

1-1 By: Van de Putte, Davis, Shapiro S.B. No. 1872
1-2 (In the Senate - Filed March 11, 2011; March 24, 2011, read
1-3 first time and referred to Committee on Education; April 18, 2011,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 7, Nays 0; April 18, 2011, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 1872 By: Van de Putte

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to revising, revoking, or denying renewal of charters of
1-10 open-enrollment charter schools under certain circumstances.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter D, Chapter 12, Education Code, is
1-13 amended by adding Section 12.1141 to read as follows:

1-14 Sec. 12.1141. REVISION: ADDING SCHOOLS UNDER CERTAIN
1-15 CIRCUMSTANCES. (a) Except as provided by Subsection (b), the
1-16 commissioner may not deny approval for a charter holder to add one
1-17 or more additional open-enrollment charter schools under an
1-18 existing open-enrollment charter granted to the charter holder if:

1-19 (1) the charter holder meets all criteria established
1-20 by rule for adding a charter school under an existing charter other
1-21 than criteria for performance based on dropout and completion rates
1-22 of one or more existing charter schools under the charter and the
1-23 charter holder demonstrates through the agency ratings appeal
1-24 process that those criteria would be met if:

1-25 (A) a student enrolled at the charter school who
1-26 is at least 17 years of age at the time of enrollment were not
1-27 considered a dropout; and

1-28 (B) a student who graduates from the charter
1-29 school before or during the student's sixth year of high school were
1-30 considered a high school graduate;

1-31 (2) the charter holder, at the time of submission of
1-32 the application for approval to add one or more additional charter
1-33 schools, has been assigned a financial accountability rating under
1-34 Subchapter D, Chapter 39, indicating financial performance that is
1-35 satisfactory or better; and

1-36 (3) each additional charter school:

1-37 (A) will serve only high school students;

1-38 (B) will have an enrollment of students of whom
1-39 at least 50 percent did not graduate with a ninth grade cohort; and

1-40 (C) will be in the geographical area described
1-41 for the charter under Section 12.111(a)(14).

1-42 (b) The commissioner may, in accordance with commissioner
1-43 rule, limit the number of additional charter schools approved under
1-44 Subsection (a) or limit the enrollment of an additional charter
1-45 school as necessary to conform to the capacity limits of the charter
1-46 holder or the demand for services in the geographical area, as
1-47 determined by the commissioner, but may not limit the enrollment of
1-48 an additional charter school to less than the number of students
1-49 currently enrolled at the high school level at a charter school
1-50 operated by the charter holder that focuses on dropout recovery.

1-51 (c) This section expires September 1, 2013.

1-52 SECTION 2. Subchapter D, Chapter 12, Education Code, is
1-53 amended by adding Section 12.1151 to read as follows:

1-54 Sec. 12.1151. LIMITATION ON REVOCATION OR DENIAL OF RENEWAL
1-55 FOR CERTAIN CHARTER SCHOOLS. (a) This section applies only to an
1-56 open-enrollment charter school that has an enrollment of students
1-57 of whom at least 50 percent did not graduate with a ninth grade
1-58 cohort.

1-59 (b) The commissioner may not revoke or deny renewal of the
1-60 charter of an open-enrollment charter school to which this section
1-61 applies if:

1-62 (1) the charter holder meets all criteria established
1-63 by rule for adding a charter school under an existing charter other

2-1 than criteria for performance based on dropout and completion rates
2-2 of one or more existing charter schools under the charter and the
2-3 charter holder demonstrates through the agency ratings appeal
2-4 process that those criteria would be met if:

2-5 (A) a student enrolled at the charter school who
2-6 is at least 17 years of age at the time of enrollment were not
2-7 considered a dropout; and

2-8 (B) a student who graduates from the charter
2-9 school before or during the student's sixth year of high school were
2-10 considered a high school graduate; and

2-11 (2) the charter holder, at the time the ratings appeal
2-12 is filed, has been assigned a financial accountability rating under
2-13 Subchapter D, Chapter 39, that indicates financial performance that
2-14 is satisfactory or better.

2-15 (c) This section expires September 1, 2013.

2-16 SECTION 3. This Act takes effect immediately if it receives
2-17 a vote of two-thirds of all the members elected to each house, as
2-18 provided by Section 39, Article III, Texas Constitution. If this
2-19 Act does not receive the vote necessary for immediate effect, this
2-20 Act takes effect September 1, 2011.

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