

By: Rodriguez

H.B. No. 4006

A BILL TO BE ENTITLED

AN ACT

relating to the locations at which a new open-enrollment charter school or campus may be established.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 12.101(b-4), Education Code, is amended to read as follows:

(b-4) Notwithstanding Section 12.114, approval of the commissioner under that section is not required for establishment of a new open-enrollment charter school campus if the requirements of this subsection are satisfied. A charter holder having an accreditation status of accredited and at least 50 percent of its student population in grades assessed under Subchapter B, Chapter 39, or at least 50 percent of the students in the grades assessed having been enrolled in the school for at least three school years may establish one or more new campuses under an existing charter held by the charter holder if:

(1) the charter holder is currently evaluated under the standard accountability procedures for evaluation under Chapter 39 and received a district rating in the highest or second highest performance rating category under Subchapter C, Chapter 39, for three of the last five years with at least 75 percent of the campuses rated under the charter also receiving a rating in the highest or second highest performance rating category and with no campus with a rating in the lowest performance rating category in

1 the most recent ratings;

2 (2) the new campus will not be located within five
3 miles of a school district's or open-enrollment charter school's
4 campus that is assigned an overall performance rating of B or higher
5 under Section 39.054 for the preceding school year;

6 (3) the charter holder provides written notice to the
7 commissioner of the establishment of any campus under this
8 subsection in the time, manner, and form provided by rule of the
9 commissioner; and

10 (4) [~~(3)~~] not later than the 60th day after the date
11 the charter holder provides written notice under Subdivision (3)
12 [~~(2)~~], the commissioner does not provide written notice to the
13 charter holder that the commissioner has determined that the
14 charter holder does not satisfy the requirements of this section.

15 SECTION 2. Subchapter D, Chapter 12, Education Code, is
16 amended by adding Section 12.1152 to read as follows:

17 Sec. 12.1152. LOCATION OF CERTAIN OPEN-ENROLLMENT CHARTER
18 SCHOOLS. Notwithstanding any other provision of this subchapter,
19 the commissioner may not grant a charter for an open-enrollment
20 charter school under this subchapter or approve a request for an
21 expansion amendment to establish a new open-enrollment charter
22 school campus under Section 12.114 for a school or campus that would
23 be located within five miles of a school district's or
24 open-enrollment charter school's campus that is assigned an overall
25 performance rating of B or higher under Section 39.054 for the
26 preceding school year.

27 SECTION 3. (a) Section 12.101(b-4), Education Code, as

1 amended by this Act, applies only to a new open-enrollment charter
2 school campus established on or after the effective date of this
3 Act.

4 (b) Section 12.1152, Education Code, as added by this Act,
5 applies only to an application for a charter for an open-enrollment
6 charter school or a request for approval of an expansion amendment
7 to establish a new open-enrollment charter school campus submitted
8 on or after the effective date of this Act.

9 SECTION 4. This Act takes effect September 1, 2021.