

By: Hinojosa, Allen, Bailes, Dutton,
VanDeaver, et al.

H.B. No. 43

Substitute the following for H.B. No. 43:

By: González of El Paso

C.S.H.B. No. 43

A BILL TO BE ENTITLED

AN ACT

relating to the admission policy of an open-enrollment charter
school.

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

SECTION 1. Section 12.111, Education Code, is amended by
amending Subsection (a) and adding Subsection (a-1) to read as
follows:

(a) Each charter granted under this subchapter must:

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

(2) provide that continuation of the charter is
contingent on the status of the charter as determined under Section
12.1141 or 12.115 or under Chapter 39A;

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

(4) specify:

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

(B) the standards for evaluation of a school

1 operating under the charter for purposes of charter renewal, denial
2 of renewal, expiration, revocation, or other intervention in
3 accordance with Section 12.1141 or 12.115 or Chapter 39A, as
4 applicable;

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

10 (A) provide for the exclusion of a student who is
11 currently:

12 (i) placed in a disciplinary alternative
13 education program or a juvenile justice alternative education
14 program; or

15 (ii) subject to an order of expulsion from a
16 school district or open-enrollment charter school [~~has a documented~~
17 ~~history of a criminal offense, a juvenile court adjudication, or~~
18 ~~discipline problems under Subchapter A, Chapter 37~~]; and

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

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

23 (7) describe the governing structure of the program,
24 including:

25 (A) the officer positions designated;

26 (B) the manner in which officers are selected and
27 removed from office;

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

3 (D) the manner in which vacancies on that
4 governing body are filled;

5 (E) the term for which members of that governing
6 body serve; and

7 (F) whether the terms are to be staggered;

8 (8) specify the powers or duties of the governing body
9 of the school that the governing body may delegate to an officer;

10 (9) specify the manner in which the school will
11 distribute to parents information related to the qualifications of
12 each professional employee of the program, including any
13 professional or educational degree held by each employee, a
14 statement of any certification under Subchapter B, Chapter 21, held
15 by each employee, and any relevant experience of each employee;

16 (10) describe the process by which the person
17 providing the program will adopt an annual budget;

18 (11) describe the manner in which an annual audit of
19 the financial and programmatic operations of the program is to be
20 conducted, including the manner in which the person providing the
21 program will provide information necessary for the school district
22 in which the program is located to participate, as required by this
23 code or by commissioner rule, in the Public Education Information
24 Management System (PEIMS);

25 (12) describe the facilities to be used;

26 (13) describe the geographical area served by the
27 program;

1 (14) specify any type of enrollment criteria to be
2 used;

3 (15) provide information, as determined by the
4 commissioner, relating to any management company that will provide
5 management services to a school operating under the charter; and

6 (16) specify that the governing body of an
7 open-enrollment charter school accepts and may not delegate
8 ultimate responsibility for the school, including the school's
9 academic performance and financial and operational viability, and
10 is responsible for overseeing any management company providing
11 management services for the school and for holding the management
12 company accountable for the school's performance.

13 (a-1) Notwithstanding Subsection (a)(5), a charter granted
14 under this subchapter may provide for the exclusion of a student
15 from an open-enrollment charter school campus that includes a
16 child-care facility based on the student's conviction for a
17 criminal offense that would preclude the student from being
18 admitted to a school district campus that includes a child-care
19 facility.

20 SECTION 2. Section [12.117](#), Education Code, is amended by
21 adding Subsection (a-1) to read as follows:

22 (a-1) An application required under Subsection (a) or any
23 communication with the applicant or with the school in which the
24 applicant is currently enrolled may not include a request for
25 information regarding the applicant's discipline history except
26 for a disciplinary action described by Section [12.111\(a\)\(5\)\(A\)](#) or a
27 notice of disciplinary action under Section [37.022](#).

1 SECTION 3. This Act applies beginning with the 2019-2020
2 school year.

3 SECTION 4. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2019.