

By: Goodwin

H.B. No. 438

A BILL TO BE ENTITLED

AN ACT

relating to the requirements for 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 12.1101, Education Code, is amended to read as follows:

Sec. 12.1101. NOTIFICATION OF CHARTER APPLICATION [~~OR ESTABLISHMENT OF CAMPUS~~]. The commissioner by rule shall adopt a procedure for providing notice to the following persons on receipt by the commissioner of an application for a charter for an open-enrollment charter school under Section 12.110 [~~or of notice of the establishment of a campus as authorized under Section 12.101(b-4)~~]:

(1) the superintendent and the board of trustees of each school district from which the proposed open-enrollment charter school or campus is likely to draw students, as determined by the commissioner; and

(2) each member of the legislature that represents the geographic area to be served by the proposed school or campus, as determined by the commissioner.

SECTION 2. Section 12.114, Education Code, is amended to read as follows:

Sec. 12.114. REVISION. (a) A revision of a charter of an open-enrollment charter school that is not an expansion revision

1 may be made only with the approval of the commissioner. An
2 expansion revision, as defined by commissioner rule, may be made
3 only in the manner provided by this section.

4 (b) Not more than once during each biennium [~~each year~~], an
5 open-enrollment charter school may request approval of an expansion
6 amendment to:

7 (1) increase [~~to revise~~] the maximum allowable student
8 enrollment described by the school's charter;i

9 (2) add a new campus or site;

10 (3) extend the grade levels described by the school's
11 charter; or

12 (4) expand the geographic boundaries described by the
13 school's charter.

14 (c) A [~~Not later than the 60th day after the date that a~~]
15 charter holder shall submit [~~submits~~] to the commissioner a
16 completed request for approval for an expansion amendment[~~, as~~
17 ~~defined by commissioner rule, including a new school amendment,~~]
18 that identifies the zip code of any new campus or site and each
19 school district from which the charter school intends to enroll
20 additional students and that estimates, in the manner provided by
21 commissioner rule, the additional cost to the state. The
22 commissioner shall publicly post the request for approval for an
23 expansion amendment not later than the 10th business day after the
24 date the charter holder submits the request.

25 (d) The commissioner shall thoroughly review a request for
26 approval for an expansion amendment and, for each expansion
27 amendment the commissioner proposes to approve, report to the State

1 Board of Education:

2 (1) whether during the five years preceding the date
3 of the request the charter holder and open-enrollment charter
4 school have complied with every financial, governing, educational,
5 and operational standard adopted by the commissioner and specify in
6 detail each element of noncompliance;

7 (2) whether the open-enrollment charter school serves
8 the state average of students eligible to receive services under
9 Subchapter A, Chapter 29, or students of limited English
10 proficiency and whether each campus of the charter school serves
11 and is staffed to serve a percentage of those students proportional
12 to each school district campus within a three-mile radius of the
13 campus;

14 (3) the potential revenue loss for each affected
15 school district for the next 10 years under the proposed expansion;
16 and

17 (4) the additional estimated cost to the state for the
18 next 10 years under the proposed expansion amendment.

19 (e) Unless, before the 90th day after the date on which the
20 State Board of Education receives the notice from the commissioner,
21 a majority of the members of the board present and voting vote
22 against the expansion amendment, the commissioner's proposal to
23 approve the expansion amendment takes effect.

24 (f) The commissioner shall include in the agency's budget
25 request submitted to the Legislative Budget Board and the budget
26 division of the governor's office a specific item that details the
27 additional cost to the state, as estimated under Subsection (d)(4),

1 for each approved expansion amendment.

2 (g) The ~~[the]~~ commissioner shall provide to the charter
3 holder written notice of approval or disapproval of an ~~[the]~~
4 amendment requested under this section.

5 (h) ~~[(d)]~~ A charter holder may submit a request for approval
6 for an expansion amendment up to 18 months before the date on which
7 the expansion will be effective. A request for approval of an
8 expansion amendment does not obligate the charter holder to
9 complete the proposed expansion.

10 SECTION 3. Section [12.101\(b-4\)](#), Education Code, is
11 repealed.

12 SECTION 4. The changes in law made by this Act apply only to
13 a request for approval of a revision to the charter of an
14 open-enrollment charter school submitted on or after the effective
15 date of this Act.

16 SECTION 5. This Act takes effect September 1, 2021.