

By: Hancock

H.B. No. 1369

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the establishment of open-enrollment charter schools
3 and of new campuses of existing charter schools.

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

5 SECTION 1. Section 12.101, Education Code, is amended by
6 amending Subsection (b) and adding Subsections (b-1) and (b-2) to
7 read as follows:

8 (b) The State Board of Education may grant a charter for an
9 open-enrollment charter school only to an applicant that meets any
10 financial, governing, and operational standards adopted by the
11 commissioner under this subchapter. The State Board of Education
12 may not grant [~~a total of~~] more than 20 new [~~215~~] charters for an
13 open-enrollment charter school each state fiscal year.

14 (b-1) A charter holder may establish one or more new
15 open-enrollment charter school campuses under a charter without
16 applying for authorization from the State Board of Education if:

17 (1) 90 percent or more of the open-enrollment charter
18 school campuses operating under the charter have been assigned an
19 acceptable performance rating as provided by Subchapter C, Chapter
20 39, for the two preceding school years;

21 (2) either no campus operating under the charter has
22 been assigned an unacceptable performance rating as provided by
23 Subchapter C, Chapter 39, for any two of the three preceding school
24 years or such a campus has been closed;

1 (3) the charter holder has been assigned a financial
2 accountability rating under Subchapter D, Chapter 39, indicating
3 financial performance that is satisfactory or better;

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

8 (5) not later than the 90th day after the date the
9 charter holder provides written notice under Subdivision (4), the
10 commissioner does not provide written notice to the charter holder
11 disapproving a new campus under this section.

12 (b-2) This subsection expires January 1, 2015. For purposes
13 of Subsection (b-1):

14 (1) an open-enrollment charter school campus rated as
15 academically acceptable or higher under Subchapter D, Chapter 39,
16 as that subchapter existed January 1, 2009, for the 2009-2010 or
17 2010-2011 school year is considered to have been assigned an
18 acceptable performance rating for the applicable school year; and

19 (2) an open-enrollment charter school campus rated as
20 academically unacceptable under Subchapter D, Chapter 39, as that
21 subchapter existed January 1, 2009, for the 2008-2009, 2009-2010,
22 or 2010-2011 school year is considered to have been assigned an
23 unacceptable performance rating for the applicable school year.

24 SECTION 2. Section 12.1101, Education Code, is amended to
25 read as follows:

26 Sec. 12.1101. NOTIFICATION OF CHARTER APPLICATION OR
27 ESTABLISHMENT OF CAMPUS. The commissioner by rule shall adopt a

1 procedure for providing notice to the following persons on receipt
2 by the State Board of Education of an application for a charter for
3 an open-enrollment charter school under Section 12.110 or on
4 receipt by the board and the commissioner of notice of the
5 establishment of a campus as authorized under Section 12.101(b-1):

6 (1) the board of trustees of each school district from
7 which the proposed open-enrollment charter school or campus is
8 likely to draw students, as determined by the commissioner; and

9 (2) each member of the legislature that represents the
10 geographic area to be served by the proposed school or campus, as
11 determined by the commissioner.

12 SECTION 3. This Act applies beginning with the 2011-2012
13 school year.

14 SECTION 4. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2011.