

- SUBJECT:** Establishing local control school districts
- COMMITTEE:** Public Education — committee substitute recommended
- VOTE:** 8 ayes — Aycock, Bohac, Deshotel, Dutton, Farney, Galindo, Huberty, K. King
- 3 nays — Allen, González, VanDeaver
- WITNESSES:** For — Al Arreola, South San Antonio Chamber of Commerce; Adam Jones and Caprice Young, Texans for Education Reform; Andrew Benitez; Mike Morath; (*Registered, but did not testify:* Peggy Venable, Americans for Prosperity-Texas; Nelson Salinas, Texas Association of Business; Justin Yancy, Texas Business Leadership Council; Courtney Boswell and Cameron Petty, Texas Institute for Education Reform; Max Jones, The Greater Houston Partnership)
- Against — Ted Melina Raab, Texas American Federation of Teachers; Lonnie Hollingsworth, Texas Classroom Teachers Association; Ed Martin, Texas State Teachers Association; Monty Exter, The Association of Texas Professional Educators; (*Registered, but did not testify:* Barry Haenisch, Texas Association of Community Schools; Colby Nichols, Texas Association of Community Schools, Texas Rural Education Association; Mark Terry, Texas Elementary Principals and Supervisors Association; Yannis Banks, Texas NAACP; Bob Popinski, Texas School Alliance)
- On — Grover Campbell, Texas Association of School Boards; (*Registered, but did not testify:* Von Byer, Texas Education Agency)
- BACKGROUND:** Education Code, subch. B establishes a petition process for a school district to adopt a home-rule school district charter.
- DIGEST:** CSHB 1798 would replace provisions in Education Code, ch. 12, related to a home-rule school district, with a petition process for a school district to become a local control school district.

Petition. A school board would be required to appoint a local control commission to frame a local control plan if the board received a petition signed by at least 5 percent of registered voters of the district or at least two-thirds of the board adopted a resolution. A petition could designate one or more persons as lead petitioner.

A petition would have to include language stating the intent to appoint a commission to propose a local control plan for the specified district and that the commission would be composed of 15 district residents.

Local control commission. Within 30 days of receiving a petition, the board would be required to appoint seven residents selected by the board and eight residents selected by the lead petitioner. The membership would have to reflect the racial and ethnic diversity of the district's voting-age population. The board and lead petitioner would each select at least four parents of children attending district schools, at least one district administrator, and one district classroom teacher.

If the board initiates the commission, the board would name at least eight parents of children attending district schools; at least two district administrators; and two district classroom teachers.

A commission would be required to hold at least three public hearings and would have one year to complete the proposed local control plan.

Elections. As soon as practicable after receiving commissioner approval, the board would order an election on the proposed plan, which would have to be submitted to voters at a uniform election date in November of an even-numbered year. The bill would eliminate a requirement applicable to a proposed home-rule school district charter that at least 25 percent of registered voters must participate in the charter adoption election.

The bill would apply Election Code provisions regulating political funds and campaigns to a petition and a local control plan election.

Local control plan. A local control plan would describe the education program to be offered and could change the structure of the district governing body. A local control district would be required to comply with state curriculum, testing, and accountability requirements. It would be exempt from certain laws, including elementary class size limits.

The commissioner of education would have 30 days to complete a legal review of a proposed local control plan and could recommend modifications. If the commissioner did not act within 30 days, the proposed plan would be considered approved.

If approved by voters, the plan would remain in effect for at least four years. After that time, the governing body of the local control district could submit amendments to the commissioner, or a petition to amend a local control plan could be submitted to the district governing body.

Rescission. A local control plan could be rescinded if the governing body received a petition requesting a rescission election signed by at least 5 percent of voters or if at least two-thirds of the governing body adopted a resolution. A proposal to rescind the plan would be submitted to voters at the first uniform election date in November of an even-numbered year that occurs at least 78 days after the date on which the governing body ordered the election.

The commissioner would be required to adopt procedures for placing a local control school district on probation or revoking the plan if the district violated the plan, failed to comply with fiscal management standards, or violated applicable laws.

A local control district would be treated the same as an independent school district for purposes of governmental liability and immunity. Teacher and administrator evaluations would remain confidential to the same extent as in traditional school districts.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take

effect September 1, 2015.

**SUPPORTERS
SAY:**

CSHB 1798 would allow citizens who were concerned about their local school district to petition to become a local control school district. Some school boards become overly focused on operational issues such as contracting and less attentive to improving student learning. The bill would provide a process for dissatisfied parents and other interested parties to force changes in local district governance and education policy.

The bill would replace the existing home-rule charter process that has proved unworkable. The home-rule process was designed in 1995 as an alternative for districts to reduce regulatory burdens and try innovative ideas to meet unique local needs. It has never been successfully used. A petition drive in 2014 initiated an effort to write a home-rule charter for Dallas ISD, but the home rule commission voted not to create a charter. The bill would add more transparency and greater community participation to the process of creating a local control school district.

The term “home rule” traditionally is associated with cities and the bill would replace that term with “local control” to better describe the desired outcome. The bill would ensure that a community-led petition and local control plan election were subject to state campaign finance laws.

The bill would provide for greater community participation by allowing the petition organizers to appoint a majority of the commission that would write the local education plan. The local school board would remain involved in the dialogue by naming the remaining commission members. The bill would ensure parental involvement by requiring that a majority of appointed members be parents of district students. The commission would have to hold at least three public meetings.

The bill would eliminate the 25 percent voter turnout threshold for adoption of a local education plan, which has been considered an arbitrary barrier. Instead, the election would be held in conjunction with a November general election in an even-numbered year. The bill also would give a local control plan time to succeed by requiring it to be operable for

four years before it could be amended.

The selected state laws that would not apply to a local control district are largely those that currently do not apply to open-enrollment charter schools. Many charter schools are operating successfully without those laws. Additionally, the bill would require local control districts to follow certain student safety requirements related to bullying and discipline that have been implemented since the initial 1995 home-rule law.

**OPPONENTS
SAY:**

CSHB 1798 would establish a petition process to bypass a locally elected school board in favor of an untested alternative governing structure. The bill does not specify that governance of a local control district would remain with an elected body. The result could be a governing board appointed by a mayor or county judge.

A local control district, if established, would be exempt from a host of state laws designed to protect students, teachers, and parents. The notion that neighborhood schools would be improved by eliminating state standards such as class size limits, teacher contract rights, and limitations on student expulsions is wrong. Rather than lower state quality standards, legislators should provide funding for smaller class sizes and other resources to help students succeed.