

By: Hughes, Bettencourt

S.B. No. 1838

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, Education Code, is amended by adding Subsection (d) to read as follows:

(d) In adopting or enforcing ordinances for purposes of zoning, permitting, code compliance, and development, a municipality may not treat an open-enrollment charter school differently than a school district.

SECTION 2. The heading to Section 212.902, Local Government Code, is amended to read as follows:

Sec. 212.902. SCHOOL DISTRICT AND OPEN-ENROLLMENT CHARTER SCHOOL LAND DEVELOPMENT STANDARDS.

SECTION 3. Sections 212.902(a), (b), (c), (d), and (f), Local Government Code, are amended to read as follows:

(a) This section applies to an agreement [~~agreements~~] between a school district or open-enrollment charter school [~~districts~~] and a [~~any~~] municipality which has annexed territory for limited purposes.

(b) On request by a school district or open-enrollment charter school, a municipality shall enter an agreement with the board of trustees of the school district or the governing body of the open-enrollment charter school to establish review fees, review

1 periods, and land development standards ordinances and to provide
2 alternative water pollution control methodologies for school
3 buildings constructed by the school district or open-enrollment
4 charter school. The agreement shall include a provision exempting
5 the district or charter school from all land development ordinances
6 in cases where the district or charter school is adding temporary
7 classroom buildings on an existing school campus.

8 (c) If the municipality and the school district or
9 open-enrollment charter school do not reach an agreement on or
10 before the 120th day after the date on which the municipality
11 receives the district's or charter school's request for an
12 agreement, proposed agreements by the [~~school~~] district or charter
13 school and the municipality shall be submitted to an independent
14 arbitrator appointed by the presiding district judge whose
15 jurisdiction includes the [~~school~~] district or charter school. The
16 arbitrator shall, after a hearing at which both the [~~school~~]
17 district or charter school and the municipality make presentations
18 on their proposed agreements, prepare an agreement resolving any
19 differences between the proposals. The agreement prepared by the
20 arbitrator will be final and binding upon both the [~~school~~]
21 district or charter school and the municipality. The cost of the
22 arbitration proceeding shall be borne equally by the [~~school~~]
23 district or charter school and the municipality.

24 (d) A school district or open-enrollment charter school
25 that requests an agreement under this section, at the time the
26 district or charter school [~~it~~] makes the request, shall send a copy
27 of the request to the commissioner of education. At the end of the

1 120-day period, the requesting district or charter school shall
2 report to the commissioner the status or result of negotiations
3 with the municipality. A municipality may send a separate status
4 report to the commissioner. The district or charter school shall
5 send to the commissioner a copy of each agreement between the
6 district or charter school and a municipality under this section.

7 (f) Nothing in this section shall be construed to limit the
8 applicability of or waive fees for fire, safety, health, or
9 building code ordinances of the municipality prior to or during
10 construction of school buildings, nor shall any agreement waive any
11 fee or modify any ordinance of a municipality for an
12 administration, service, or athletic facility proposed for
13 construction by a school district or open-enrollment charter
14 school.

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

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

25 SECTION 5. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2017.