

BILL ANALYSIS

C.S.H.B. 4111
By: Allen
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised that an open-enrollment charter school's charter may be revoked solely on the basis of a simple data entry error. The goal of C.S.H.B. 4111 is to prevent such a revocation by providing for the correction of such a school's academic rating in cases involving a data error.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4111 amends the Education Code to prohibit, for purposes of revoking the charter of an open-enrollment charter school because the charter holder has been assigned an unacceptable performance rating for the three preceding school years, the performance for the 2015-2016 school year from being considered unacceptable if, but for a data error reported by the open-enrollment charter school to the Public Education Information Management System (PEIMS), the school would have received an acceptable rating under the accountability procedures applicable to the school. The bill requires the commissioner of education, if a charter school demonstrates that the school would have received an acceptable rating but for the data error reported by the school, to assign the school the corrected rating. These provisions expire September 1, 2019.

C.S.H.B. 4111 expressly stays a proceeding to revoke a charter or accept the surrender of a charter in lieu of revocation pending on the bill's effective date until the open-enrollment charter school is given an opportunity to demonstrate a data error claim.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4111 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 12.115, Education Code, is amended by adding Subsection (c-2) to read as follows:

(c-2) For purposes of revocation under (c)(1), performance for any school year shall not be considered lower than satisfactory if, but for a data error reported by the charter school to the Public Education Information Management System, the school would have received a satisfactory rating either under the standard accountability system or under the alternative accountability system. For any school year that an open-enrollment charter school demonstrates that it would have received a satisfactory rating but for a data error reported by the charter school to the Public Education Information Management System, the commissioner shall change the school's academic rating accordingly.

SECTION 2: As soon as practicable after the effective date of this Act, the commissioner of education shall adopt procedures for the application and implementation of Section 12.115(c-2), Education Code, as added by this Act.

SECTION 3. Section 12.115 (c-2), Education Code, as added by this Act, shall apply to all revocations considered or processed by the commissioner of education after the effective date of this Act and shall nullify any charter school revocation process or surrender in lieu of revocation process or agreement that is being considered or processed by the Commissioner of Education for a charter school's performance in the 2013-2014, 2014-2015, or 2015-2016 school years.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 12.115, Education Code, is amended by adding Subsection (c-2) to read as follows:

(c-2) For purposes of revocation under Subsection (c)(1), performance for the 2015-2016 school year may not be considered unacceptable if, but for a data error reported by the open-enrollment charter school to the Public Education Information Management System (PEIMS), the school would have received an acceptable rating under the accountability procedures applicable to the school. If the school demonstrates that the school would have received an acceptable rating but for the data error reported by the school, the commissioner shall assign the school the corrected rating. This subsection expires September 1, 2019.

No equivalent provision.

SECTION 2. Section 12.115(c-2), Education Code, as added by this Act, stays a proceeding to revoke a charter or accept the surrender of a charter in lieu of revocation pending on the effective date of this Act until the open-enrollment charter school is given an opportunity to demonstrate a data error claim.

SECTION 3. Same as introduced version.