86R9008 MP-D

By:  Davis of Dallas H.B. No. 1730

A BILL TO BE ENTITLED

AN ACT

relating to the approval of the establishment or expansion of an open-enrollment charter school.

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

SECTION 1.  Section 12.101(b-4), Education Code, is amended to read as follows:

(b-4)  Notwithstanding Section 12.114, approval of the commissioner under that section is not required for establishment of a new open-enrollment charter school campus if the requirements of this subsection are satisfied. A charter holder having an accreditation status of accredited and at least 50 percent of its student population in grades assessed under Subchapter B, Chapter 39, or at least 50 percent of the students in the grades assessed having been enrolled in the school for at least three school years may establish one or more new campuses under an existing charter held by the charter holder if:

(1)  the charter holder is currently evaluated under the standard accountability procedures for evaluation under Chapter 39 and received a district rating in the highest or second highest performance rating category under Subchapter C, Chapter 39, for three of the last five years with at least 75 percent of the campuses rated under the charter also receiving a rating in the highest or second highest performance rating category and with no campus with a rating in the lowest performance rating category in the most recent ratings;

(2)  the charter holder provides written notice to the commissioner of the establishment of any campus under this subsection in the time, manner, and form provided by rule of the commissioner; [~~and~~]

(3)  the new campus will not be located within one mile of another open-enrollment charter school campus, unless the other campus has been operating at the maximum student enrollment described by the other school's charter for at least the preceding two school years; and

(4)  not later than the 60th day after the date the charter holder provides written notice under Subdivision (2), the commissioner does not provide written notice to the charter holder that the commissioner has determined that the charter holder does not satisfy the requirements of this section.

SECTION 2.  Section 12.110, Education Code, is amended by adding Subsection (f) to read as follows:

(f)  The commissioner shall deny an application for a charter for an open-enrollment charter school that the applicant proposes to be located within one mile of another open-enrollment charter school campus, unless the other campus has been operating at the maximum student enrollment described by the other school's charter for at least the preceding two school years.

SECTION 3.  Section 12.114, Education Code, is amended by adding Subsection (f) to read as follows:

(f)  The commissioner shall deny a request for a revision in which the applicant proposes an open-enrollment charter school campus or site to be located within one mile of another open-enrollment charter school campus, unless the other campus has been operating at the maximum student enrollment described by the other school's charter for at least the preceding two school years.

SECTION 4.  The changes in law made by this Act apply only to an application for a charter for an open-enrollment charter school, notice of the establishment of an open-enrollment charter school campus, or a request for a revision to the charter of an open-enrollment charter school submitted on or after the effective date of this Act.

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, 2019.