

AN ACT

relating to admission to open-enrollment charter schools that specialize in performing arts.

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

SECTION 1. Section 12.111(a), Education Code, is amended to read as follows:

(a) Each charter granted under this subchapter must:

(1) describe the educational program to be offered, which must include the required curriculum as provided by Section 28.002;

(2) specify the period for which the charter or any charter renewal is valid;

(3) provide that continuation or renewal of the charter is contingent on acceptable student performance on assessment instruments adopted under Subchapter B, Chapter 39, and on compliance with any accountability provision specified by the charter, by a deadline or at intervals specified by the charter;

(4) establish the level of student performance that is considered acceptable for purposes of Subdivision (3);

(5) specify any basis, in addition to a basis specified by this subchapter, on which the charter may be placed on probation or revoked or on which renewal of the charter may be denied;

(6) prohibit discrimination in admission policy on the

1 basis of sex, national origin, ethnicity, religion, disability,
2 academic, artistic, or athletic ability, or the district the child
3 would otherwise attend in accordance with this code, although the
4 charter may:

5 (A) provide for the exclusion of a student who
6 has a documented history of a criminal offense, a juvenile court
7 adjudication, or discipline problems under Subchapter A, Chapter
8 37; and

9 (B) provide for an admission policy that requires
10 a student to demonstrate artistic ability if the school specializes
11 in performing arts;

12 (7) specify the grade levels to be offered;

13 (8) describe the governing structure of the program,
14 including:

15 (A) the officer positions designated;

16 (B) the manner in which officers are selected and
17 removed from office;

18 (C) the manner in which members of the governing
19 body of the school are selected and removed from office;

20 (D) the manner in which vacancies on that
21 governing body are filled;

22 (E) the term for which members of that governing
23 body serve; and

24 (F) whether the terms are to be staggered;

25 (9) specify the powers or duties of the governing body
26 of the school that the governing body may delegate to an officer;

27 (10) specify the manner in which the school will

1 distribute to parents information related to the qualifications of
2 each professional employee of the program, including any
3 professional or educational degree held by each employee, a
4 statement of any certification under Subchapter B, Chapter 21, held
5 by each employee, and any relevant experience of each employee;

6 (11) describe the process by which the person
7 providing the program will adopt an annual budget;

8 (12) describe the manner in which an annual audit of
9 the financial and programmatic operations of the program is to be
10 conducted, including the manner in which the person providing the
11 program will provide information necessary for the school district
12 in which the program is located to participate, as required by this
13 code or by State Board of Education rule, in the Public Education
14 Information Management System (PEIMS);

15 (13) describe the facilities to be used;

16 (14) describe the geographical area served by the
17 program; and

18 (15) specify any type of enrollment criteria to be
19 used.

20 SECTION 2. Subchapter D, Chapter 12, Education Code, is
21 amended by adding Section 12.1171 to read as follows:

22 Sec. 12.1171. ADMISSION TO OPEN-ENROLLMENT CHARTER SCHOOLS
23 SPECIALIZING IN PERFORMING ARTS. Notwithstanding Section 12.117,
24 the governing body of an open-enrollment charter school that
25 specializes in one or more performing arts may require an applicant
26 to audition for admission to the school.

27 SECTION 3. This Act applies beginning with the 2005-2006

1 school year.

2 SECTION 4. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2005.

H.B. No. 1111

President of the Senate

Speaker of the House

I certify that H.B. No. 1111 was passed by the House on May 12, 2005, by the following vote: Yeas 82, Nays 50, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1111 was passed by the Senate on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor