

# Memorandum



CITY OF DALLAS

DATE April 11, 2014

TO Honorable Mayor and Members of the City Council

SUBJECT **Overview of Home Rule School District Statute in the Texas Education Code**

On Wednesday, April 16, 2014, you will be briefed on an Overview of the Home Rule School District Statute in the Texas Education Code. Briefing materials are attached for your review.

If you have any questions, please feel free to contact me.

A handwritten signature in blue ink, appearing to read 'Warren M.S. Ernst'.

Warren M.S. Ernst  
City Attorney

## Attachment

c: A.C. Gonzalez, City Manager  
Craig D. Kinton, City Auditor  
Rosa A. Rios, City Secretary  
Daniel F. Solis, Administrative Judge  
Ryan S. Evans, (I) First Assistant City Manager  
Jill A. Jordan, P.E., Assistant City Manager  
Forest E. Turner, Assistant City Manager

Joey Zapata, Assistant City Manager  
Charles M. Cato, (I) Assistant City Manager  
Theresa O'Donnell, (I) Assistant City Manager  
Jeanne Chipperfield, Chief Financial Officer  
Shawn Williams, (I) Public Information Officer  
Elsa Cantu, Assistant to the City Manager – Mayor & Council

# Overview of Home Rule School District Statute in the Texas Education Code

Dallas City Council  
April 16, 2014

# What is a home-rule school district?

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- The state legislature amended the Texas Education Code in 1995, to permit an independent school district to adopt a home-rule charter under which it will operate.
  - A home-rule school district is similar in concept to a home-rule city.
  - It is a school district that operates under a charter approved by the voters.

# What is a home-rule school district?

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- ◉ Adoption of a home-rule district charter does not affect:
  - the boundaries of the school district, or
  - taxes or bonds of the school district that were authorized before the effective date of the charter.

# What is a home-rule school district?

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- A home-rule school district is subject to state and federal laws governing school districts, except that a home-rule school district is only subject to:
  - portions of the Texas Education Code that say they specifically apply to home-rule school districts, and
  - a rule adopted under the Texas Education Code by the State Board of Education or the Commissioner that says it specifically applies to home-rule school districts.

# What is a home-rule school district?

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- A home-rule school district is subject to all requirements of federal law and court orders relating to eligibility for and the provision of special education and bilingual programs.
- A home-rule school district cannot discriminate against students with learning disabilities or refuse to place students in the highest-level program to ensure the student's success on the basis of race, socioeconomic status, learning disability, or family support status.

# What is a home-rule school district?

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- An employee of a home-rule school district that qualifies for membership in the Teacher Retirement System is covered by the system in the same manner as an employee of an independent school district.
- A home-rule school district remains subject to the oversight of the State Board of Education and the commissioner.

# How is a home-rule school district created?

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- The board of trustees of an independent school district is required to appoint a charter commission to frame a home-rule district charter if:
  - the board receives a petition signed by at least five percent of the registered voters in the district, or
  - at least two-thirds of the board of trustees votes to appoint a charter commission.

# How is a home-rule school district created?

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- The board of trustees is required to appoint a 15 member charter commission within 30 days of either receiving the petition mentioned above or a two-thirds vote of the board of trustees to appoint a commission.
  - The charter commission is a governmental body for purposes of open meetings and open records.
- The membership of the charter commission must reflect the racial, ethnic, socioeconomic, and geographic diversity of the district.
  - A majority of the members must be the parents of school aged children attending the district.
  - At least 25 percent of the members must be teachers selected by a committee of professional staff.

# How is a home-rule school district created?

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- ① The charter commission has one year to draft a proposed home-rule charter.
- ② The charter commission must submit the proposed charter to the education commissioner for legal review.
- ③ The board of trustees is required to order an election on the proposed charter as soon as practical after approval by the education commissioner.

# How is a home-rule school district created?

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- The election must be held on the first uniform election date at least 45 days after the board of trustees calls the election.

# How is a home-rule school district created?

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- An election to adopt a home-rule charter is only effective if at least 25 percent of the registered voters in the district vote in the election to adopt the charter.
  - If fewer than 25 percent of the registered voters turn out, the board of trustees is required to order a second election on the matter.
  - If fewer than 25 percent of the registered voters turn out for the second election, the board has the option of ordering additional elections or abandoning the issue.

# Are there any requirements for the charter?

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- A home-rule charter must:
  - describe the educational program to be offered;
  - provide that continuation of the home-rule charter is contingent on:
    - acceptable student performance on assessment tests, and
    - compliance with other accountability provisions;
  - specify any basis on which the charter may be suspended or revoked;
  - describe the governing structure of the district and campuses;
  - specify any processes or requirement the district will follow to ensure the health and safety of students and employees;
  - describe the budget and audit process; and
  - contain other provisions the charter commission thinks are necessary.

# Governance

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- ◉ A home-rule district may adopt and operate under any structure.
  - The charter may adopt any form of governing body with no restriction in state law as to the number of members of the governing body, method of selection or appointment, required qualifications, or otherwise.

# Governance

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- The term of any member of the governing body is governed by the same rule applicable to independent school districts.
  - Limited to a term of either three years or four years.
    - If three year terms are chosen, the terms of one-third of the governing body expires each year.
    - If four year terms are chosen, the terms of half of the governing body expires every two years.

# Laws home-rule districts are subject to

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- ◉ Criminal laws.
- ◉ Limitations on liability.
- ◉ Educator certification.
- ◉ Criminal history records.
- ◉ Student admissions.
- ◉ Student attendance.
- ◉ Inter-district and inter-county transfers.
- ◉ Elementary class size.

# Laws home-rule districts are subject to

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- High school graduation.
- Special education programs.
- Bilingual education.
- Pre-K programs.
- Safety provisions relating to student transportation.
- Computation and distribution of state aid.
- Extracurricular activities.
- Health and safety.

# Laws home-rule districts are subject to

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- Public school accountability.
- Equalized wealth.
- Bond obligations and tax rates.
- Purchasing.
- Employee personal leave.
- Discipline, law and order.
- Concussion prevention for student athletes.

# Charter amendment process

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- A charter can be amended in a similar manner to its creation.
  - The governing body of the district can propose an amendment.
  - A petition signed by five percent of the voters in the district can trigger the amendment process.
- The governing body has to submit the proposed amendment to the education commissioner for legal review.
- Once the proposed amendment has passed legal review, the governing body is required to call an election.
- The election has no effect if at least 20 percent of the eligible voters do not vote in the election.
- The governing body is required to call a second election if fewer than 20 percent of the eligible voters vote in the election to amend the charter.
- If fewer than 20 percent of the registered voters turn out for the second election, the board has the option of ordering additional elections or abandoning the issue.

# Annexation or consolidation

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- ⦿ If a home-rule district annexes a non-home-rule district, the home-rule district survives.
- ⦿ If a non-home-rule district annexes a home-rule district, the non-home-rule district survives.
- ⦿ If two districts want to consolidate into one and one is a home-rule district and the other is not, the ballot to consolidate the districts must state the status of the consolidated district.

# Probation or revocation of charter

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- The State Board of Education may place a district on probation or revoke a charter if it determines the district:
  - committed a material violation of the charter,
  - failed to satisfy generally accepted accounting standards of fiscal management, or
  - failed to comply with state or federal law.

# Rescission of charter

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- The process to rescind a home-rule charter is similar to the process of creating one.
  - Petition of five percent of voters or two-thirds vote of governing body.
  - Election only valid if at least 25 percent of registered voters in the district vote.
- Rescinding a home-rule charter does not affect district boundaries or the taxes or bonds of the district.