

BILL ANALYSIS

Senate Research Center
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S.B. 1373
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Intergovernmental Relations
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This is a constituent-driven bill that was brought to the office from Castle Hills, a small municipality within San Antonio. Castle Hills has run into a loophole that prohibits a small municipality from having proper zoning authority of open-enrollment charter schools that guarantees safety for the students. A charter school has bought a 5-acre plot of land within a neighborhood that is zoned for residential purposes only. The school has plans to enroll 1,000 students grades six through 12. Instead of conforming with safe zoning protocol, this school will be built on an extremely narrow road without sidewalks, jeopardizing the safety of students and families in the neighborhood. The new congestion of 1,000 students will inhibit traffic flow out of the neighborhood by local residents. The City of Castle Hills and the Texas Department of Transportation call this construction "a disaster in the making." According to the Texas Transportation Institute, normally a middle school of this size would require 30 acres of land, not including sports fields. This type of school would not be built in this location if it had to conform to normal zoning ordinances.

S.B. 1373 would close the zoning loophole in order to uphold basic safety concerns when planning for a new charter school location. This bill is only bracketed for areas like Castle Hills to avoid unintended consequences that could occur by creating a rule change across the state. The bill will not be retroactive and will not interrupt the building of the current charter school plans in Castle Hills, but will set up a safeguard to protect from repeat occurrences in order to ensure proper safety and city guidelines.

As proposed, S.B. 1373 amends current law relating to the applicability of municipal zoning ordinances to certain open-enrollment charter schools.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 12.103, Education Code, by amending Subsection (c) and adding Subsections (d), (e), and (f), as follows:

(c) Provides that a campus of an open-enrollment charter school located in whole or in part in a municipality with a population of 20,000 or less, notwithstanding Subsection (a) and except as provided by Subsection (d), is not subject to a municipal zoning ordinance governing public schools.

(d) Provides that Subsection (c) does not apply to a campus of an open-enrollment charter school located wholly or partly in a municipality adjacent to or surrounded by a municipality that has a population of one million or more and is primarily located in a county with a population of 1.5 million or more.

(e) Prohibits a municipality exempt from the application of Subsection (c) under Subsection (d) from imposing a municipal zoning ordinance governing public schools on an open-enrollment charter school that was located in the municipality on September 1,

2017, or was planned for a location in the municipality before September 1, 2017, provided that one or more licenses, certificates, permits, approvals, or other forms of authorization by the municipality were required by law for the planned location and a completed application for the initial authorization was filed with the municipality before September 1, 2017.

(f) Provides that a completed application, for purposes of Subsection (e)(2)(B) (relating to a completed application for the initial authorization being filed with the municipality before a certain date), is filed if the application includes all documents and other information designated as required by the municipality in a written notice to the applicant.

SECTION 2. Effective date: September 1, 2017.