

By: Rodriguez

H.B. No. 4002

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the approval for the establishment of a new
3 open-enrollment charter school or open-enrollment charter school
4 campus.

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

6 SECTION 1. Section 12.101, Education Code, is amended by
7 amending Subsection (b-4) and adding Subsection (b-9) to read as
8 follows:

9 (b-4) Notwithstanding Section 12.114, approval of the
10 commissioner under that section is not required for establishment
11 of a new open-enrollment charter school campus if the requirements
12 of this subsection are satisfied. A charter holder having an
13 accreditation status of accredited and at least 50 percent of its
14 student population in grades assessed under Subchapter B, Chapter
15 39, or at least 50 percent of the students in the grades assessed
16 having been enrolled in the school for at least three school years
17 may establish one or more new campuses under an existing charter
18 held by the charter holder if:

19 (1) the charter holder is currently evaluated under
20 the standard accountability procedures for evaluation under
21 Chapter 39 and received a district rating in the highest or second
22 highest performance rating category under Subchapter C, Chapter 39,
23 for three of the last five years with at least 75 percent of the
24 campuses rated under the charter also receiving a rating in the

1 highest or second highest performance rating category and with no
2 campus with a rating in the lowest performance rating category in
3 the most recent ratings;

4 (2) the charter holder provides written notice to the
5 commissioner of the establishment of any campus under this
6 subsection in the time, manner, and form provided by rule of the
7 commissioner; ~~and~~

8 (3) not later than the 60th day after the date the
9 charter holder provides written notice under Subdivision (2), the
10 commissioner does not provide written notice to the charter holder
11 that the commissioner has determined that the charter holder does
12 not satisfy the requirements of this section; and

13 (4) the new campus will not be located in the
14 attendance zone of a school district in which the number of students
15 enrolled at open-enrollment charter school campuses located in the
16 district exceeds six percent of the total number of students
17 residing in the district.

18 (b-9) The commissioner may not grant a charter for an
19 open-enrollment charter school that the applicant proposes to be
20 located in the attendance zone of a school district in which the
21 number of students enrolled at open-enrollment charter school
22 campuses located in the district exceeds six percent of the total
23 number of students residing in the district.

24 SECTION 2. Section 12.1011(a), Education Code, is amended
25 to read as follows:

26 (a) Notwithstanding Section 12.101(b) and except as
27 provided by Section 12.101(b-9), the commissioner may grant a

1 charter for an open-enrollment charter school to an applicant that
2 is:

3 (1) an eligible entity under Section 12.101(a)(3) that
4 proposes to operate the charter school program of a charter
5 operator that operates one or more charter schools in another state
6 and with which the eligible entity is affiliated and, as determined
7 by the commissioner in accordance with commissioner rule, has
8 performed at a level of performance comparable to performance under
9 the highest or second highest performance rating category under
10 Subchapter C, Chapter 39; or

11 (2) an entity that has operated one or more charter
12 schools established under this subchapter or Subchapter C or E and,
13 as determined by the commissioner in accordance with commissioner
14 rule, has performed in the highest or second highest performance
15 rating category under Subchapter C, Chapter 39.

16 SECTION 3. Section 12.114, Education Code, is amended by
17 amending Subsection (a) and adding Subsection (c-1) to read as
18 follows:

19 (a) A revision of a charter of an open-enrollment charter
20 school to which Section 12.1142 does not apply may be made only with
21 the approval of the commissioner.

22 (c-1) The commissioner may not approve a request for an
23 expansion amendment to the charter of an open-enrollment charter
24 school located, or proposed under the expansion amendment for a
25 campus to be located, in the attendance zone of a school district in
26 which the number of students enrolled at open-enrollment charter
27 school campuses located in the district exceeds six percent of the

1 total number of students residing in the district.

2 SECTION 4. Subchapter D, Chapter 12, Education Code, is
3 amended by adding Section 12.1142 to read as follows:

4 Sec. 12.1142. APPLICATION FOR ESTABLISHMENT OF NEW
5 OPEN-ENROLLMENT CHARTER SCHOOL CAMPUS OR SITE. The commissioner
6 may not approve more than five requests submitted by a charter
7 holder to establish a new open-enrollment charter school campus or
8 site. If the commissioner has already approved five requests from a
9 charter holder and the charter holder submits additional requests
10 to establish a new open-enrollment charter school campus or site,
11 the commissioner must notify the State Board of Education and the
12 request must be approved by the State Board of Education.

13 SECTION 5. The changes in law made by this Act apply only to
14 an application for a charter for an open-enrollment charter school,
15 the establishment of an open-enrollment charter school campus, or a
16 request for approval of an expansion amendment submitted on or
17 after the effective date of this Act.

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