

## **BILL ANALYSIS**

Senate Research Center  
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S.B. 1897  
By: Taylor, Larry  
Education  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 2, 83rd Legislature, Regular Session 2013, was a comprehensive bill to update the Education Code regarding open-enrollment charter schools. One provision included in the bill prohibits the commissioner of education (commissioner) from granting more than one charter to any single charter holder, and permits the commissioner to consolidate charter holders with multiple charters. This provision sought to streamline and consolidate regulations and paperwork at the agency, as well as free up spaces under the limit on the number of charters allowed in law.

As a result, a number of charter holders with multiple charters have had their charters consolidated into one charter. This has created an unintended consequence for a few charters that had previously held separate charters due to the different school missions. One charter holder may run one campus with a college-prep mission, and another with a dropout recovery mission. Interested parties contend that this creates confusion within the accountability system. S.B. 1897 seeks to authorize the commissioner to grant more than one charter for a holder if they have multiple campuses that serve different student populations.

In addition, under S.B. 2, the commissioner is required to revoke or non-renew any charter that does not meet the strict performance requirements outlined in the bill. As a result, many of the revoked charters have sought to have their charter reconstituted rather than closed in order for the students to continue to be served in the school.

S.B. 1897 would provide the commissioner the authority to allow the reconstitution of the governing body of a charter if the governing body of the charter resigns, nominates new members for appointment, and appoints new management, subject to the commissioner's approval.

As proposed, S.B. 1897 amends current law relating to the powers and duties of the commissioner of education regarding open-enrollment charter schools.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 12.1016, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter D, Chapter 12, Education Code, by adding Sections 12.1016 and 12.1152, as follows:

Sec. 12.1016. ADDITIONAL CHARTER FOR OPEN-ENROLLMENT CHARTER SCHOOLS ALLOWED. (a) Authorizes the commissioner of education (commissioner), notwithstanding Section 12.101(b-3) (prohibiting the commissioner from granting more than one charter for an open-enrollment charter school to any charter holder), to grant more than one charter for an open-enrollment charter school to a charter holder if the additional charter is for an open-enrollment charter school that has a different purpose or serves a different student population from the charter holder's existing open-enrollment charter school or schools.

(b) Requires the commissioner by rule to determine the types of open-enrollment charter schools that have a different purpose or serve a different student population for purposes of this section. Requires that the rules account for the following types of open-enrollment charter schools:

- (1) an open-enrollment charter school that serves a general student population;
- (2) an alternative education open-enrollment charter school that serves students who:
  - (A) have dropped out of school; or
  - (B) are students at risk of dropping out of school, as defined by Section 29.081 (Compensatory, Intensive, and Accelerated Instruction);
- (3) an open-enrollment charter school operating under a charter granted under Section 12.1014 (Authorization for Grant of Charters for Schools Primarily Serving Students with Disabilities);
- (4) a virtual open-enrollment charter school that only provides electronic courses through the state virtual school network;
- (5) a college preparation open-enrollment charter school; and
- (6) any other open-enrollment charter school that serves a distinct student population, as determined by commissioner rule.

Sec. 12.1152. RECONSTITUTION OF GOVERNING BODY INSTEAD OF REVOCATION OR EXPIRATION OF CHARTER. (a) Provides that the charter of an open-enrollment charter school that is subject to expiration under Section 12.1141(d) (prohibiting the commissioner from renewing a charter for an open-enrollment charter school and allowing the charter to expire under certain conditions) or subject to revocation under Section 12.115(a) (requiring the commissioner to revoke the charter of an open-enrollment charter school or reconstitute the governing body of the charter holder under certain conditions) or (c) (requiring the commissioner to revoke the charter of an open-enrollment charter school under certain conditions) may not expire or be revoked, and the commissioner shall allow reconstitution of the governing body of the charter holder, if:

- (1) the members of the governing body of the charter holder:
  - (A) nominate new members for the governing body to be appointed by the commissioner; and
  - (B) immediately resign, unless a member is reappointed by the commissioner;
- (2) the reconstituted governing body appoints new management of the charter school; and
- (3) the commissioner approves the reconstitution.

(b) Authorizes the governing body of a charter holder to be reconstituted under this section only once.

SECTION 2. Provides that this Act applies beginning with the 2015-2016 school year.

SECTION 3. Effective date: upon passage or September 1, 2015.