

By: Davis of Dallas

H.B. No. 1730

Substitute the following for H.B. No. 1730:

By: Ashby

C.S.H.B. No. 1730

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the approval of the establishment or expansion of
3 open-enrollment charter schools and the application of facility
4 standards to those schools.

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

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

8 (b-4) Notwithstanding Section 12.114, approval of the
9 commissioner under that section is not required for establishment
10 of a new open-enrollment charter school campus if the requirements
11 of this subsection are satisfied. A charter holder having an
12 accreditation status of accredited and at least 50 percent of its
13 student population in grades assessed under Subchapter B, Chapter
14 39, or at least 50 percent of the students in the grades assessed
15 having been enrolled in the school for at least three school years
16 may establish one or more new campuses under an existing charter
17 held by the charter holder if:

18 (1) the charter holder is currently evaluated under
19 the standard accountability procedures for evaluation under
20 Chapter 39 and received a district rating in the highest or second
21 highest performance rating category under Subchapter C, Chapter 39,
22 for three of the last five years with at least 75 percent of the
23 campuses rated under the charter also receiving a rating in the
24 highest or second highest performance rating category and with no

1 campus with a rating in the lowest performance rating category in
2 the most recent ratings;

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

7 (3) the new campus will not be located within one mile
8 of another open-enrollment charter school campus, unless:

9 (A) the new campus will:

10 (i) be an adult high school diploma and
11 industry certification charter school established under Section
12 29.259; or

13 (ii) serve students in a residential
14 treatment center or juvenile detention facility; or

15 (B) the other campus has been operating at the
16 maximum student enrollment described by the other school's charter
17 for at least the preceding two school years; and

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

23 SECTION 2. Section 12.104(b), Education Code, as amended by
24 Chapters 324 (S.B. 1488), 522 (S.B. 179), and 735 (S.B. 1153), Acts
25 of the 85th Legislature, Regular Session, 2017, is reenacted and
26 amended to read as follows:

27 (b) An open-enrollment charter school is subject to:

1 (1) a provision of this title establishing a criminal
2 offense; and

3 (2) a prohibition, restriction, or requirement, as
4 applicable, imposed by this title or a rule adopted under this
5 title, relating to:

6 (A) the Public Education Information Management
7 System (PEIMS) to the extent necessary to monitor compliance with
8 this subchapter as determined by the commissioner;

9 (B) criminal history records under Subchapter C,
10 Chapter 22;

11 (C) reading instruments and accelerated reading
12 instruction programs under Section 28.006;

13 (D) accelerated instruction under Section
14 28.0211;

15 (E) high school graduation requirements under
16 Section 28.025;

17 (F) special education programs under Subchapter
18 A, Chapter 29;

19 (G) bilingual education under Subchapter B,
20 Chapter 29;

21 (H) prekindergarten programs under Subchapter E
22 or E-1, Chapter 29;

23 (I) extracurricular activities under Section
24 33.081;

25 (J) discipline management practices or behavior
26 management techniques under Section 37.0021;

27 (K) health and safety under Chapter 38;

1 (L) public school accountability under
2 Subchapters B, C, D, F, G, and J, Chapter 39, and Chapter 39A;

3 (M) the requirement under Section 21.006 to
4 report an educator's misconduct;

5 (N) intensive programs of instruction under
6 Section 28.0213;

7 (O) the right of a school employee to report a
8 crime, as provided by Section 37.148; ~~and~~

9 (P) bullying prevention policies and procedures
10 under Section 37.0832;

11 (Q) the right of a school under Section 37.0052
12 to place a student who has engaged in certain bullying behavior in a
13 disciplinary alternative education program or to expel the student;
14 ~~and~~

15 (R) the right under Section 37.0151 to report to
16 local law enforcement certain conduct constituting assault or
17 harassment;

18 (S) [~~(P)~~] a parent's right to information
19 regarding the provision of assistance for learning difficulties to
20 the parent's child as provided by Sections 26.004(b)(11) and
21 26.0081(c) and (d); and

22 (T) school facility standards established under
23 Section 42.352.

24 SECTION 3. Section 12.110, Education Code, is amended by
25 adding Subsection (f) to read as follows:

26 (f) The commissioner shall deny an application for a charter
27 for an open-enrollment charter school that the applicant proposes

1 to be located within one mile of another open-enrollment charter
2 school campus, unless:

3 (1) the proposed school will:

4 (A) be an adult high school diploma and industry
5 certification charter school established under Section 29.259; or

6 (B) serve students in a residential treatment
7 center or juvenile detention facility; or

8 (2) the other campus has been operating at the maximum
9 student enrollment described by the other school's charter for at
10 least the preceding two school years.

11 SECTION 4. Section 12.114, Education Code, is amended by
12 adding Subsection (f) to read as follows:

13 (f) The commissioner shall deny a request for a revision in
14 which the applicant proposes an open-enrollment charter school
15 campus or site to be located within one mile of another
16 open-enrollment charter school campus, unless:

17 (1) the proposed campus or site will:

18 (A) be an adult high school diploma and industry
19 certification charter school established under Section 29.259; or

20 (B) serve students in a residential treatment
21 center or juvenile detention facility; or

22 (2) the other campus has been operating at the maximum
23 student enrollment described by the other school's charter for at
24 least the preceding two school years.

25 SECTION 5. The changes in law made by this Act apply only to
26 an application for a charter for an open-enrollment charter school,
27 notice of the establishment of an open-enrollment charter school

1 campus, or a request for a revision to the charter of an
2 open-enrollment charter school submitted on or after the effective
3 date of this Act.

4 SECTION 6. To the extent of any conflict, this Act prevails
5 over another Act of the 86th Legislature, Regular Session, 2019,
6 relating to nonsubstantive additions to and corrections in enacted
7 codes.

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