

By: Taylor of Galveston

S.B. No. 1897

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of the commissioner of education regarding open-enrollment charter schools.

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

SECTION 1. Subchapter D, Chapter 12, Education Code, is amended by adding Sections 12.1016 and 12.1152 to read as follows:

Sec. 12.1016. ADDITIONAL CHARTER FOR OPEN-ENROLLMENT CHARTER SCHOOLS ALLOWED. (a) Notwithstanding Section 12.101(b-3), the commissioner may 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) The commissioner by rule shall determine the types of open-enrollment charter schools that have a different purpose or serve a different student population for purposes of this section. The rules must 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

1                   (B) are students at risk of dropping out of  
2 school, as defined by Section 29.081;

3                   (3) an open-enrollment charter school operating under  
4 a charter granted under Section 12.1014;

5                   (4) a virtual open-enrollment charter school that only  
6 provides electronic courses through the state virtual school  
7 network;

8                   (5) a college preparation open-enrollment charter  
9 school; and

10                   (6) any other open-enrollment charter school that  
11 serves a distinct student population, as determined by commissioner  
12 rule.

13                   Sec. 12.1152. RECONSTITUTION OF GOVERNING BODY INSTEAD OF  
14 REVOCAION OR EXPIRATION OF CHARTER. (a) The charter of an  
15 open-enrollment charter school that is subject to expiration under  
16 Section 12.1141(d) or subject to revocation under Section 12.115(a)  
17 or (c) may not expire or be revoked, and the commissioner shall  
18 allow reconstitution of the governing body of the charter holder,  
19 if:

20                   (1) the members of the governing body of the charter  
21 holder:

22                   (A) nominate new members for the governing body  
23 to be appointed by the commissioner; and

24                   (B) immediately resign, unless a member is  
25 reappointed by the commissioner;

26                   (2) the reconstituted governing body appoints new  
27 management of the charter school; and

1           (3) the commissioner approves the reconstitution.

2           (b) The governing body of a charter holder may be  
3 reconstituted under this section only once.

4           SECTION 2. This Act applies beginning with the 2015-2016  
5 school year.

6           SECTION 3. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2015.