

SUBJECT: Allowing nonprofit organizations to operate repurposed school campuses

COMMITTEE: Public Education — committee substitute recommended

VOTE: 13 ayes — Huberty, Bernal, Allen, Allison, Ashby, K. Bell, Dutton, M. González, K. King, Meyer, Sanford, Talarico, VanDeaver

0 nays

WITNESSES: For — Dan Fishman, IDEA Public Schools; Orlando Riddick, Midland ISD; (*Registered, but did not testify*: Bibi Katsev, District Charter Alliance; Seth Rau, San Antonio ISD; Molly Weiner, Texas Aspires Foundation)

Against — (*Registered, but did not testify*: Mark Terry, Texas Elementary Principals and Supervisors Association)

On — Von Byer, Texas Education Agency; (*Registered, but did not testify*: Eric Marin and Joe Siedlecki, Texas Education Agency)

BACKGROUND: Education Code ch. 39A subch. C governs campus turnaround plans, which school districts are required to prepare and submit to the commissioner of education if a campus in their district has received an unacceptable performance rating for two consecutive school years. The commissioner may or may not approve the plan. If the plan is not approved, the commissioner must order the appointment of a board of managers to govern the school district, alternative management of the campus, or closure of the campus. If the plan is approved, campuses must meet certain performance requirements.

If a campus turnaround plan is approved and the campus is considered to have an unacceptable performance rating for three consecutive school years after the campus submitted the plan, the commissioner is required to either order the appointment of a board of managers to govern the school district or to close the campus.

If the commissioner closes the campus, the campus can be repurposed to serve students at that campus location only if the commissioner:

- finds that the repurposed campus offers a distinctly different academic program and serves a majority of grade levels not served at the original campus; and
- approves a new campus identification number for the repurposed campus.

Under this scenario, the majority of students assigned to the closed and repurposed campus could not have attended that same campus in the previous school year.

DIGEST:

CSHB 4205 would allow the commissioner of education, upon closing a school campus in connection with a campus turnaround plan, to repurpose the campus if the repurposed campus offered a distinctly different academic program and was operated under a contract, approved by the school district board of trustees, with a nonprofit organization exempt from federal taxation.

The nonprofit organization would be required to have a governing board that was independent of the district and a successful history of operating school district campuses or open-enrollment charter schools that cumulatively served at least 10,000 students, a majority of which had been assigned an overall performance rating of at least a B during the preceding school year.

The commissioner would have to approve a new campus identification number for the repurposed campus.

The 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, 2019.

**SUPPORTERS
SAY:**

CSHB 4205 would allow failing schools that were slated for closure to re-open under the operation of a high-performing nonprofit organization.

This would give school districts another option for failing schools and could help prevent difficult school closures.

A school that re-opened as a nonprofit charter school could serve the same group of students and grade levels as it did previously, rather than serving different grade levels and dispersing students across different schools as re-opened schools are currently required to do. This would help schools maintain their strong communities and rich histories.

The bill would require the nonprofit organization that re-opened a campus to have a governing board that was independent of the district's school board. This would provide a necessary layer of separation between school districts and schools that had previously received poor performance ratings under the control of the district's school board. The district's school board still would maintain significant control over the contract with the nonprofit organization.

**OPPONENTS
SAY:**

CSHB 4205 would transfer governance of certain schools away from school districts and to independent boards. This could reduce the public's access to important information that would have been easily available if a public school district operated the school.