

By: Krause

H.B. No. 4437

A BILL TO BE ENTITLED

AN ACT

relating to notification about and location of an open-enrollment charter school or campus.

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

SECTION 1. Section 12.1101, Education Code, is amended to read as follows:

Sec. 12.1101. NOTIFICATION OF CHARTER APPLICATION OR ESTABLISHMENT OF CAMPUS. (a) The commissioner by rule shall adopt a procedure for providing timely notice to the following persons on receipt by the commissioner of a request or action that could affect a school district, including an application for a charter for an open-enrollment charter school under Section 12.110, [or of] notice of the establishment of a campus as authorized under Section 12.101(b-4), a request for approval of an expansion amendment under Section 12.114, or a request for approval to revise the maximum student enrollment submitted under Section 12.114:

(1) the board of trustees and superintendent of each affected school district that is located in or that serves the geographic area described in the charter, proposed charter, or revision or that is within 10 miles of the proposed location of the school or campus [~~from which the proposed open-enrollment charter school or campus is likely to draw students, as determined by the commissioner~~]; and

(2) each member of the legislature who [~~that~~]

1 represents an affected school district [~~the geographic area to be~~
2 ~~served by the proposed school or campus, as determined by the~~
3 ~~commissioner~~].

4 (b) For requests or actions related to establishment or
5 expansion of an open-enrollment charter school or campus, the
6 procedures for notice to persons listed under Subsection (a) must
7 require the notice to include sufficient specificity regarding the
8 proposed location of the school or campus, including the physical
9 address if it is available, or one zip code and one school district
10 where the school or campus is anticipated to open, for each affected
11 school district described by Subsection (a)(1) to adequately
12 anticipate any resulting changes in enrollment, programs,
13 services, and personnel at each district campus.

14 SECTION 2. Section 12.111(a), Education Code, is amended to
15 read as follows:

16 (a) Each charter granted under this subchapter must:

17 (1) describe the educational program to be offered,
18 which must include the required curriculum as provided by Section
19 28.002;

20 (2) provide that continuation of the charter is
21 contingent on the status of the charter as determined under Section
22 12.1141 or 12.115 or under Chapter 39A;

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

27 (4) specify:

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

5 (B) the standards for evaluation of a school
6 operating under the charter for purposes of charter renewal, denial
7 of renewal, expiration, revocation, or other intervention in
8 accordance with Section 12.1141 or 12.115 or Chapter 39A, as
9 applicable;

10 (5) prohibit discrimination in admission policy on the
11 basis of sex, national origin, ethnicity, religion, disability,
12 academic, artistic, or athletic ability, or the district the child
13 would otherwise attend in accordance with this code, although the
14 charter may:

15 (A) provide for the exclusion of a student who
16 has a documented history of a criminal offense, a juvenile court
17 adjudication, or discipline problems under Subchapter A, Chapter
18 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 geographic [~~geographical~~] area
27 served by the program, specify a proposed location in the manner

1 provided by Section 12.1101, and identify school districts that may
2 be affected;

3 (14) specify any type of enrollment criteria to be
4 used;

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

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

15 SECTION 3. The changes in law in Sections 12.1101 and
16 12.111(a), Education Code, as amended by this Act, apply beginning
17 with a new open-enrollment charter school or campus that is
18 anticipated to open for the 2021-2022 school year.

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