

By: González of El Paso

H.B. No. 944

A BILL TO BE ENTITLED

AN ACT

relating to requiring State Board of Education approval for the expansion of an open-enrollment charter school.

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

SECTION 1. Section 12.1012, Education Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Expansion amendment" means an amendment to the charter of an open-enrollment charter school that permits the school to:

(A) increase its maximum allowable enrollment;

(B) extend the grade levels it serves;

(C) add a campus or site; or

(D) change its geographic boundaries.

SECTION 2. 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

1 charter school [~~or campus~~] is likely to draw students, as  
2 determined by the commissioner; and

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

6 SECTION 3. Section 12.114, Education Code, is amended to  
7 read as follows:

8 Sec. 12.114. REVISION OR EXPANSION AMENDMENT. (a) A  
9 revision of a charter of an open-enrollment charter school that is  
10 not an expansion amendment may be made only with the approval of the  
11 State Board of Education [~~commissioner~~]. An expansion amendment may  
12 be made only with the approval of the board and in the manner  
13 provided by this section.

14 (b) Not more than once each year, an open-enrollment charter  
15 school may request approval of an expansion amendment [~~to revise~~  
16 ~~the maximum student enrollment described by the school's charter~~].

17 (c) A [~~Not later than the 60th day after the date that a~~  
18 ~~charter holder submits to the commissioner a completed~~] request for  
19 approval for an expansion amendment must include the following  
20 information:

21 (1) if increasing the student enrollment, the  
22 necessity for expansion of the charter school;

23 (2) if extending the grade levels, the necessity to  
24 extend the grade levels;

25 (3) the history of the charter school's accountability  
26 under Subchapters B, C, D, F, and G, Chapter 39, and under Chapter  
27 39A during the previous five school years; and

1           (4) a fiscal note estimating the additional cost to  
2 the state for the expansion of the charter school [~~, as defined by~~  
3 ~~commissioner rule, including a new school amendment, the~~  
4 ~~commissioner shall provide to the charter holder written notice of~~  
5 ~~approval or disapproval of the amendment]~~.

6           (d) The State Board of Education may not approve the  
7 expansion of an open-enrollment charter school if the school has  
8 not received an overall performance rating under Section 39.054 of  
9 A or B for 90 percent of the ratings issued to the school for the  
10 past five school years.

11           (e) A charter holder shall [~~may~~] submit the [~~a~~] request for  
12 approval for an expansion amendment in the time, manner, and form  
13 required by the State Board of Education [~~up to 18 months before the~~  
14 ~~date on which the expansion will be effective]~~. A request for  
15 approval of an expansion amendment does not obligate the charter  
16 holder to complete the proposed expansion.

17           SECTION 4. Sections 12.101(b-4) and (b-10), Education Code,  
18 are repealed.

19           SECTION 5. Section 12.114, Education Code, as amended by  
20 this Act, applies only to a request for approval for an expansion  
21 amendment submitted on or after the effective date of this Act.

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