87R12084 MLH-D

By:  Rodriguez H.B. No. 4002

A BILL TO BE ENTITLED

AN ACT

relating to the approval for the establishment of a new open-enrollment charter school or open-enrollment charter school campus.

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

SECTION 1.  Section 12.101, Education Code, is amended by amending Subsection (b-4) and adding Subsection (b-9) to read as follows:

(b-4)  Notwithstanding Section 12.114, approval of the commissioner under that section is not required for establishment of a new open-enrollment charter school campus if the requirements of this subsection are satisfied. A charter holder having an accreditation status of accredited and at least 50 percent of its student population in grades assessed under Subchapter B, Chapter 39, or at least 50 percent of the students in the grades assessed having been enrolled in the school for at least three school years may establish one or more new campuses under an existing charter held by the charter holder if:

(1)  the charter holder is currently evaluated under the standard accountability procedures for evaluation under Chapter 39 and received a district rating in the highest or second highest performance rating category under Subchapter C, Chapter 39, for three of the last five years with at least 75 percent of the campuses rated under the charter also receiving a rating in the highest or second highest performance rating category and with no campus with a rating in the lowest performance rating category in the most recent ratings;

(2)  the charter holder provides written notice to the commissioner of the establishment of any campus under this subsection in the time, manner, and form provided by rule of the commissioner; [~~and~~]

(3)  not later than the 60th day after the date the charter holder provides written notice under Subdivision (2), the commissioner does not provide written notice to the charter holder that the commissioner has determined that the charter holder does not satisfy the requirements of this section; and

(4)  the new campus will not be located in the attendance zone of a school district in which the number of students enrolled at open-enrollment charter school campuses located in the district exceeds six percent of the total number of students residing in the district.

(b-9)  The commissioner may not grant a charter for an open-enrollment charter school that the applicant proposes to be located in the attendance zone of a school district in which the number of students enrolled at open-enrollment charter school campuses located in the district exceeds six percent of the total number of students residing in the district.

SECTION 2.  Section 12.1011(a), Education Code, is amended to read as follows:

(a)  Notwithstanding Section 12.101(b) and except as provided by Section 12.101(b-9), the commissioner may grant a charter for an open-enrollment charter school to an applicant that is:

(1)  an eligible entity under Section 12.101(a)(3) that proposes to operate the charter school program of a charter operator that operates one or more charter schools in another state and with which the eligible entity is affiliated and, as determined by the commissioner in accordance with commissioner rule, has performed at a level of performance comparable to performance under the highest or second highest performance rating category under Subchapter C, Chapter 39; or

(2)  an entity that has operated one or more charter schools established under this subchapter or Subchapter C or E and, as determined by the commissioner in accordance with commissioner rule, has performed in the highest or second highest performance rating category under Subchapter C, Chapter 39.

SECTION 3.  Section 12.114, Education Code, is amended by amending Subsection (a) and adding Subsection (c-1) to read as follows:

(a)  A revision of a charter of an open-enrollment charter school to which Section 12.1142 does not apply may be made only with the approval of the commissioner.

(c-1)  The commissioner may not approve a request for an expansion amendment to the charter of an open-enrollment charter school located, or proposed under the expansion amendment for a campus to be located, in the attendance zone of a school district in which the number of students enrolled at open-enrollment charter school campuses located in the district exceeds six percent of the total number of students residing in the district.

SECTION 4.  Subchapter D, Chapter 12, Education Code, is amended by adding Section 12.1142 to read as follows:

Sec. 12.1142.  APPLICATION FOR ESTABLISHMENT OF NEW OPEN-ENROLLMENT CHARTER SCHOOL CAMPUS OR SITE. The commissioner may not approve more than five requests submitted by a charter holder to establish a new open-enrollment charter school campus or site. If the commissioner has already approved five requests from a charter holder and the charter holder submits additional requests to establish a new open-enrollment charter school campus or site, the commissioner must notify the State Board of Education and the request must be approved by the State Board of Education.

SECTION 5.  The changes in law made by this Act apply only to an application for a charter for an open-enrollment charter school, the establishment of an open-enrollment charter school campus, or a request for approval of an expansion amendment submitted on or after the effective date of this Act.

SECTION 6.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.