

Texas Education Code

Written Petition for Campus Sanction

Texas Education Code (TEC) §39.107(e) requires the commissioner of education to order repurposing, alternative management, or closure of a campus if the campus is considered to have an unacceptable performance rating for three consecutive school years after a campus is reconstituted*, and TEC §39.107 (e-1) allows the commissioner to waive the requirement for not more than one school year. Under requirements of §39.107(e-2), if a written petition, signed by the parents of a majority of the students enrolled at the campus and specifying the action requested under subsection (a) of this section, is presented to the commissioner in accordance with this section and related procedures adopted by the Texas Education Agency (TEA), the commissioner shall, except as otherwise authorized by this section, order the specific action requested. If the board of trustees of the school district in which the campus is located presents to the commissioner, in accordance with this section and related procedures adopted by the TEA, a written request that the commissioner order a specific action other than the action requested by the parents in a valid petition, and provides a written explanation of the basis for the board's request, the commissioner may order the action requested by the board of trustees.

Rules for implementing these requirements are found at 19 Texas Administrative Code §97.1065(c)

1. Petition

- a. A written petition must be finalized and submitted to the district superintendent no later than October 15 of the year following issuance of the rating. The petition must include all information required by the TEA as reflected in model forms and related procedures and must be submitted to the district superintendent by the specified date.

*2012 Implementation: because no ratings were issued in 2012, the parents of students enrolled on a campus rated 6th year Academically Unacceptable (AU) in the 2011 state accountability ratings will have until **October 15, 2012** to finalize and submit the petition to the district superintendent.*

- b. The parents of more than 50% of the students enrolled at the campus must provide the handwritten or typed name of the student and the parent, and an original signature of the parent on the petition.
 - i. For purposes of the petition, a *parent* means the parent who is indicated on the student registration form at the campus; and
 - ii. A *student* will be considered enrolled at the campus if the student is enrolled and in membership at the campus on a TEA-determined enrollment snapshot date, as reflected in TEA procedures.

*2012 Implementation: The enrollment snapshot date is **September 28, 2012.***
 - iii. For the purposes of determining whether parents of more than 50% of the students enrolled at the campus have signed the petition, only one parent signature per enrolled student can be counted by the district in its calculation.
- c. The petition must clearly state the sanction action being requested by the parents (i.e., repurposing, alternative management, or closure of the campus)

2. Determination of Validity

- a. The district will establish procedures to verify that the petition meets all requirements in section 1; and
- b. The district will certify that the petition is valid; and
- c. The validated petition will be adopted by the board of trustees of the district in an action taken in a public meeting conducted in compliance with the Texas Open Meetings Act; and
- d. The adopted petition will be submitted by the district superintendent to the commissioner **no later than December 1** in accordance with procedures established by the TEA.

2012 Implementation: The adopted petition must be submitted via mail, return receipt requested, and will be accompanied by a fully executed *Verification of Adopted Parent Petition for Campus Sanction Action* form. Additionally, the district will provide copies to the commissioner via facsimile or as a scanned attachment via email.

3. Board Request: If the board of trustees of the school district requests that the TEA consider a specific action other than the action requested by the parents in a valid petition the board must submit a written request to the commissioner and include a written explanation of the basis for the board's request. Any written request must be:

- a. Approved by a majority of the board members in an action taken in a public meeting conducted in compliance with the Texas Open Meetings Act; and
- b. Submitted to the commissioner no later than December 15 in accordance with procedures established by the TEA.

2012 Implementation: The board's request must be submitted via mail, return receipt requested, and must be accompanied by a fully executed *Verification of Board Request for Campus Sanction Action* form. Additionally, the district will provide copies to the commissioner via facsimile or as a scanned attachment via email.

4. Repurposing: If a valid parent petition or board of trustees submission requests that the commissioner order campus repurposing, the district must submit, no later than January 30, a comprehensive plan for campus repurposing that meets the requirements of TEC §39.107.

5. Commissioner Order: The commissioner will order, no later than February 15, a sanction in compliance with the TEC §39.107. The sanction shall be implemented for the subsequent school year regardless of the state academic accountability rating assigned to the campus in that school year.

6. Charter Schools: Notwithstanding this subsection, in the case of a charter school the commissioner will retain the authority to take any adverse action allowed by statute and rule and to approve or disapprove any proposed change in campus or charter structure resulting from a petition or board request under this subsection.

* During the year following the second AU rating, a campus must develop a Reconstitution Plan, which must be implemented during the next school year.

Texas Education Agency

Verification of Adopted Parent Petition for Campus Sanction Action

District Name: _____

Campus Name: _____

County/District/Campus ID Number: _____

Campus Enrollment as of September 28, 2012: _____

Number of Validated Parent Signatures: _____

Date of Board Adoption of Petition: _____

Date Submitted to the Commissioner: _____

District Contact:

Name: _____ Phone: _____

- Sanction requested:** **Repurposing**
 Alternative Campus Management
 Closure

Background and Information for request:

Signature of Superintendent

Signature of Board President

To be submitted with the adopted parent petition

Texas Education Agency

Verification of Board Request for Campus Sanction Action

To be submitted with the written explanation of the basis for the board of trustee's request for a campus sanction action other than the one reflected in a valid parent petition.

