

By: González of El Paso

H.B. No. 450

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the establishment of a new open-enrollment charter  
3 school or campus and to the expansion of an open-enrollment charter  
4 school.

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

6 SECTION 1. Section [12.101](#)(b-10), Education Code, is amended  
7 to read as follows:

8 (b-10) The commissioner by rule shall require ~~[allow]~~ a  
9 charter holder to provide written notice of the establishment of a  
10 new open-enrollment charter school campus under Subsection  
11 (b-4)(2) at least ~~[up to]~~ 18 months before the date on which the  
12 campus is anticipated to open. Notice provided to the commissioner  
13 under this section does not obligate the charter holder to open a  
14 new campus.

15 SECTION 2. Section [12.1101](#), Education Code, is amended to  
16 read as follows:

17 Sec. 12.1101. NOTIFICATION OF CHARTER APPLICATION OR  
18 ESTABLISHMENT OF CAMPUS. The commissioner by rule shall adopt a  
19 procedure for providing notice to the following persons on receipt  
20 by the commissioner of an application for a charter for an  
21 open-enrollment charter school under Section [12.110](#), ~~[or of]~~ notice  
22 of the establishment of a campus as authorized under Section  
23 [12.101](#)(b-4), or a request for approval for an expansion amendment  
24 to establish a new campus submitted under Section [12.114](#):

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

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

8           SECTION 3. Section 12.114, Education Code, is amended by  
9 amending Subsections (c) and (d) and adding Subsection (e) to read  
10 as follows:

11           (c) Not later than the 30th [~~60th~~] day after the date that a  
12 charter holder submits to the commissioner a completed request for  
13 approval for an expansion amendment, as defined by commissioner  
14 rule, including a new school amendment, the commissioner shall  
15 provide to the charter holder written notice of approval or  
16 disapproval of the amendment.

17           (d) A charter holder:

18                 (1) shall submit a request for approval for an  
19 expansion amendment to establish a new campus at least 18 months  
20 before the date on which the campus is anticipated to open; and

21                 (2) may submit a request for approval for an expansion  
22 amendment not described by Subdivision (1) up to 18 months before  
23 the date on which the expansion will be effective.

24           (e) The submission of a [A] request for approval for [of] an  
25 expansion amendment does not obligate the charter holder to  
26 complete the proposed expansion.

27           SECTION 4. Sections 12.101 and 12.114, Education Code, as

1 amended by this Act, apply only to a notice of the establishment of  
2 an open-enrollment charter school campus or a request for approval  
3 for an expansion amendment, as applicable, submitted on or after  
4 the effective date of this Act.

5 SECTION 5. Section [12.1101](#), Education Code, as amended by  
6 this Act, applies beginning with a new open-enrollment charter  
7 school or campus that is anticipated to open for the 2023-2024  
8 school year.

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