

BILL ANALYSIS

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S.B. 1061
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2013, with the number of charter school operators growing in Texas, the legislature approved several reforms to facilitate charter school growth. One of those changes included increasing the statutory cap on the number of charters operating in Texas from 215 to 270 by year 2017, and 285 in year 2018. In the interest of encouraging more charter operators to open schools, the 2013 reforms prohibited the commissioner of education (commissioner) from granting more than one charter for an open-enrollment charter school to any charter holder.

Interested parties observe that the limitation of one charter per operator unnecessarily limits the number of charter programs that an operator may offer in Texas. For example, a charter operator that runs a dropout recovery school under one charter cannot open a special education-focused school under another charter even though the operator has the expertise to operate both types of schools. Interested parties further observe that with the number of active charters (186) well below the 2017 statutory cap (270), the opportunity exists to permit charter school operators to run more than one type of charter without excluding other operators from participating in Texas.

S.B. 1061 authorizes the commissioner to grant an additional charter to a charter holder, if that additional charter is for a specific purpose or student population. Specifically, S.B. 1061 authorizes the commissioner to grant additional charters for schools that serve a general student population through a distinctly different educational model (e.g., STEM, autism, or classical focused), alternative education schools that serve student drop outs or at-risk students, schools serving students with disabilities, virtual schools, and schools that serve a distinct student population as determined by commissioner rule. This change authorizes the commissioner to grant more than one charter to an operator in those limited cases where the operator can offer an educational program that differs from their current model.

As proposed, S.B. 1061 amends current law relating to the powers and duties of the commissioner of education regarding granting additional charters for open-enrollment charter schools.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 12.1015, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 12, Education Code, by adding Section 12.1015, as follows:

Sec. 12.1015. ADDITIONAL CHARTER FOR OPEN-ENROLLMENT CHARTER SCHOOLS ALLOWED. (a) Authorizes the commissioner of education (commissioner), notwithstanding Section 12.101(b-3) (relating to 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 distinct purpose or student population.

(b) Requires the commissioner by rule to 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. Authorizes the commissioner to 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) Requires the rules adopted under Subsection (b) to 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 have dropped out of school or 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; and

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

SECTION 2. Provides that this Act applies beginning with the 2017-2018 school year.

SECTION 3. Effective date: upon passage or September 1, 2017.