

AN ACT

relating to the applicability of certain laws to and admission procedures for open-enrollment charter schools.

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

SECTION 1. Section 12.1058(c), Education Code, is amended to read as follows:

(c) Notwithstanding Subsection (a) or (b), an open-enrollment charter school operated by a tax exempt entity as described by Section 12.101(a)(3) is not considered to be a political subdivision, local government, or local governmental entity unless:

(1) the applicable statute specifically states that the statute applies to an open-enrollment charter school; or

(2) a provision in this chapter states that a specific statute applies to an open-enrollment charter school.

SECTION 2. Section 12.117(a), Education Code, is amended to read as follows:

(a) For admission to an open-enrollment charter school, the governing body of the school shall:

(1) require the applicant to complete and submit the common admission [an] application form described by Section 12.1173 not later than a reasonable deadline the school establishes; and

(2) on receipt of more acceptable applications for admission under this section than available positions in the

1 school:

2 (A) fill the available positions by lottery; or

3 (B) subject to Subsection (b), fill the available  
4 positions in the order in which applications received before the  
5 application deadline were received.

6 SECTION 3. Section 12.1171, Education Code, is amended to  
7 read as follows:

8 Sec. 12.1171. ADMISSION TO OPEN-ENROLLMENT CHARTER SCHOOLS  
9 SPECIALIZING IN PERFORMING ARTS. Notwithstanding Section 12.117,  
10 the governing body of an open-enrollment charter school that  
11 specializes in one or more performing arts may require an applicant  
12 to audition for admission to the school in addition to completing  
13 and submitting the common admission application form under Section  
14 12.1173.

15 SECTION 4. Subchapter D, Chapter 12, Education Code, is  
16 amended by adding Sections 12.1173 and 12.1174 to read as follows:

17 Sec. 12.1173. COMMON ADMISSION APPLICATION FORM; WAITING  
18 LIST FOR ADMISSION. (a) The commissioner by rule shall adopt a  
19 common admission application form for use by an applicant for  
20 admission to an open-enrollment charter school that provides for  
21 the submission of information that the commissioner considers  
22 appropriate.

23 (b) The form adopted under this section may not:

24 (1) advertise or otherwise promote any person or  
25 open-enrollment charter school; or

26 (2) solicit money, goods, or services from an  
27 applicant.

1       (c) The commissioner shall publicize the availability of  
2 the form adopted under this section, including by posting the form  
3 on the agency's Internet website.

4       (d) The commissioner by rule shall adopt guidelines for an  
5 open-enrollment charter school that receives more acceptable  
6 applications for admission than available positions at the school  
7 to create and manage a waiting list each school year for applicants  
8 who are not admitted.

9       (e) The commissioner shall adopt any other rules as  
10 necessary to implement this section, including rules to ensure this  
11 section complies with federal law regarding confidentiality of  
12 student medical or educational information, including the Health  
13 Insurance Portability and Accountability Act of 1996 (42 U.S.C.  
14 Section 1320d et seq.) and the Family Educational Rights and  
15 Privacy Act of 1974 (20 U.S.C. Section 1232g), and any state law  
16 relating to the privacy of student information.

17       Sec. 12.1174. ENROLLMENT AND WAITING LIST REPORT. (a) Not  
18 later than the last Friday in October of each school year, in the  
19 form prescribed by commissioner rule, the governing body of a  
20 charter holder shall report to the agency for that school year:

21               (1) the following information for each campus  
22 operating under the charter holder's charter:

23                       (A) the number of students enrolled;

24                       (B) the enrollment capacity; and

25                       (C) if a charter holder uses a waiting list for  
26 admission to a campus:

27                               (i) the total number of students on the

1 waiting list; and

2 (ii) the number of students on the waiting  
3 list disaggregated by grade level;

4 (2) the information described by Subdivision (1)  
5 aggregated for all campuses operating under the charter holder's  
6 charter; and

7 (3) any information required by the commissioner as  
8 necessary to identify each student admitted to or on a waiting list  
9 for admission to a campus operating under the charter holder's  
10 charter who is or was previously enrolled in a public school in this  
11 state.

12 (b) From information provided to the commissioner by each  
13 charter holder under this subchapter, the commissioner shall  
14 identify each group of charter holders considered by the  
15 commissioner to be corporate affiliates or substantially related  
16 charter holders. Using the information reported under Subsections  
17 (a)(1) and (2), the agency shall aggregate the information for each  
18 group of charter holders identified by the commissioner under this  
19 subsection.

20 (c) Not later than March 15 of each year, the commissioner  
21 shall post on the agency's Internet website:

22 (1) the information reported by charter holders under  
23 Subsections (a)(1) and (2); and

24 (2) the information aggregated by the agency under  
25 Subsection (b).

26 (d) The commissioner shall adopt rules as necessary to  
27 implement this section, including rules to ensure this section

1 complies with federal law regarding confidentiality of student  
2 educational information, including the Family Educational Rights  
3 and Privacy Act of 1974 (20 U.S.C. Section 1232g), and any state law  
4 relating to the privacy of student information.

5 SECTION 5. Chapter 617, Government Code, is amended by  
6 adding Section 617.0025 to read as follows:

7 Sec. 617.0025. APPLICABILITY OF CHAPTER TO OPEN-ENROLLMENT  
8 CHARTER SCHOOL. (a) An open-enrollment charter school  
9 established under Subchapter D, Chapter 12, Education Code, is a  
10 political subdivision for purposes of this chapter.

11 (b) A member of the governing body of a charter holder, a  
12 member of the governing body of an open-enrollment charter school,  
13 and an officer of an open-enrollment charter school are considered  
14 to be officials of a political subdivision and an employee of an  
15 open-enrollment charter school is considered to be a public  
16 employee under this chapter.

17 SECTION 6. Sections 12.117 and 12.1171, Education Code, as  
18 amended by this Act, and Section 12.1174, Education Code, as added  
19 by this Act, apply beginning with the 2020-2021 school year.

20 SECTION 7. Not later than January 1, 2020, the commissioner  
21 of education shall adopt a common admission application form,  
22 waiting list guidelines, and any other rules as necessary to  
23 implement Sections 12.1173 and 12.1174, Education Code, as added by  
24 this Act.

25 SECTION 8. With respect to Section 617.0025, Government  
26 Code, as added by this Act, if an open-enrollment charter school  
27 entered into a collective bargaining contract with a labor

1 organization before the effective date of this Act, Chapter 617,  
2 Government Code, does not apply during the term of that contract. A  
3 collective bargaining contract entered into before the effective  
4 date of this Act may not be renewed.

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

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 2293 passed the Senate on May 1, 2019, by the following vote: Yeas 22, Nays 9; and that the Senate concurred in House amendment on May 23, 2019, by the following vote: Yeas 25, Nays 6.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 2293 passed the House, with amendment, on May 21, 2019, by the following vote: Yeas 95, Nays 46, three present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor