

By: Rodriguez

H.B. No. 2289

A BILL TO BE ENTITLED

1 AN ACT

2 relating to open-enrollment charter schools that are part of  
3 residential facilities for children who receive special education  
4 services.

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

6 SECTION 1. Subchapter D, Chapter 12, Education Code, is  
7 amended by adding Section 12.131 to read as follows:

8 Sec. 12.131. OPEN-ENROLLMENT CHARTER SCHOOLS PART OF  
9 RESIDENTIAL FACILITIES. (a) Section 25.082(a) applies to an  
10 open-enrollment charter school that is part of a residential  
11 facility under Section 29.012.

12 (b) An open-enrollment charter school that is part of a  
13 residential facility under Section 29.012 may not admit into the  
14 school a person placed in the facility unless the parent or person  
15 assigned under 20 U.S.C. Section 1415 or 1439, as amended, to be the  
16 surrogate parent of the person placed in the facility submits for  
17 that person an application for admission to the school that is  
18 provided by the school separately from any written material  
19 provided by the facility.

20 SECTION 2. Section 29.012, Education Code, is amended by  
21 amending Subsection (a) and adding Subsection (e) to read as  
22 follows:

23 (a) Except as provided by subsection (b)(2), not later than  
24 the third day after the date a person 22 years of age or younger is

1 placed in a residential facility, the residential facility shall:

2 (1) if the person is three years of age or older,  
3 notify the school district in which the facility is located[~~7~~  
4 ~~unless the facility is an open-enrollment charter school~~]; or

5 (2) if the person is younger than three years of age,  
6 notify a local early intervention program in the area in which the  
7 facility is located.

8 (e) A residential facility that includes an open-enrollment  
9 charter school program may not make it a condition of acceptance to  
10 the facility that a person attend the charter school. The agency or  
11 political subdivision that funds, licenses, certifies, contracts  
12 with, or regulates the residential facility must require the  
13 facility to comply with this subsection as a condition of funding,  
14 licensing, certification, or contracting.

15 SECTION 3. This Act takes effect September 1, 2003.