

By: Collier

H.B. No. 305

A BILL TO BE ENTITLED

AN ACT

relating to the composition of the student body of an open-enrollment charter school.

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

SECTION 1. Section 12.111(a), Education Code, is amended to read as follows:

(a) Each charter granted under this subchapter must:

(1) describe the educational program to be offered, which must include the required curriculum as provided by Section 28.002;

(2) provide that continuation of the charter is contingent on the status of the charter as determined under Section 12.1141 or 12.115 or under Chapter 39A;

(3) specify the academic, operational, and financial performance expectations by which a school operating under the charter will be evaluated, which must include applicable elements of the performance frameworks adopted under Section 12.1181;

(4) specify:

(A) any basis, in addition to a basis specified by this subchapter or Chapter 39A, on which the charter may be revoked, renewal of the charter may be denied, or the charter may be allowed to expire; and

(B) the standards for evaluation of a school operating under the charter for purposes of charter renewal, denial

1 of renewal, expiration, revocation, or other intervention in  
2 accordance with Section 12.1141 or 12.115 or Chapter 39A, as  
3 applicable;

4 (5) prohibit discrimination in admission policy on the  
5 basis of sex, national origin, ethnicity, religion, disability,  
6 academic, artistic, or athletic ability, or, subject to Section  
7 12.1172, the district the child would otherwise attend in  
8 accordance with this code, although the charter may:

9 (A) provide for the exclusion of a student who  
10 has a documented history of a criminal offense, a juvenile court  
11 adjudication, or discipline problems under Subchapter A, Chapter  
12 37; and

13 (B) provide for an admission policy that requires  
14 a student to demonstrate artistic ability if the school specializes  
15 in performing arts;

16 (6) specify the grade levels to be offered;

17 (7) describe the governing structure of the program,  
18 including:

19 (A) the officer positions designated;

20 (B) the manner in which officers are selected and  
21 removed from office;

22 (C) the manner in which members of the governing  
23 body of the school are selected and removed from office;

24 (D) the manner in which vacancies on that  
25 governing body are filled;

26 (E) the term for which members of that governing  
27 body serve; and

- 1 (F) whether the terms are to be staggered;
- 2 (8) specify the powers or duties of the governing body  
3 of the school that the governing body may delegate to an officer;
- 4 (9) specify the manner in which the school will  
5 distribute to parents information related to the qualifications of  
6 each professional employee of the program, including any  
7 professional or educational degree held by each employee, a  
8 statement of any certification under Subchapter B, Chapter 21, held  
9 by each employee, and any relevant experience of each employee;
- 10 (10) describe the process by which the person  
11 providing the program will adopt an annual budget;
- 12 (11) describe the manner in which an annual audit of  
13 the financial and programmatic operations of the program is to be  
14 conducted, including the manner in which the person providing the  
15 program will provide information necessary for the school district  
16 in which the program is located to participate, as required by this  
17 code or by commissioner rule, in the Public Education Information  
18 Management System (PEIMS);
- 19 (12) describe the facilities to be used;
- 20 (13) describe the geographical area served by the  
21 program;
- 22 (14) specify any type of enrollment criteria to be  
23 used;
- 24 (15) provide information, as determined by the  
25 commissioner, relating to any management company that will provide  
26 management services to a school operating under the charter; and
- 27 (16) specify that the governing body of an

1 open-enrollment charter school accepts and may not delegate  
2 ultimate responsibility for the school, including the school's  
3 academic performance and financial and operational viability, and  
4 is responsible for overseeing any management company providing  
5 management services for the school and for holding the management  
6 company accountable for the school's performance.

7 SECTION 2. Subchapter D, Chapter 12, Education Code, is  
8 amended by adding Section 12.1172 to read as follows:

9 Sec. 12.1172. ADMISSION PREFERENCE FOR CERTAIN STUDENTS.

10 (a) Except as provided by Subsection (d), the governing body of an  
11 open-enrollment charter school shall adopt and implement admission  
12 procedures designed to ensure that students who reside in the  
13 attendance zone of the school district within the boundaries of  
14 which the school is located represent a majority of the school's  
15 total enrollment.

16 (b) To the extent necessary to achieve the result described  
17 by Subsection (a):

18 (1) a governing body that uses a lottery to fill  
19 available positions, as authorized by Section 12.117, may conduct  
20 separate lotteries for students who reside in the attendance zone  
21 of the school district within the boundaries of which the school is  
22 located and for students who do not reside in that attendance zone;  
23 and

24 (2) a governing body that fills available positions  
25 based on the order in which applications were received, as  
26 authorized by Section 12.117, may fill available positions based on  
27 the order in which applications were received from students who

1 reside in the attendance zone of the school district within the  
2 boundaries of which the school is located before filling available  
3 positions with students who do not reside in that attendance zone.

4 (c) The commissioner shall decline to renew the charter of  
5 an open-enrollment charter school if the commissioner determines  
6 that the governing body of the open-enrollment charter school has  
7 not complied with this section, unless the commissioner determines  
8 that the governing body made a good faith effort to comply but was  
9 unable to achieve the result described by Subsection (a).

10 (d) This section does not apply to the governing body of an  
11 open-enrollment charter school that:

12 (1) is designated as a dropout recovery school under  
13 Section 12.1141(c);

14 (2) specializes in one or more performing arts; or

15 (3) serves another special purpose and limits  
16 enrollment to students with specific characteristics related to  
17 that purpose.

18 SECTION 3. (a) Section 12.1172, Education Code, as added by  
19 this Act, applies to each open-enrollment charter school authorized  
20 under Subchapter D, Chapter 12, Education Code. A school in  
21 operation before the 2022-2023 school year shall achieve the  
22 required student body composition by not later than the start of the  
23 2025-2026 school year. A school that begins operation during or  
24 after the 2022-2023 school year shall achieve the required student  
25 body composition beginning with the first school year of operation.

26 (b) Section 12.1172, Education Code, as added by this Act,  
27 does not affect the ability of a student enrolled in an

1 open-enrollment charter school during the 2021-2022 school year to  
2 continue attending that school as long as the student maintains  
3 enrollment during consecutive school years.

4 (c) A sibling of a student described by Subsection (b) of  
5 this section who seeks admission for any school year to the same  
6 open-enrollment charter school as attended by the student described  
7 by Subsection (b) during the 2021-2022 school year shall be  
8 considered for purposes of admission as a student who resides in the  
9 attendance zone of the school district within the boundaries of  
10 which the school is located, regardless of the student's actual  
11 residence.

12 SECTION 4. This Act applies beginning with the 2022-2023  
13 school year.

14 SECTION 5. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect September 1, 2021.