

By: Dean

H.B. No. 4293

A BILL TO BE ENTITLED

AN ACT

relating to applications for the establishment of certain new open-enrollment charter school campuses.

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. This subsection does not apply to the establishment of a new open-enrollment charter school campus for which an application is required to be submitted under Section 12.1142. 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

1 campuses rated under the charter also receiving a rating in the  
2 highest or second highest performance rating category and with no  
3 campus with a rating in the lowest performance rating category in  
4 the most recent ratings;

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

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

14 SECTION 2. Section [12.1101](#), Education Code, is amended to  
15 read as follows:

16 Sec. 12.1101. NOTIFICATION OF CHARTER APPLICATION OR  
17 ESTABLISHMENT OF CAMPUS. The commissioner by rule shall adopt a  
18 procedure for providing notice to the following persons on receipt  
19 by the commissioner of an application for a charter for an  
20 open-enrollment charter school under Section [12.110](#), ~~[or of]~~ notice  
21 of the establishment of a campus as authorized under Section  
22 [12.101\(b-4\)](#), or an application for the establishment of a campus  
23 under Section 12.1142:

24 (1) the superintendent and the board of trustees of  
25 each school district from which the proposed open-enrollment  
26 charter school or campus is likely to draw students, as determined  
27 by the commissioner; and

1           (2) each member of the legislature that represents the  
2 geographic area to be served by the proposed school or campus, as  
3 determined by the commissioner.

4           SECTION 3. Section 12.114, Education Code, is amended by  
5 amending Subsection (c) and adding Subsection (c-1) to read as  
6 follows:

7           (c) Subject to Subsection (c-1), not ~~[Not]~~ later than the  
8 60th day after the date that a charter holder submits to the  
9 commissioner a completed request for approval for an expansion  
10 amendment, as defined by commissioner rule, including a new school  
11 amendment, the commissioner shall provide to the charter holder  
12 written notice of approval or disapproval of the amendment.

13           (c-1) This section does not apply to an application for the  
14 establishment of a new open-enrollment charter school campus  
15 required to be submitted to the commissioner under Section 12.1142.

16           SECTION 4. Subchapter D, Chapter 12, Education Code, is  
17 amended by adding Section 12.1142 to read as follows:

18           Sec. 12.1142. APPLICATION FOR ESTABLISHMENT OF CERTAIN NEW  
19 OPEN-ENROLLMENT CHARTER SCHOOL CAMPUSES. (a) A charter holder  
20 that seeks to establish a new open-enrollment charter school campus  
21 in the attendance zone of a school district in which the charter  
22 holder does not currently operate a campus must submit to the  
23 commissioner an application to establish the campus as provided by  
24 this section. The application may be submitted up to 18 months  
25 before the date on which the campus is anticipated to open.

26           (b) The commissioner shall notify the State Board of  
27 Education of each application the commissioner proposes to approve

1 under this section. Unless, before the 90th day after the date on  
2 which the board receives the notice from the commissioner, a  
3 majority of the members of the board present and voting vote against  
4 the approval of the application, the application is approved.

5 SECTION 5. The changes in law made by this Act apply  
6 beginning with the establishment of a new open-enrollment charter  
7 school campus described by Section 12.1142, Education Code, as  
8 added by this Act, that is anticipated to open for the 2025-2026  
9 school year.

10 SECTION 6. This Act takes effect September 1, 2023.