows:

1-27 Sec. 11.174. CONTRACT WITH OPEN-ENROLLMENT CHARTER SCHOOL  
 1-28 REGARDING OPERATION OF DISTRICT CAMPUS. (a) If the board of  
 1-29 trustees of a school district contracts with the governing body of  
 1-30 an open-enrollment charter school under Section 11.157 for the  
 1-31 district to partner with the charter school to operate a district  
 1-32 campus as provided by this section, the campus qualifies for:

1-33 (1) an exemption from intervention as provided by  
 1-34 Subsection (f); and

1-35 (2) funding as provided under Section 42.2511.

1-36 (b) An open-enrollment charter school may contract with a  
 1-37 school district under this section only if:

1-38 (1) the charter of the open-enrollment charter school  
 1-39 has not been previously revoked; and

1-40 (2) for two of the three school years preceding the  
 1-41 school year of the proposed operation of the district campus as  
 1-42 described by Subsection (a), the charter school has received:

1-43 (A) an overall performance rating of acceptable  
 1-44 or higher under Subchapter C, Chapter 39; and

1-45 (B) a financial accountability rating under  
 1-46 Subchapter D, Chapter 39, indicating financial performance of  
 1-47 satisfactory or higher.

1-48 (c) Before entering into a contract as provided by this  
 1-49 section, a school district must consult with campus personnel  
 1-50 regarding the provisions to be included in the contract between the  
 1-51 school district and the open-enrollment charter school.

1-52 (d) To operate a district campus as provided by this  
 1-53 section, the district campus must be granted a charter under  
 1-54 Subchapter C, Chapter 12.

1-55 (e) The commissioner shall continue to evaluate and assign  
 1-56 overall and domain performance ratings under Section 39.054 to a  
 1-57 district campus subject to a contract described by Subsection (a).

1-58 (f) This subsection applies only to a district campus  
 1-59 subject to a contract described by Subsection (a) that received an  
 1-60 overall performance rating of unacceptable under Subchapter C,  
 1-61 Chapter 39, for the school year before operation of the district  
 1-62 campus under the contract began. The commissioner may not impose a

2-1 sanction or take action against the campus under Section 39.107(a)  
2-2 or (e) for failure to satisfy academic performance standards during  
2-3 the first two school years the open-enrollment charter school  
2-4 operates the district campus. The overall performance rating  
2-5 received by the campus during those first two school years is not  
2-6 included in calculating consecutive school years and is not  
2-7 considered a break in consecutive school years under Section  
2-8 39.107(a) or (e).

2-9 (g) A campus subject to Subsection (f) that receives an  
2-10 overall performance rating of unacceptable under Subchapter C,  
2-11 Chapter 39, for any school year after the first two school years the  
2-12 school district and the open-enrollment charter school began  
2-13 operation of the district campus may receive an exemption from a  
2-14 sanction or other action only if the campus receives approval for  
2-15 the exemption from the commissioner.

2-16 (h) Subject to Subsection (i), a contract entered into by  
2-17 the board of trustees of a school district and the governing body of  
2-18 an open-enrollment charter school for the operation of a district  
2-19 campus as provided by Subsection (a) must include a provision  
2-20 addressing student eligibility for enrollment.

2-21 (i) The contract of a campus subject to Subsection (f) must  
2-22 provide that any student residing in the attendance zone of the  
2-23 district campus as the attendance zone existed before operation of  
2-24 the district campus under the contract shall be admitted for  
2-25 enrollment at the campus. The contract must establish enrollment  
2-26 preference for students who do not reside in the attendance zone as  
2-27 follows:

2-28 (1) other students residing in the school district in  
2-29 which the campus is located; and

2-30 (2) students who reside outside the school district.

2-31 (j) The commissioner may adopt rules as necessary to  
2-32 administer this section, including requiring a school district to  
2-33 notify the commissioner of any contract entered into under this  
2-34 section by the district and open-enrollment charter school.

2-35 (k) This section does not prohibit a contract between a  
2-36 school district and another entity for the provision of services  
2-37 for the campus.

2-38 SECTION 2. Subchapter E, Chapter 42, Education Code, is  
2-39 amended by adding Section 42.2511 to read as follows:

2-40 Sec. 42.2511. SCHOOL DISTRICT ENTITLEMENT FOR CERTAIN  
2-41 STUDENTS. (a) This section applies only to a school district that  
2-42 has entered into a contract with an open-enrollment charter school  
2-43 to operate a district campus as provided by Section 11.174.

2-44 (b) Notwithstanding any other provision of this chapter or  
2-45 Chapter 41, a school district subject to this section is entitled to  
2-46 receive for each student in average daily attendance at the campus  
2-47 described by Subsection (a) an amount equivalent to the difference,  
2-48 if the difference results in increased funding, between:

2-49 (1) the amount described by Section 12.106; and

2-50 (2) the amount to which the district would be entitled  
2-51 under this chapter.

2-52 (c) The commissioner shall adopt rules as necessary to  
2-53 administer this section.

2-54 SECTION 3. The commissioner of education is required to  
2-55 implement this Act only if the legislature appropriates money  
2-56 specifically for that purpose. If the legislature does not  
2-57 appropriate money specifically for that purpose, the commissioner  
2-58 of education may, but is not required to, implement this Act using  
2-59 other appropriations available for the purpose.

2-60 SECTION 4. This Act applies beginning with the 2017-2018  
2-61 school year.

2-62 SECTION 5. This Act takes effect immediately if it receives  
2-63 a vote of two-thirds of all the members elected to each house, as  
2-64 provided by Section 39, Article III, Texas Constitution. If this  
2-65 Act does not receive the vote necessary for immediate effect, this  
2-66 Act takes effect September 1, 2017.

2-67 \* \* \* \* \*