

By: Shelton

H.B. No. 39

A BILL TO BE ENTITLED

AN ACT

relating to revising, revoking, or denying renewal of charters of open-enrollment charter schools under certain circumstances.

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

SECTION 1. Subchapter D, Chapter 12, Education Code, is amended by adding Section 12.1141 to read as follows:

Sec. 12.1141. REVISION: ADDING SCHOOLS UNDER CERTAIN CIRCUMSTANCES. (a) Except as provided by Subsection (b), the commissioner may not deny approval for a charter holder to add one or more additional open-enrollment charter schools under an existing open-enrollment charter granted to the charter holder if:

(1) considering available data, the charter holder meets all criteria established by rule for adding a charter school under an existing charter other than criteria for performance based on dropout and completion rates of one or more existing charter schools under the charter and the charter holder demonstrates through a process developed by the agency that those criteria would be met if:

(A) a student enrolled at the charter school who is at least 17 years of age at the time of enrollment were not considered a dropout; and

(B) a student who graduates from the charter school before or during the student's sixth year of high school were considered a high school graduate;

1           (2) the charter holder, at the time of submission of  
2 the application for approval to add one or more additional charter  
3 schools, has been assigned a financial accountability rating under  
4 Subchapter D, Chapter 39, indicating financial performance that is  
5 satisfactory or better; and

6           (3) each additional charter school:

7                   (A) will serve only high school students;

8                   (B) will have an enrollment of students of whom  
9 at least 50 percent did not graduate with a ninth grade cohort; and

10                   (C) will be in the geographical area described  
11 for the charter under Section 12.111(a)(14).

12           (b) The commissioner may not approve a total of more than 10  
13 additional charter schools under Subsection (a). The commissioner  
14 may, in accordance with commissioner rule, limit the enrollment of  
15 an additional charter school as necessary to conform to the  
16 capacity limits of the charter holder or the demand for services in  
17 the geographical area, as determined by the commissioner, but may  
18 not limit the enrollment of an additional charter school to less  
19 than the number of students currently enrolled at the high school  
20 level at a charter school operated by the charter holder that  
21 focuses on dropout recovery.

22           (c) This section expires September 1, 2013.

23           SECTION 2. Subchapter D, Chapter 12, Education Code, is  
24 amended by adding Section 12.1151 to read as follows:

25           Sec. 12.1151. LIMITATION ON REVOCATION OR DENIAL OF RENEWAL  
26 FOR CERTAIN CHARTER SCHOOLS. (a) This section applies only to an  
27 open-enrollment charter school that has an enrollment of students

1 of whom at least 50 percent did not graduate with a ninth grade  
2 cohort.

3 (b) The commissioner may not revoke or deny renewal of the  
4 charter of an open-enrollment charter school to which this section  
5 applies if:

6 (1) considering available data, the charter holder  
7 meets all criteria established by rule for adding a charter school  
8 under an existing charter other than criteria for performance based  
9 on dropout and completion rates of one or more existing charter  
10 schools under the charter and the charter holder demonstrates  
11 through a process developed by the agency that those criteria would  
12 be met if:

13 (A) a student enrolled at the charter school who  
14 is at least 17 years of age at the time of enrollment were not  
15 considered a dropout; and

16 (B) a student who graduates from the charter  
17 school before or during the student's sixth year of high school were  
18 considered a high school graduate; and

19 (2) the charter holder, at the time the ratings appeal  
20 is filed, has been assigned a financial accountability rating under  
21 Subchapter D, Chapter 39, that indicates financial performance that  
22 is satisfactory or better.

23 (c) This section expires September 1, 2013.

24 SECTION 3. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2011.