

By: West

S.B. No. 1962

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain open-enrollment charter school admission
3 policies and the consideration of the number of special education
4 eligible students served by a charter holder in approving a charter
5 holder's application for an expansion amendment.

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

7 SECTION 1. Section [12.111\(a\)](#), Education Code, is amended to
8 read as follows:

9 (a) Each charter granted under this subchapter must:

10 (1) describe the educational program to be offered,
11 which must include the required curriculum as provided by Section
12 [28.002](#);

13 (2) provide that continuation of the charter is
14 contingent on the status of the charter as determined under Section
15 [12.1141](#) or [12.115](#) or under Chapter [39A](#);

16 (3) specify the academic, operational, and financial
17 performance expectations by which a school operating under the
18 charter will be evaluated, which must include applicable elements
19 of the performance frameworks adopted under Section [12.1181](#);

20 (4) specify:

21 (A) any basis, in addition to a basis specified
22 by this subchapter or Chapter [39A](#), on which the charter may be
23 revoked, renewal of the charter may be denied, or the charter may be
24 allowed to expire; and

1 (B) the standards for evaluation of a school
2 operating under the charter for purposes of charter renewal, denial
3 of renewal, expiration, revocation, or other intervention in
4 accordance with Section 12.1141 or 12.115 or Chapter 39A, as
5 applicable;

6 (5) prohibit discrimination in admission policy on the
7 basis of sex, national origin, ethnicity, religion, disability,
8 academic, artistic, or athletic ability, or the district the child
9 would otherwise attend in accordance with this code, although the
10 charter may:

11 (A) provide for the exclusion of a student who
12 has a documented history of a criminal offense or [7] a juvenile
13 court adjudication[~~7, or discipline problems under Subchapter A,~~
14 ~~Chapter 37~~]; and

15 (B) provide for an admission policy that requires
16 a student to demonstrate artistic ability if the school specializes
17 in performing arts;

18 (6) specify the grade levels to be offered;

19 (7) describe the governing structure of the program,
20 including:

21 (A) the officer positions designated;

22 (B) the manner in which officers are selected and
23 removed from office;

24 (C) the manner in which members of the governing
25 body of the school are selected and removed from office;

26 (D) the manner in which vacancies on that
27 governing body are filled;

1 (E) the term for which members of that governing
2 body serve; and

3 (F) whether the terms are to be staggered;

4 (8) specify the powers or duties of the governing body
5 of the school that the governing body may delegate to an officer;

6 (9) specify the manner in which the school will
7 distribute to parents information related to the qualifications of
8 each professional employee of the program, including any
9 professional or educational degree held by each employee, a
10 statement of any certification under Subchapter B, Chapter 21, held
11 by each employee, and any relevant experience of each employee;

12 (10) describe the process by which the person
13 providing the program will adopt an annual budget;

14 (11) describe the manner in which an annual audit of
15 the financial and programmatic operations of the program is to be
16 conducted, including the manner in which the person providing the
17 program will provide information necessary for the school district
18 in which the program is located to participate, as required by this
19 code or by commissioner rule, in the Public Education Information
20 Management System (PEIMS);

21 (12) describe the facilities to be used;

22 (13) describe the geographical area served by the
23 program;

24 (14) specify any type of enrollment criteria to be
25 used;

26 (15) provide information, as determined by the
27 commissioner, relating to any management company that will provide

1 management services to a school operating under the charter; and

2 (16) specify that the governing body of an
3 open-enrollment charter school accepts and may not delegate
4 ultimate responsibility for the school, including the school's
5 academic performance and financial and operational viability, and
6 is responsible for overseeing any management company providing
7 management services for the school and for holding the management
8 company accountable for the school's performance.

9 SECTION 2. Section 12.114, Education Code, is amended by
10 adding Subsection (e) to read as follows:

11 (e) The commissioner may not approve a request for an
12 expansion amendment unless, at the time of the request, the charter
13 holder serves at minimum the lesser of:

14 (1) the state average of students eligible to receive
15 services under Subchapter A, Chapter 29; or

16 (2) the average of students eligible to receive
17 services under Subchapter A, Chapter 29, in the largest school
18 district in which the charter school operates a campus.

19 SECTION 3. This Act applies beginning with the 2021-2022
20 school year.

21 SECTION 4. Section 12.114(e), Education Code, as added by
22 this Act, applies to a request for approval of a revision to the
23 charter of an open-enrollment charter school submitted on or after
24 the effective date of this Act.

25 SECTION 5. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

S.B. No. 1962

1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2021.