District Name: _____

Campus Name: _____

County/District/Campus ID Number: _____

Date of Board Adoption: _____

Names of Board Members Voting for Adoption:

Names of Board Members Voting against Adoption:

Date Submitted to the Commissioner: _____

District Contact:

Name: _____ Phone: _____

Sanction requested: _____ **Repurposing**

 _____ **Alternative Campus Management**

 _____ **Closure**

Signature of Superintendent

Signature of Board President

Texas Education Agency

Parent Petition for Campus Sanction Action

Campus name: _____

County/District/Campus ID Number: _____

This petition supports the campus sanction action marked below:

____ Repurposing ____ Alternative Management ____ Closure

#	Student Full Name	Parent Full Name	Enrollment Date	Verification
1				
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Texas Administrative Code

19 Texas Administrative Code §97.1065(c) Petition allowed. In accordance with TEC, §39.107(e-2), for a campus subject to an order of repurposing, alternative management, or closure under subsection (a) of this section, if a written petition, signed by the parents of a majority of the students enrolled at the campus and specifying the action requested under subsection (a) of this section, is presented to the commissioner in accordance with this section and related procedures adopted by the Texas Education Agency (TEA), the commissioner shall, except as otherwise authorized by this section, order the specific action requested. If the board of trustees of the school district in which the campus is located presents to the commissioner, in accordance with this section and related procedures adopted by the TEA, a written request that the commissioner order a specific action under subsection (a) of this section other than the action requested by the parents in a valid petition, along with a written explanation of the basis for the board's request, the commissioner may order the action requested by the board of trustees.

(1) A written petition under this subsection must be:

- (A) finalized and submitted to the district superintendent no later than October 15 for purposes of validation;
- (B) certified by the district as a valid petition in accordance with paragraph (2) of this subsection;
- (C) adopted as a valid petition by the board of trustees in an action taken in a public meeting conducted in compliance with the Texas Open Meetings Act; and
- (D) if determined to be a valid petition, submitted by the district superintendent to the commissioner no later than December 1.

(2) Only a written petition determined to be valid in accordance with this section and TEA procedures may be submitted to the commissioner. At a minimum, the following criteria must be met for a petition to be determined valid.

- (A) The petition must include all information required by the TEA as reflected in TEA model forms and related procedures and must be submitted to the district superintendent in accordance with the deadline established in paragraph (1)(A) of this subsection.
- (B) The petition must clearly state the sanction action under subsection (a) of this section being requested by the parents.
- (C) In accordance with this subparagraph, the parent(s) of more than 50% of the students enrolled at the campus must provide the handwritten or typed name and an original signature on the petition.
 - (i) For the purposes of the petition, a parent means the parent who is indicated on the student registration form at the campus.
 - (ii) A student will be considered enrolled at the campus for the purposes of the petition if the student is enrolled and in membership at the campus on a TEA-determined enrollment snapshot date, as reflected in TEA procedures (generally

the Public Education Information Management System (PEIMS) fall data submission for that school year).

(iii) For the purposes of determining whether parents of more than 50% of the students enrolled at the campus have signed the petition, only one parent signature per enrolled student can be counted by the district in its calculation assuring validity of the petition.

(3) If the board of trustees of the school district requests that the TEA consider a specific action under subsection (a) of this section other than the action requested by the parents in a valid petition and submitted to the TEA in accordance with this subsection, the board must submit a written request to the commissioner and include a written explanation of the basis for the board's request for an action other than the one reflected in a valid parent petition. Any written request must be:

(A) approved by a majority of the board members in an action taken in a public meeting conducted in compliance with the Texas Open Meetings Act; and

(B) submitted to the commissioner no later than December 15 in accordance with procedures established by the TEA.

(4) If a valid parent petition under paragraph (1) of this subsection or board of trustees submission under paragraph (3) of this subsection requests that the commissioner order campus repurposing, the district must submit, no later than January 30, a comprehensive plan for campus repurposing that meets the requirements of the TEC, §39.107, and subsection (d) of this section.

(5) Following the submission to the TEA of a valid petition and any subsequent board request under this section, the commissioner will order, no later than February 15, a sanction in compliance with the TEC, §39.107, and this section. The sanction shall be implemented for the subsequent school year regardless of the state academic accountability rating assigned to the campus in that school year. For example: A campus is assigned an unacceptable performance rating for the sixth consecutive year on or around June 15, 2013. In February 2014, the commissioner orders a sanction under this paragraph. The sanction must be implemented for the 2014-2015 school year.

(6) Notwithstanding this subsection, in the case of a charter school granted under the TEC, Chapter 12, Subchapter D or E, the commissioner shall retain authority under the TEC and Chapter 100, Subchapter AA, Division 2, of this title (relating to Commissioner Action and Intervention) to take any adverse action allowed by statute and rule and to approve or disapprove any proposed change in campus or charter structure resulting from a petition or board request under this subsection.