

SUBJECT: Enabling parental and school board input on public school sanctions

COMMITTEE: Public Education — favorable, without amendment

VOTE: 7 ayes — Eissler, Allen, Aycock, Shelton, T. Smith, Strama, Weber

0 nays

4 absent — Hochberg, Dutton, Guillen, Huberty

SENATE VOTE: On final passage, April 28 — 30-1 (Watson)

WITNESSES: For — Andrew Erben, Texas Institute for Education Reform; (*Registered, but did not testify*: Andrew Lindsey, Texas Parent Teacher Association)

Against — None

On — Ted Melina Raab, Texas American Federation of Teachers

BACKGROUND: Education Code, ch. 39 regulates public school system accountability. Sec. 39.107 establishes certain interventions and sanctions that are imposed on a campus with an unacceptable performance rating for multiple years. After a campus has been identified as unacceptable for two consecutive school years, the commissioner of education must order a reconstitution of the campus. If the campus is then identified as unacceptable for three more consecutive school years after reconstitution, the commissioner must order repurposing, alternative management, or closure of the campus.

DIGEST: SB 738 would enable the parents and school board of a campus for which repurposing, alternative management, or closure was required under Government Code, sec. 39.107 to provide input on which of those three actions the education commissioner would order. If the parents of a majority of the campus's students petitioned the commissioner to order a specific action, the commissioner would have to order that action, unless the district board of trustees requested the commissioner to order a different action and provided an explanation of the request. In that case, the commissioner would be allowed to order the action requested by the board of trustees instead.

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, 2011. The bill would apply beginning with the 2011-2012 school year.

**SUPPORTERS
SAY:**

SB 738 would give parents a voice in a required sanctioning of a failing school by allowing them to petition the education commissioner for the particular sanction they believed should be ordered. By requiring a majority of the students' parents to sign onto a written petition for a particular choice, the bill would encourage parents to communicate, collaborate, and reach agreement on the future of their children's education. Under current law, the choices of ordering repurposing, alternative management, or closure are left entirely up to the education commissioner. SB 738 would give parents a seat at the table, enabling them to provide local, informed input on a decision that critically affected the lives of their children.

SB 738 also would enable the school district's board of trustees to give the education commissioner formal input on the choice of sanction. This backstop provision would ensure that the commissioner could order a sanction other than one selected by the parents if the school board and the commissioner both believed a particular alternative sanction would be more prudent due to reasons provided in a written explanation from the school board, such as undue influence by charter schools on the parents' request. Keeping the voices of the parents and the school board distinct would allow all perspectives on the school sanctioning to be heard.

To ensure protection of quality educational standards and employee safeguards currently embodied in the Education Code, certain provisions were removed from SB 738 as filed that would have allowed more opportunities for districts and campuses to be converted into charter districts and schools. By eliminating these provisions, SB 738 would better target its focus on the lowest-performing schools and their partnerships with parents.

**OPPONENTS
SAY:**

SB 738 would create a mechanism for well-financed charter schools to attempt to gain control of traditional public schools by campaigning for worried parents to petition for alternative management. While the bill commendably would give parents a voice in an important decision on the future of their children's education, that voice would be so powerful and potentially final that the bill would make those parents the target of

manipulation. Instead, the bill should encourage parents to collaborate with their school board to provide a unified request to the commissioner, rather than potentially dividing the community and pitting the voices of parents against that of the school board.

**OTHER
OPPONENTS
SAY:**

While SB 738 would take a step in the right direction of giving parents more control over their schools and their children's educations, the bill as filed contained a stronger and wider range of tools for parents to use. The original bill would have given districts and campuses opportunities to choose to convert into home-rule charter districts and in-district charter schools, which enjoy greater freedom from bureaucratic red tape and increased local control. SB 738 should add conversion into an in-district charter school as a fourth campus sanction option for parents, school boards, and the education commissioner to consider. In-district charter schools are an innovative option for school restructuring in which the parents, campus staff, and district officials work together to arrange a charter contract. This kind of restructuring preserves neighborhood schools, which are vital to the fabric of our communities.