

By: Dutton

H.B. No. 3800

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 12.1058(c), Education Code, is amended 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:

(1) the applicable statute specifically states that the statute applies to an open-enrollment charter school; or

(2) a provision in this chapter states that a specific statute applies to an open-enrollment charter school.

SECTION 2. Chapter 617, Government Code, is amended by adding Section 617.0025 to read as follows:

Sec. 617.0025. APPLICABILITY OF CHAPTER TO OPEN-ENROLLMENT CHARTER SCHOOL. (a) An open-enrollment charter school established under Subchapter D, Chapter 12, Education Code, is a political subdivision for purposes of this chapter.

(b) A member of the governing body of a charter holder, a member of the governing body of an open-enrollment charter school, and an officer of an open-enrollment charter school are considered

1 to be officials of a political subdivision and an employee of an
2 open-enrollment charter school is considered to be a public
3 employee under this chapter.

4 SECTION 3. With respect to Section 617.0025, Government
5 Code, as added by this Act, if an open-enrollment charter school
6 entered into a collective bargaining contract with a labor
7 organization before the effective date of this Act, Chapter 617,
8 Government Code, does not apply during the term of that contract. A
9 collective bargaining contract entered into before the effective
10 date of this Act may not be renewed.

11 SECTION 4. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2017.