

By: Dutton

H.B. No. 324

A BILL TO BE ENTITLED

AN ACT

relating to certain facilities and service provider transactions  
between school districts and charter schools.

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

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

Sec. 11.1542. FACILITIES AND SERVICE PROVIDER TRANSACTIONS  
BETWEEN DISTRICTS AND CHARTER SCHOOLS. (a) This subsection  
applies only to an independent school district facility or portion  
of a district facility that is identified by the commissioner in  
accordance with commissioner rule adopted under Subsection (b) as  
being unused or underutilized by the district. If the charter  
holder of an open-enrollment charter school makes a written offer  
to a district to lease or purchase, for use by the open-enrollment  
charter school, a district facility or portion of a district  
facility identified as being unused or underutilized, the district  
must lease or sell, as applicable, the facility or portion of the  
facility to the charter holder for use by the open-enrollment  
charter school. The lease or sale price must be at fair market  
value and may be on other terms agreed to by the charter holder and  
district board of trustees.

(b) For purposes of Subsection (a), the commissioner shall  
by rule adopt a procedure and criteria for determining whether a  
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) An independent school district may not require a campus  
12 or campus program that has been granted a charter under Subchapter  
13 C, Chapter 12, and that is the result of the conversion of the  
14 status of an existing school district campus to pay rent or to  
15 purchase the campus facility in order to use the facility.

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

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

1 into, and that law is continued in effect for that purpose.

2 SECTION 3. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2013.