

BILL ANALYSIS

C.S.H.B. 43
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Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There are concerns about charter schools excluding applicants based on a student's disciplinary history. C.S.H.B. 43 seeks to address these concerns by prohibiting open-enrollment charter schools from discriminating on the basis of an applicant's disciplinary history.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 43 amends the Education Code to require the charter for an open-enrollment charter school to prohibit discrimination in admission policy on the basis of discipline history. The bill replaces the authorization for the charter to provide for the exclusion of a student who has a documented history of a criminal offense, a juvenile court adjudication, or discipline problems with an authorization for the charter to provide for the exclusion of a student who is currently placed in a disciplinary alternative education program, placed in a juvenile justice alternative education program, or subject to an order of expulsion from a public school district or charter school.

C.S.H.B. 43 authorizes a charter to provide for the exclusion of a student from a charter school campus that includes a child-care facility based on the student's conviction for a criminal offense that would preclude the student from being admitted to a school district campus that includes a child-care facility. The bill prohibits an application for admission to a charter school or any communication with the applicant or with the school in which the applicant is currently enrolled from including a request for information regarding the applicant's discipline history, with certain exceptions. The bill applies beginning with the 2019-2020 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 43 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not limit the authorization for a charter to provide for the exclusion of a student based on the student's documented history of a criminal offense, a juvenile court adjudication, or discipline problems to a charter school that has an enrollment of which at least 75 percent of the students are 18 years of age or older as of September 1 of the school year. The substitute includes provisions that replace such authorization with the following instead:

- an authorization for a charter to provide for the exclusion of a student who is currently placed in a disciplinary alternative education program, placed in a juvenile justice alternative education program, or subject to an order of expulsion from a public school district or charter school; and
- an authorization for a charter to provide for the exclusion of a student from a charter school campus that includes a child-care facility based on the student's conviction for a criminal offense that would preclude the student from being admitted to a school district campus that includes a child-care facility.

The substitute includes a provision that prohibits an application for admission to a charter school or certain related communications from including a request for information regarding the applicant's discipline history, with certain exceptions.

The substitute specifies that its provisions apply beginning with the 2019-2020 school year.

The substitute revises the bill's effective date by providing for immediate effect if the bill receives the necessary vote.