

By: Bowers

H.B. No. 5086

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to an application for a charter for an open-enrollment  
3 charter school and to the expansion of a request for the revision of  
4 a charter for an open-enrollment charter school.

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

6 SECTION 1. Section [12.101\(b-4\)](#), Education Code, is amended  
7 to read as follows:

8 (b-4) Notwithstanding Section [12.114](#) and subject to Section  
9 12.1131, approval of the commissioner under Section 12.114 [~~that~~  
10 ~~section~~] is not required for establishment of a new open-enrollment  
11 charter school campus if the requirements of this subsection are  
12 satisfied. A charter holder having an accreditation status of  
13 accredited and at least 50 percent of its student population in  
14 grades assessed under Subchapter [B](#), Chapter [39](#), or at least 50  
15 percent of the students in the grades assessed having been enrolled  
16 in the school for at least three school years may establish one or  
17 more new campuses under an existing charter held by the charter  
18 holder if:

19 (1) the charter holder is currently evaluated under  
20 the standard accountability procedures for evaluation under  
21 Chapter [39](#) and received a district rating in the highest or second  
22 highest performance rating category under Subchapter [C](#), Chapter [39](#),  
23 for three of the last five years with at least 75 percent of the  
24 campuses rated under the charter also receiving a rating in the

1 highest or second highest performance rating category and with no  
2 campus with a rating in the lowest performance rating category in  
3 the most recent ratings;

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

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

13 SECTION 2. Subchapter D, Chapter 12, Education Code, is  
14 amended by adding Section 12.1131 to read as follows:

15 Sec. 12.1131. SPECIFIC LOCATION OR ATTENDANCE ZONE  
16 INFORMATION REQUIRED. The commissioner may not approve an  
17 application for a charter for an open-enrollment charter school  
18 under Section 12.110, allow a charter holder to establish a new  
19 open-enrollment charter school campus as authorized under Section  
20 12.101(b-4), or approve a request for a revision of a charter for an  
21 open-enrollment charter school under Section 12.114 for the  
22 addition of a new campus or site, the relocation of an existing  
23 campus or site, or the expansion of the geographical area or grade  
24 levels served by the open-enrollment charter school unless:

25 (1) the application for the charter, notice of the  
26 establishment of the campus, or request for revision of the  
27 charter, as applicable, proposes a specific location or attendance

1 zone for each proposed campus; and

2 (2) the proposed location or attendance zone of each  
3 proposed campus is not located in the attendance zone of a school  
4 district campus that:

5 (A) serves similar grade levels as the charter  
6 school campus; and

7 (B) received an overall performance rating of A  
8 or B for the preceding school year.

9 SECTION 3. Section 12.1131, Education Code, as added by  
10 this Act, applies only to an application for a charter for an  
11 open-enrollment charter school, a notice of the establishment of an  
12 open-enrollment charter school campus, or a request for approval  
13 for a revision of a charter, as applicable, submitted on or after  
14 the effective date of this Act.

15 SECTION 4. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect September 1, 2023.