

BILL ANALYSIS

S.B. 487
By: Hughes
Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been noted that open-enrollment charter schools may not be treated in the same way as public school districts under state law establishing certain regulatory powers of political subdivisions, including local regulation of zoning, permitting, code compliance, and land development standards. Concerns have been raised that this uneven treatment may result in unnecessary hurdles that could significantly increase these schools' costs and affect their ability to educate Texas schoolchildren. S.B. 487 seeks to address these concerns by making certain laws relating to local government powers applicable to charter schools in the same manner as to public school districts.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 487 amends the Education Code to require a political subdivision to consider an open-enrollment charter school a public school district for purposes of certain zoning, property, and property development regulations and for other purposes specified by the bill. The bill establishes that a charter school does not have the power of eminent domain. The bill prohibits a political subdivision from taking any action that prohibits a charter school from operating a campus, educational support facility, athletic facility, or administrative office within the political subdivision's jurisdiction or on any specific property located within that jurisdiction unless the political subdivision could take the same action against a public school district. The bill requires a political subdivision to grant any applicable approval in the same manner and follow the same timelines as if the charter school were a public school district located in the jurisdiction. These provisions apply to charter school property that is owned or leased with certain state funds and expressly do not affect the authority granted by state law to a political subdivision to regulate a charter school regarding health and safety ordinances. The bill excludes a public school district from the term "political subdivision" for purposes of these provisions.

S.B. 487 amends the Local Government Code to make the following changes:

- to extend the applicability of statutory provisions relating to a land development standards agreement between a public school district and a municipality that has annexed territory for limited purposes to such an agreement between an applicable municipality and an open-enrollment charter school, including a campus or campus program charter and a college, university, or junior college charter school;

- to specify that the definition of land development standards that applies to these provisions includes building heights, traffic impact analyses, parking requirements, and signage requirements; and
- to authorize the exemption of an open-enrollment charter school and applicable charter school property from the Municipal Drainage Utility Systems Act and associated regulations.

The bill establishes that an exemption from the Municipal Drainage Utility Systems Act granted to a public school district before the bill's effective date automatically extends to all open-enrollment charter schools located in the municipality unless the municipality repeals the exemption before the bill's effective date.

S.B. 487 repeals Section 12.103(c), Education Code, which establishes that a campus of an open-enrollment charter school located in whole or in part in a municipality with a population of 20,000 or less is not subject to a municipal zoning ordinance governing public schools.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.