

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 487
By: Hughes
Education
5/11/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Section 12.105, Education Code, states that "an open-enrollment charter school is part of the public school system of this state." These charter schools on occasion may not have been treated in the same manner as independent school districts, however, with regard to certain state laws relating to zoning, permitting, code compliance, and land development standards. To the extent that charter schools have been disadvantaged by such treatment, the costs of the school have increased and its educational mission has been impaired. S.B. 487 seeks to address these concerns by ensuring that open-enrollment charter schools and school districts are treated in the same manner when it comes to certain aspects of local government.

(Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 487 amends current law relating to the applicability of certain laws to open-enrollment charter schools.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 12.1058, Education Code, by amending Subsection (c) and adding Subsections (d), (d-1), (d-2), (d-3), and (d-4), as follows:

(c) Makes a nonsubstantive change to this subsection.

(d) Requires a political subdivision, except as provided by Section 12.103(c) (relating to the exception of certain open-enrollment charter schools from municipal zoning ordinances), to consider an open-enrollment charter school a school district for purposes of zoning, project permitting, platting and replatting processes, business licensing, franchises, utility services, eminent domain, signage, subdivision regulation, property development projects, the requirements for posting bonds or securities, contract requirements, land development standards as provided by Section 212.902, Local Government Code, tree and vegetation regulations, regulations of architectural features of a structure, construction of fences, landscaping, garbage disposal, noise levels, fees or other assessments, and construction or site development work. Provides that an open-enrollment charter school does not have the power of eminent domain.

(d-1) Prohibits a political subdivision from taking any action that prohibits an open-enrollment charter school from operating a public school campus, educational support facility, athletic facility, or administrative office within the political subdivision's jurisdiction or on any specific property located within the jurisdiction of the political subdivision that it could not take against a school district. Requires a political subdivision to grant approval in the same manner and follow the same timelines as if the charter school were a school district located in that political subdivision's jurisdiction.

(d-2) Provides that Section 12.1058 (Applicability of Other Laws) applies to both owned and leased property of the open-enrollment charter school under Section 12.128 (Property Purchased or Leased with State Funds).

(d-3) Provides that, except as provided by this section, this section does not affect the authority granted by state law to a political subdivision to regulate an open-enrollment charter school regarding health and safety ordinances.

(d-4) Provides that in this section, "political subdivision" does not include a school district.

SECTION 2. Amends Section 212.902, Local Government Code, as follows:

Sec. 212.902. New heading: SCHOOL DISTRICT AND OPEN-ENROLLMENT CHARTER SCHOOL LAND DEVELOPMENT STANDARDS. (a) Provides that this section applies to an agreement between a school district or open-enrollment charter school and a municipality which has annexed territory for limited purposes. Makes nonsubstantive changes.

(b) Requires a municipality, on request by a school district or open-enrollment charter school, to enter an agreement with the board of trustees of the school district or the governing body of the open-enrollment charter school to establish review fees, review periods, and land development standards ordinances and to provide alternative water pollution control methodologies for school buildings constructed by the school district or open-enrollment charter school. Makes conforming changes.

(c) and (d) Makes conforming changes to these subsections.

(e) Redefines "land development standards." Defines "open-enrollment charter school."

(f) Makes a conforming change to this subsection.

SECTION 3. Amends Section 395.022(b), Local Government Code, as follows:

(b) Provides that Section 395.022 (Authority of Political Subdivision to Pay Fees) applies only to an open-enrollment charter school campus constructed on land that is owned by the charter holder or the charter holder's parent nonprofit entity and that does not include any other uses. Makes conforming changes.

SECTION 4. Amends Section 552.053(b), Local Government Code, as follows:

(b) Authorizes the following to be exempt from Subchapter C (Municipal Drainage Utility Systems) and all ordinances, resolutions, and rules adopted under Subchapter C:

(1) and (2) makes no changes to these subdivisions;

(3) makes a nonsubstantive change to this subdivision; or

(4) school districts and open-enrollment charter schools, rather than a school district.

SECTION 5. Provides that an exemption granted to a school district under Section 552.053(b)(4), Local Government Code, as that section existed before the effective date of this Act, automatically extends to all open-enrollment charter schools located in the municipality after the effective date of this Act unless the municipality repeals the exemption before the effective date of this Act.

SECTION 6. Effective date: upon passage or September 1, 2021.