

By: Aycock

H.B. No. 2877

A BILL TO BE ENTITLED

AN ACT

1
2 relating to required sale or lease of unused or underutilized
3 school district facilities to charter schools.

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

5 SECTION 1. Subchapter D, Chapter 11, Education Code, is
6 amended by adding Section 11.1542 to read as follows:

7 Sec. 11.1542. REQUIRED SALE OR LEASE OF UNUSED OR
8 UNDERUTILIZED FACILITIES TO CHARTER SCHOOLS. (a) This subsection
9 applies only to a school district facility or portion of a district
10 facility that has been identified by the commissioner in accordance
11 with commissioner rule adopted under Subsection (b) as being unused
12 or underutilized by the district. If the charter holder of an
13 open-enrollment charter school makes a written offer to a district
14 to lease or purchase, for use by the open-enrollment charter
15 school, a district facility or portion of a district facility
16 identified as being unused or underutilized, the district must
17 lease or sell, as applicable, the facility or portion of the
18 facility to the charter holder for use by the open-enrollment
19 charter school. The lease or sale price must be at or below fair
20 market value and on other terms agreed to by the charter holder and
21 district board of trustees.

22 (b) For purposes of Subsection (a), the commissioner shall
23 by rule adopt a procedure and criteria for determining whether a
24 school district facility or a portion of a district facility is

1 unused or underutilized by the district. Each year, the
2 commissioner shall, using the procedure and criteria adopted,
3 identify for each district any district facility or portion of a
4 district facility that is unused or underutilized. Each year, the
5 agency shall post on the agency's Internet website a list of each
6 district's unused or underutilized facilities and portions of
7 facilities. At the request of an open-enrollment charter school, a
8 district shall provide to the charter school a list of unused and
9 underutilized district facilities and portions of district
10 facilities as identified by the commissioner.

11 (c) A school district may not require a campus or campus
12 program that has been granted a charter under Subchapter C and that
13 is the result of the conversion of the status of an existing school
14 district campus to pay rent or to purchase the campus facility in
15 order to use the facility.

16 (d) A school district may not require a campus or campus
17 program described by Subsection (c) or an open-enrollment charter
18 school to pay for any services provided by the district under a
19 contract between the district and the campus, campus program, or
20 open-enrollment charter school an amount greater than the amount of
21 the actual costs to the district of providing the services.

22 SECTION 2. This Act applies only to a contract entered into
23 by a school district and a charter school on or after the effective
24 date of this Act. A contract entered into between a school district
25 and a charter school before the effective date of this Act is
26 governed by the law in effect on the date the contract is entered
27 into, and that law is continued in effect for that purpose.

1 SECTION 3. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2011.