

By: Allison

H.B. No. 2760

A BILL TO BE ENTITLED

AN ACT

relating to the requirements for an application for or a request for the revision of a charter for an open-enrollment charter school.

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

SECTION 1. Section 12.1012, Education Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Expansion amendment" means an amendment to the charter of an open-enrollment charter school that permits the school to increase its maximum allowable enrollment, extend the grade levels it serves, change its geographic boundaries, or add a campus or site.

SECTION 2. Section 12.110(d), Education Code, is amended to read as follows:

(d) The commissioner shall approve or deny an application based on:

(1) documented evidence collected through the application review process;

(2) merit; ~~and~~

(3) the impact report prepared by the commissioner under Section 12.1102; and

(4) other criteria as adopted by the commissioner, which must include:

(A) criteria relating to the capability of the applicant to carry out the responsibilities provided by the charter

1 and the likelihood that the applicant will operate a school of high
2 quality; and

3 (B) criteria relating to improving student
4 performance and encouraging innovative programs[~~, and~~

5 [~~(C) a statement from any school district whose
6 enrollment is likely to be affected by the open-enrollment charter
7 school, including information relating to any financial difficulty
8 that a loss in enrollment may have on the district]~~].

9 SECTION 3. Section 12.1101, Education Code, is amended to
10 read as follows:

11 Sec. 12.1101. NOTIFICATION OF CHARTER APPLICATION OR
12 REQUEST FOR EXPANSION [~~ESTABLISHMENT OF CAMPUS~~]. The commissioner
13 by rule shall adopt a procedure for providing notice to the
14 following persons on receipt by the commissioner of an application
15 for a charter for an open-enrollment charter school under Section
16 12.110 or a request for approval of an expansion amendment to a
17 charter under Section 12.114 [~~of notice of the establishment of a~~
18 ~~campus as authorized under Section 12.101(b-4)]:~~

19 (1) the board of trustees of each school district from
20 which the proposed open-enrollment charter school or campus is
21 likely to draw students, as determined by the commissioner; and

22 (2) each member of the legislature that represents the
23 geographic area to be served by the proposed school or campus, as
24 determined by the commissioner.

25 SECTION 4. Subchapter D, Chapter 12, Education Code, is
26 amended by adding Section 12.1102 to read as follows:

27 Sec. 12.1102. IMPACT REPORT OF NEW OPEN-ENROLLMENT CHARTER

1 SCHOOL OR CAMPUS. (a) Before the commissioner may approve an
2 application for a charter for an open-enrollment charter school
3 under Section 12.110 or a request for an expansion amendment to a
4 charter under Section 12.114, the applicant or charter holder must
5 provide notice as required by Section 12.1101.

6 (b) A school district whose enrollment may be affected by a
7 new open-enrollment charter school or expansion of an existing
8 charter may submit a written statement to the commissioner stating
9 the impact the new school or expansion of the charter will have on
10 the school district. The commissioner must allow a school district
11 to submit a statement as provided by this section not less than 60
12 days after the date the school received notice of the new school or
13 charter expansion.

14 (c) The commissioner must issue an impact report on the
15 application for the new charter or the expansion of an existing
16 charter that includes:

17 (1) if applicable, an evaluation of the proximity of
18 the proposed location of the new open-enrollment charter school or
19 campus to existing school district campuses and the ability of
20 local communities to support a new open-enrollment charter school
21 or campus;

22 (2) an analysis of the educational effects on school
23 district campuses, including the availability and duplication of
24 programs, services, and resources;

25 (3) information regarding any financial burden that a
26 loss in student enrollment may cause a school district or district
27 campus;

1 (4) a summary of and response to any concern raised by
2 a school district or the public;

3 (5) a fiscal statement estimating costs for a
4 five-year period beginning the first day a new open-enrollment
5 charter school or campus begins classes, including costs relating
6 to:

7 (A) state revenue; and

8 (B) local school district revenue, including the
9 impact on Foundation School Program funding, equalized wealth
10 levels, and bonded indebtedness; and

11 (6) any written statement by a school district
12 received under Subsection (b).

13 (d) Not later than the 15th business day before the date the
14 commissioner holds a public hearing under Section 12.110 or
15 approves an application for a charter for an open-enrollment
16 charter school under Section 12.110 or a request for an expansion
17 amendment to a charter under Section 12.114, the commissioner
18 shall:

19 (1) make the impact report under Subsection (c)
20 available to the public on the agency's Internet website; and

21 (2) provide a copy of the impact report to:

22 (A) the applicant or charter holder; and

23 (B) the parties required to receive notice under
24 Section 12.1101.

25 (e) Not later than December 1 of each year, the Legislative
26 Budget Board shall submit a report to the governor and the
27 legislature documenting the financial impact of open-enrollment

1 charter schools on the state budget and on local school districts,
2 including the effect on school districts required to take action
3 under Chapter 41 to reduce equalized wealth levels.

4 SECTION 5. Section 12.114, Education Code, is amended by
5 amending Subsections (a) and (c) and adding Subsection (a-1) to
6 read as follows:

7 (a) A revision of a charter of an open-enrollment charter
8 school may be made only with the approval of the commissioner, in
9 coordination with a member of the State Board of Education
10 designated for the purpose by the chair of the board.

11 (a-1) The commissioner shall notify the State Board of
12 Education of each request for revision the commissioner proposes to
13 grant under this subchapter. Unless, before the 90th day after the
14 date on which the board receives the notice from the commissioner, a
15 majority of the members of the board present and voting vote against
16 the revision of the charter, the commissioner's proposal to grant
17 the revision to the charter takes effect. The board may not
18 deliberate or vote on any revision to a charter that is not proposed
19 by the commissioner.

20 (c) Not later than 14 months [~~the 60th day~~] after the date
21 that a charter holder submits to the commissioner a completed
22 request for approval for an expansion amendment, [~~as defined by~~
23 ~~commissioner rule, including a new school amendment,~~] the
24 commissioner shall provide to the charter holder written notice of
25 approval or disapproval of the amendment.

26 SECTION 6. Section 12.101(b-4), Education Code, is
27 repealed.

1 SECTION 7. The changes in law made by this Act apply only to
2 an application for a charter for an open-enrollment charter school
3 or a request for approval of a revision to the charter of an
4 open-enrollment charter school submitted on or after the effective
5 date of this Act.

6 SECTION 8. This Act takes effect September 1, 2019.