

By: Collier

H.B. No. 3014

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the composition of the student body of an  
3 open-enrollment charter school.

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

5 SECTION 1. Section 12.111(a), Education Code, is amended to  
6 read as follows:

7 (a) Each charter granted under this subchapter must:

8 (1) describe the educational program to be offered,  
9 which must include the required curriculum as provided by Section  
10 28.002;

11 (2) provide that continuation of the charter is  
12 contingent on the status of the charter as determined under Section  
13 12.1141 or 12.115 or under Subchapter E, Chapter 39;

14 (3) specify the academic, operational, and financial  
15 performance expectations by which a school operating under the  
16 charter will be evaluated, which must include applicable elements  
17 of the performance frameworks adopted under Section 12.1181;

18 (4) specify:

19 (A) any basis, in addition to a basis specified  
20 by this subchapter or Subchapter E, Chapter 39, on which the charter  
21 may be revoked, renewal of the charter may be denied, or the charter  
22 may be allowed to expire; and

23 (B) the standards for evaluation of a school  
24 operating under the charter for purposes of charter renewal, denial

1 of renewal, expiration, revocation, or other intervention in  
2 accordance with Section 12.1141 or 12.115 or Subchapter E, Chapter  
3 39, as applicable;

4 (5) prohibit discrimination in admission policy on the  
5 basis of sex, national origin, ethnicity, religion, disability,  
6 academic, artistic, or athletic ability, or, subject to Section  
7 12.1173, the district the child would otherwise attend in  
8 accordance with this code, although the charter may:

9 (A) provide for the exclusion of a student who  
10 has a documented history of a criminal offense, a juvenile court  
11 adjudication, or discipline problems under Subchapter A, Chapter  
12 37; and

13 (B) provide for an admission policy that requires  
14 a student to demonstrate artistic ability if the school specializes  
15 in performing arts;

16 (6) specify the grade levels to be offered;

17 (7) describe the governing structure of the program,  
18 including:

19 (A) the officer positions designated;

20 (B) the manner in which officers are selected and  
21 removed from office;

22 (C) the manner in which members of the governing  
23 body of the school are selected and removed from office;

24 (D) the manner in which vacancies on that  
25 governing body are filled;

26 (E) the term for which members of that governing  
27 body serve; and

- 1 (F) whether the terms are to be staggered;
- 2 (8) specify the powers or duties of the governing body  
3 of the school that the governing body may delegate to an officer;
- 4 (9) specify the manner in which the school will  
5 distribute to parents information related to the qualifications of  
6 each professional employee of the program, including any  
7 professional or educational degree held by each employee, a  
8 statement of any certification under Subchapter B, Chapter 21, held  
9 by each employee, and any relevant experience of each employee;
- 10 (10) describe the process by which the person  
11 providing the program will adopt an annual budget;
- 12 (11) describe the manner in which an annual audit of  
13 the financial and programmatic operations of the program is to be  
14 conducted, including the manner in which the person providing the  
15 program will provide information necessary for the school district  
16 in which the program is located to participate, as required by this  
17 code or by commissioner rule, in the Public Education Information  
18 Management System (PEIMS);
- 19 (12) describe the facilities to be used;
- 20 (13) describe the geographical area served by the  
21 program;
- 22 (14) specify any type of enrollment criteria to be  
23 used;
- 24 (15) provide information, as determined by the  
25 commissioner, relating to any management company that will provide  
26 management services to a school operating under the charter; and
- 27 (16) specify that the governing body of an

1 open-enrollment charter school accepts and may not delegate  
2 ultimate responsibility for the school, including the school's  
3 academic performance and financial and operational viability, and  
4 is responsible for overseeing any management company providing  
5 management services for the school and for holding the management  
6 company accountable for the school's performance.

7 SECTION 2. Subchapter D, Chapter 12, Education Code, is  
8 amended by adding Section 12.1173 to read as follows:

9 Sec. 12.1173. ADMISSION PREFERENCE FOR CERTAIN STUDENTS.

10 (a) The governing body of an open-enrollment charter school shall  
11 adopt and implement admission procedures designed to ensure that  
12 students who reside in the attendance zone of the school district  
13 within the boundaries of which the school is located represent a  
14 majority of the school's total enrollment.

15 (b) To the extent necessary to achieve the result described  
16 by Subsection (a):

17 (1) a governing body that uses a lottery to fill  
18 available positions, as authorized by Section 12.117, may conduct  
19 separate lotteries for students who reside in the attendance zone  
20 of the school district within the boundaries of which the school is  
21 located and for students who do not reside in that attendance zone;  
22 and

23 (2) a governing body that fills available positions  
24 based on the order in which applications were received, as  
25 authorized by Section 12.117, may fill available positions based on  
26 the order in which applications were received from students who  
27 reside in the attendance zone of the school district within the

1 boundaries of which the school is located before filling available  
2 positions with students who do not reside in that attendance zone.

3 (c) The commissioner shall decline to renew the charter of  
4 an open-enrollment charter school if the commissioner determines  
5 that the governing body of the open-enrollment charter school has  
6 not complied with this section, unless the commissioner determines  
7 that the governing body made a good faith effort to comply but was  
8 unable to achieve the result described by Subsection (a).

9 SECTION 3. (a) Section 12.1173, Education Code, as added by  
10 this Act, applies to each open-enrollment charter school authorized  
11 under Subchapter D, Chapter 12, Education Code. A school in  
12 operation before the effective date of this Act shall adopt and  
13 implement the required procedures as soon as possible and shall  
14 achieve the required student body composition by not later than the  
15 third anniversary of the effective date of this Act. A school that  
16 begins operation on or after the effective date of this Act shall  
17 adopt and implement the required procedures as soon as possible and  
18 shall achieve the required student body composition beginning with  
19 the first school year of operation.

20 (b) Section 12.1173, Education Code, as added by this Act,  
21 does not affect the ability of a student enrolled in an  
22 open-enrollment charter school during the 2016-2017 school year to  
23 continue attending that school as long as the student maintains  
24 enrollment during consecutive school years.

25 (c) A sibling of a student described by Subsection (b) of  
26 this section who seeks admission for any school year to the same  
27 open-enrollment charter school as attended by the student described

1 by Subsection (b) during the 2016-2017 school year shall be  
2 considered for purposes of admission as a student who resides in the  
3 attendance zone of the school district within the boundaries of  
4 which the school is located, regardless of the student's actual  
5 residence.

6 SECTION 4. This Act applies beginning with the 2017-2018  
7 school year.

8 SECTION 5. This Act takes effect immediately if it receives  
9 a vote of two-thirds of all the members elected to each house, as  
10 provided by Section 39, Article III, Texas Constitution. If this  
11 Act does not receive the vote necessary for immediate effect, this  
12 Act takes effect September 1, 2017.