

By: Bailes

H.B. No. 1748

A BILL TO BE ENTITLED

AN ACT

relating to the expansion of 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 EXPANSION AMENDMENT [~~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 a request for an expansion amendment [~~notice of the establishment of a campus as authorized~~] under Section 12.114 [~~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 OR AMENDMENT. (a) A revision of a charter of an open-enrollment charter school that is not an

1 expansion amendment may be made only with the approval of the  
2 commissioner. A revision of a charter of an open-enrollment  
3 charter school that is an expansion amendment, as defined by  
4 commissioner rule, may be made only in the manner provided by this  
5 section. An expansion amendment includes any amendment to a  
6 charter that is subject to approval under this section and would  
7 result in an increase in the funds received by an open-enrollment  
8 charter school under Chapter 48.

9 (b) Not more than once each year, an open-enrollment charter  
10 school may request approval of an expansion amendment to:

11 (1) increase [to revise] the maximum allowable student  
12 enrollment described by the school's charter;

13 (2) add a new campus or site;

14 (3) extend the grade levels described by the school's  
15 charter; or

16 (4) expand the geographic boundaries described by the  
17 school's charter.

18 (c) A [Not later than the 60th day after the date that a]  
19 charter holder shall submit [submits] to the commissioner a  
20 completed request for approval for an expansion amendment. The  
21 request must identify any public school campus located within a  
22 five-mile radius of the charter holder's existing or proposed  
23 campus that may be affected by the requested expansion amendment.  
24 The commissioner shall publicly post the request for approval for  
25 an expansion amendment not later than the 10th business day after  
26 the date the charter holder submits the request[, as defined by  
27 commissioner rule, including a new school amendment, the

1 ~~commissioner shall provide to the charter holder written notice of~~  
2 ~~approval or disapproval of the amendment].~~

3 (d) The commissioner may approve an expansion amendment  
4 only if:

5 (1) the charter holder has complied with all expansion  
6 amendment requirements, including providing notice in the manner  
7 required by Section 12.1101;

8 (2) the overall performance rating assessed for the  
9 most recently completed school year under Section 39.054 for at  
10 least 90 percent of all campuses operated by the charter holder is  
11 A, B, or C; and

12 (3) the charter holder has:

13 (A) an accreditation status of accredited; and

14 (B) a student population composed of students:

15 (i) at least 50 percent of whom are in  
16 grades assessed under Subchapter B, Chapter 39; and

17 (ii) at least 50 percent of whom have been  
18 enrolled in the school for three or more consecutive school years.

19 (e) The commissioner may not waive a provision of this  
20 section [A charter holder may submit a request for approval for an  
21 expansion amendment up to 18 months before the date on which the  
22 expansion will be effective. A request for approval of an expansion  
23 amendment does not obligate the charter holder to complete the  
24 proposed expansion].

25 SECTION 3. Sections 12.101(b-4) and (b-10), Education Code,  
26 are repealed.

27 SECTION 4. This Act takes effect September 1, 2021.