

By: Shelton

H.B. No. 1311

Substitute the following for H.B. No. 1311:

By: Weber

C.S.H.B. No. 1311

A BILL TO BE ENTITLED

AN ACT

relating to revision of open-enrollment charter school charters to add 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) 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 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;

(2) the charter holder, at the time of submission of the application for approval to add one or more additional charter

1 schools, has been assigned a financial accountability rating under  
2 Subchapter D, Chapter 39, indicating financial performance that is  
3 satisfactory or better; and

4 (3) each additional charter school:

5 (A) will serve only high school students;

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

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

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

19 SECTION 2. This Act takes effect immediately if it receives  
20 a vote of two-thirds of all the members elected to each house, as  
21 provided by Section 39, Article III, Texas Constitution. If this  
22 Act does not receive the vote necessary for immediate effect, this  
23 Act takes effect September 1, 2011.