

By: Krause

H.B. No. 2185

A BILL TO BE ENTITLED

AN ACT

relating to the applicability of certain laws to open-enrollment charter schools.

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

SECTION 1. Section 12.1056, Education Code, is amended by adding Subsection (e) to read as follows:

(e) Immunity from liability and suit of an open-enrollment charter school is not waived unless immunity is expressly waived in a statute and that statute specifically states that the statute applies to an open-enrollment charter school.

SECTION 2. Section 12.1058, Education Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) Notwithstanding Subsection (a) or (b), an open-enrollment charter school operated by a tax exempt entity as described by Section 12.101(a)(3) is not considered to be a political subdivision, local government, or local governmental entity unless a ~~[the applicable]~~ statute specifically states that the statute applies to an open-enrollment charter school.

(d) Except as provided by Section 12.103(c), a municipality shall consider an open-enrollment charter school a school district for purposes of zoning, permitting, code compliance, and development.

SECTION 3. Subchapter A, Chapter 2007, Government Code, is

amended by adding Section 2007.0035 to read as follows:

Sec. 2007.0035. APPLICABILITY OF CHAPTER TO  
OPEN-ENROLLMENT CHARTER SCHOOL. An open-enrollment charter school  
established under Subchapter D, Chapter 12, Education Code, is not  
a political subdivision or governmental entity for purposes of this  
chapter.

SECTION 4. Section 395.022(b), Local Government Code, is  
amended to read as follows:

(b) A school district and an open-enrollment charter school  
are [~~is~~] not required to pay impact fees imposed under this chapter  
unless the board of trustees of the district or the governing body  
of the charter school consents to the payment of the fees by  
entering a contract with the political subdivision that imposes the  
fees. The contract may contain terms the board of trustees or  
governing body considers advisable to provide for the payment of  
the fees.

SECTION 5. 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.