

By: Davis of Dallas

H.B. No. 1730

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

1 the most recent ratings;

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

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

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

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

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

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

26 (f) The commissioner shall deny a request for a revision in
27 which the applicant proposes an open-enrollment charter school

1 campus or site to be located within one mile of another
2 open-enrollment charter school campus, unless the other campus has
3 been operating at the maximum student enrollment described by the
4 other school's charter for at least the preceding two school years.

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

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