

BILL ANALYSIS

C.S.H.B. 3861
By: Bohac
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted that although an independent school district that contracts with an open-enrollment charter school to operate a district campus is eligible for state funding that a charter school is normally entitled to receive, districts that jointly operate a campus with a charter school are not eligible to receive such funding. C.S.H.B. 3861 seeks to address this issue by entitling districts that jointly operate a district campus program with a charter school to this additional funding.

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 rulemaking authority is expressly granted to the commissioner of education in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 3861 amends the Education Code to authorize an independent school district and open-enrollment charter school to apply to the commissioner of education for approval to jointly operate a campus or campus program. The bill limits the commissioner, during each school year, to approving only three contracts for a district and charter school to jointly operate a campus or campus program and to receive funding under the bill's provisions, except for the renewal of a contract previously approved by the commissioner. The bill establishes that a contract to jointly operate a campus or campus program during the 2017-2018 school year is considered to be a contract approved by the commissioner and is eligible to receive funding under the bill's provisions. The bill establishes that a district that enters into such a contract qualifies for certain additional foundation school program funding for each student or the portion of each student's school day under the direction of the charter school if the most recent accountability rating for performance of the campus and charter school was a C or higher, as applicable. The bill authorizes the commissioner to adopt rules and collect data to determine the portion of funding to which a district is entitled if the district contracts with a charter school to jointly operate a campus program. The bill applies beginning with the 2019-2020 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3861 may differ from the original in minor or nonsubstantive ways, the

following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes provisions relating to the approval for a district and charter school partnership to jointly operate a campus or campus program. The substitute revises the conditions under which a district that jointly operates such a campus or program is eligible for certain additional funding.

The substitute does not include provisions relating to the applicability of the requirement for the commissioner to take certain action based on continued unacceptable performance to a district campus operated under a district and charter partnership.

The substitute includes an authorization for the commissioner to adopt rules and collect data to determine the portion of funding to which a district is entitled under the bill's provisions.