

BILL ANALYSIS

C.S.H.B. 1023
By: Simmons
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

According to interested parties, no more than one charter can be granted to the charter holder of an open-enrollment charter school, and the parties suggest that this limitation might discourage charter schools from establishing certain specialized academic programs. C.S.H.B. 1023 seeks to address this issue by authorizing the granting of additional charters for certain open-enrollment charter schools.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1023 amends the Education Code to require the commissioner of education, on written request from a charter holder, to grant a charter for an open-enrollment charter school to a charter holder if the additional charter is for an open-enrollment charter school that will continue a campus operated by the charter holder and, as of January 1, 2013, the campus primarily serves students with disabilities or provides a full-time online program eligible for foundation school program funding. The bill requires the commissioner to grant such a charter not later than the 30th day after the date the commissioner receives the request from a charter holder.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1023 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

| INTRODUCED | HOUSE COMMITTEE SUBSTITUTE |
|---|---|
| SECTION 1. Subchapter D, Chapter 12, Education Code, is amended by adding Section 12.1015 to read as follows: | SECTION 1. Subchapter D, Chapter 12, Education Code, is amended by adding Section 12.1015 to read as follows: |

Sec. 12.1015. 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 distinct purpose or student population.

(b) The commissioner by rule shall identify various types of open-enrollment charter schools to be used to determine if an open-enrollment charter school has a distinct purpose or will serve a different student population for purposes of this section. The commissioner may award a charter under Subsection (a) if the commissioner determines the charter will serve a distinct purpose or student population regardless of whether the type of school for which the charter is sought has been identified by the commissioner.

(c) The rules adopted under Subsection (b) must account for the following types of open-enrollment charter schools:

(1) an open-enrollment charter school that serves a general student population through a distinctly different educational model;

(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;

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

(4) a virtual open-enrollment charter school; and

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

SECTION 2. This Act applies beginning

Sec. 12.1015. ADDITIONAL CHARTER FOR OPEN-ENROLLMENT CHARTER SCHOOLS ALLOWED. (a) Notwithstanding Section 12.101(b-3), on written request from a charter holder, the commissioner shall grant a charter for an open-enrollment charter school to a charter holder if:

(1) the additional charter is for an open-enrollment charter school that will continue a campus operated by the charter holder; and

(2) as of January 1, 2013, the campus:

(A) primarily serves students with disabilities under Section 12.1014; or

(B) provides a full-time online program eligible for funding under Section 30A.153.

(b) The commissioner shall grant a charter under this section not later than the 30th day after the date the commissioner receives a request under Subsection (a).

No equivalent provision.

with the 2017-2018 school year.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

SECTION 2. Same as introduced version.