

By: West

S.B. No. 2339

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 12.1103; 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~~]. (a) The
13 commissioner by rule shall adopt a procedure for providing notice
14 to the following persons on receipt by the commissioner of an
15 application for a charter for an open-enrollment charter school
16 under Section [12.110](#) or a request for approval of an expansion
17 amendment to a charter under Section [12.114](#) [~~of notice of the~~
18 ~~establishment of a campus as authorized under Section [12.101\(b-4\)](#)]~~:

19 (1) the board of trustees and superintendent of each
20 school district that:

21 (A) is located in or serves the geographic area
22 described in the charter application or request for an expansion
23 amendment; or

24 (B) is within 10 miles of the area described by
25 Paragraph (A) [~~from which the proposed open-enrollment charter~~
26 ~~school or campus is likely to draw students, as determined by the~~
27 ~~commissioner]~~; [~~and~~]

1 (2) each member of the legislature who [~~that~~]
2 represents the geographic area that includes a school district
3 described by Subdivision (1); and

4 (3) each member of the State Board of Education [~~to be~~
5 ~~served by the proposed school or campus, as determined by the~~
6 ~~commissioner~~].

7 (b) A notice provided under Subsection (a) must:

8 (1) be provided at least 18 months before the date the
9 school or campus is proposed to open or expand; and

10 (2) describe the location or proposed location of the
11 school or campus with sufficient specificity to allow each school
12 district described by Subsection (a)(1) to adequately anticipate
13 the potential impact on enrollment at each district campus as a
14 result of the establishment of the new school or campus or expansion
15 of the existing school or campus.

16 (c) For purposes of Subsection (b)(2), a notice is
17 considered to describe a location or proposed location with
18 sufficient specificity if the notice specifies a physical address
19 or zip code and school district in which the new or expanded school
20 or campus will likely be located.

21 (d) The agency shall post to its Internet website:

22 (1) if applicable, each notice as provided to the
23 agency under Section 12.1102 of a public hearing not later than the
24 10th business day before the date of the hearing; and

25 (2) the notice required by Subsection (a), and copies
26 of any requested expansion amendment, not later than the fifth
27 business day after the date the submission is received by the

1 commissioner.

2 SECTION 4. Subchapter D, Chapter 12, Education Code, is
3 amended by adding Sections 12.1102 and 12.1103 to read as follows:

4 Sec. 12.1102. REQUIREMENT TO REQUEST PUBLIC HEARING IN
5 CERTAIN CIRCUMSTANCES. (a) The commissioner by rule shall require
6 as part of the process to apply for a charter or to request approval
7 for an expansion amendment that the charter applicant or charter
8 holder include evidence showing that the charter applicant or
9 charter holder requested that each board of trustees of each school
10 district described by Section 12.1101(a)(1) hold a public hearing
11 with an opportunity for public comment regarding the establishment
12 of the new school or campus or expansion of an existing school or
13 campus.

14 (b) Each school district board of trustees that schedules a
15 hearing under Subsection (a) shall:

16 (1) post notice on the district's Internet website;
17 and

18 (2) provide a copy of the notice to the agency not
19 later than the 15th day before the date of the hearing.

20 Sec. 12.1103. IMPACT REPORT OF NEW OPEN-ENROLLMENT CHARTER
21 SCHOOL OR CAMPUS. (a) Before the commissioner may approve an
22 application for a charter for an open-enrollment charter school
23 under Section 12.110 or a request for an expansion amendment to a
24 charter under Section 12.114, the applicant or charter holder must
25 provide notice as required by Section 12.1101.

26 (b) A school district whose enrollment may be affected by a
27 new open-enrollment charter school or expansion of an existing

1 charter may submit a written statement to the commissioner stating
2 the impact the new school or expansion of the charter will have on
3 the school district. The commissioner must allow a school district
4 to submit a statement as provided by this section not later than the
5 60th day after the date the school received notice of the new school
6 or charter expansion.

7 (c) The commissioner must issue an impact report on the
8 application for the new charter or the expansion of an existing
9 charter that includes:

10 (1) a summary of and response to any concern raised by
11 a school district;

12 (2) if applicable, an evaluation of the proximity of
13 the proposed location of the new open-enrollment charter school or
14 campus to existing school district campuses and the ability of
15 local communities to support a new open-enrollment charter school
16 or campus;

17 (3) information regarding any financial burden that a
18 loss in student enrollment may cause a school district or district
19 campus; and

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

24 (A) state revenue; and

25 (B) local school district revenue, including the
26 impact on Foundation School Program funding and equalized wealth
27 levels.

1 (d) Not later than the 15th business day before the date the
2 commissioner approves an application for a charter for an
3 open-enrollment charter school under Section 12.110 or a request
4 for an expansion amendment to a charter under Section 12.114, the
5 commissioner shall:

6 (1) make the impact report under Subsection (c)
7 available to the public in a prominent display on the agency's
8 Internet website; and

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

10 (A) the applicant or charter holder; and

11 (B) the parties required to receive notice under
12 Section 12.1101.

13 (e) Not later than December 31 of each year, the Legislative
14 Budget Board shall submit a report to the governor and the
15 legislature documenting the financial impact of open-enrollment
16 charter schools on:

17 (1) the state budget;

18 (2) school districts, including the effect on school
19 districts required to take action under Chapter 41 to reduce
20 equalized wealth levels; and

21 (3) public education.

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

25 (a-1) The commissioner shall notify the State Board of
26 Education of each request for revision the commissioner proposes to
27 grant under this subchapter. Unless, before the 90th day after the

1 date on which the board receives the notice from the commissioner, a
2 majority of the members of the board present and voting vote against
3 the revision of the charter, the commissioner's proposal to grant
4 the revision to the charter takes effect. The board may not
5 deliberate or vote on any revision to a charter that is not proposed
6 by the commissioner.

7 (c) Not later than 14 months [~~the 60th day~~] after the date
8 that a charter holder submits to the commissioner a completed
9 request for approval for an expansion amendment, [~~as defined by~~
10 ~~commissioner rule, including a new school amendment,~~] the
11 commissioner shall provide to the charter holder written notice of
12 approval or disapproval of the amendment.

13 SECTION 6. Section [12.101\(b-4\)](#), Education Code, is
14 repealed.

15 SECTION 7. The changes in law made by this Act apply only to
16 an application for a charter for an open-enrollment charter school
17 or a request for approval of a revision to the charter of an
18 open-enrollment charter school submitted on or after the effective
19 date of this Act.

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