

By: Ratliff

H.B. No. 672

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the establishment, operation, and funding of
3 open-enrollment charter schools primarily serving students with
4 disabilities.

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

6 SECTION 1. Subchapter D, Chapter 12, Education Code, is
7 amended by adding Sections 12.1011 and 12.1062 to read as follows:

8 Sec. 12.1011. AUTHORIZATION FOR GRANT OF CHARTERS FOR
9 SCHOOLS PRIMARILY SERVING STUDENTS WITH DISABILITIES. (a) The
10 State Board of Education may grant under Section 12.101 a charter on
11 the application of an eligible entity for an open-enrollment
12 charter school intended primarily to serve students eligible to
13 receive services under Subchapter A, Chapter 29.

14 (b) The limit on the number of open-enrollment charter
15 schools imposed by Section 12.101(b) does not apply to a charter
16 granted under this section to a school at which at least 50 percent
17 of the students are eligible to receive services under Subchapter
18 A, Chapter 29.

19 (c) For purposes of the applicability of state and federal
20 law, including a law prescribing requirements concerning students
21 with disabilities, an open-enrollment charter school described by
22 Subsection (a) is considered the same as any other school for which
23 a charter is granted under Section 12.101.

24 (d) To the fullest extent permitted under federal law, a

1 parent of a student with a disability may choose to enroll the
2 parent's child in an open-enrollment charter school described by
3 Subsection (a) regardless of whether a disproportionate number of
4 the school's students are students with disabilities.

5 (e) This section does not authorize an open-enrollment
6 charter school to discriminate in admissions or in the services
7 provided based on the presence, absence, or nature of an
8 applicant's or student's disability.

9 (f) Each educator, including a person performing the duties
10 of a superintendent, employed or under contract to serve on the
11 instructional or administrative staff of an open-enrollment
12 charter school described by Subsection (a) must hold the
13 appropriate certificate, as determined in accordance with State
14 Board for Educator Certification rule, to serve students with a
15 disability of the same type as a disability of students enrolled in
16 the school.

17 (g) The commissioner and the State Board for Educator
18 Certification shall adopt rules as necessary to administer this
19 section.

20 Sec. 12.1062. FUNDING FOR CHARTER SCHOOLS PRIMARILY SERVING
21 STUDENTS WITH DISABILITIES. A charter holder granted a charter
22 under Section 12.1011 is entitled to receive for the
23 open-enrollment charter school the sum of:

24 (1) funding under Chapter 42 equal to 105 percent of
25 the amount of funding per student that the charter holder is
26 entitled to receive under Section 12.106 for students receiving
27 special education services under Subchapter A, Chapter 29;

1 (2) funding under Chapter 42 that the charter holder
2 is entitled to receive under Section 12.106 for students not
3 receiving special education services under Subchapter A, Chapter
4 29; and

5 (3) federal funds a student is eligible for under the
6 Individuals with Disabilities Education Act (20 U.S.C. Section 1400
7 et seq.).

8 SECTION 2. This Act applies beginning with the 2014-2015
9 school year.

10 SECTION 3. The State Board of Education is required to
11 implement this Act only if the legislature appropriates money
12 specifically for that purpose. If the legislature does not
13 appropriate money specifically for that purpose, the board may, but
14 it is not required to, implement this Act using other
15 appropriations available for that purpose.

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