

By: West

S.B. No. 1965

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to an application for a charter for an open-enrollment  
3 charter school 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-4), Education Code, is amended  
7 to read as follows:

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

18 (1) the charter holder is currently evaluated under  
19 the standard accountability procedures for evaluation under  
20 Chapter 39 and received a district rating in the highest or second  
21 highest performance rating category under Subchapter C, Chapter 39,  
22 for three of the last five years with at least 75 percent of the  
23 campuses rated under the charter also receiving a rating in the  
24 highest or second highest performance rating category and with no

1 campus with a rating in the lowest performance rating category in  
2 the most recent ratings;

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

7 (3) not later than the 60th day after the date the  
8 charter holder provides written notice under Subdivision (2), the  
9 commissioner does not provide written notice to the charter holder  
10 that the commissioner has determined that:

11 (A) the charter holder does not satisfy the  
12 requirements of this section; or

13 (B) the proposed campus will be located in the  
14 attendance zone of a school district campus described by Section  
15 12.110(d)(3).

16 SECTION 2. Section 12.110, Education Code, is amended by  
17 amending Subsection (d) and adding Subsections (f) and (g) to read  
18 as follows:

19 (d) The commissioner shall approve or deny an application  
20 based on:

21 (1) documented evidence collected through the  
22 application review process;

23 (2) merit; ~~and~~

24 (3) whether the geographical area to be served by the  
25 proposed open-enrollment charter school includes the attendance  
26 zone of a school district campus:

27 (A) that:

1                   (i) received an overall performance rating  
2 of A or B for the preceding school year;

3                   (ii) did not have significant student  
4 academic achievement differentials among students from different  
5 racial and ethnic groups and socioeconomic backgrounds for the  
6 preceding school year, as determined by the commissioner; and

7                   (iii) is not at full enrollment capacity;  
8 or

9                   (B) for which a charter has been granted under  
10 Subchapter C to replicate successful educational programs, as  
11 determined by the commissioner, within the preceding five years;  
12 and

13                 (4) other criteria as adopted by the commissioner,  
14 which must include:

15                   (A) criteria relating to the capability of the  
16 applicant to carry out the responsibilities provided by the charter  
17 and the likelihood that the applicant will operate a school of high  
18 quality;

19                   (B) criteria relating to improving student  
20 performance and encouraging innovative programs; and

21                   (C) a statement from any school district whose  
22 enrollment is likely to be affected by the open-enrollment charter  
23 school, including information relating to any financial difficulty  
24 that a loss in enrollment may have on the district.

25                 (f) The commissioner may reject an application on the basis  
26 that the application proposes an open-enrollment charter school  
27 campus to be located in the attendance zone of a school district

1 campus described by Subsection (d)(3)(A) and for which enrollment  
2 is open to any eligible student residing in the district only if  
3 each campus in the district for which enrollment is open to any  
4 eligible student residing in the district received an overall  
5 performance rating of A or B for the preceding school year.

6 (g) In approving an application that proposes an  
7 open-enrollment charter school to serve a geographical area that  
8 includes an entire county, the commissioner may require that the  
9 school and each campus of the school be located outside of the  
10 attendance zone of a school district campus described by Subsection  
11 (d)(3).

12 SECTION 3. Section 12.114, Education Code, is amended by  
13 adding Subsection (e) to read as follows:

14 (e) In determining whether to approve an expansion  
15 amendment that would expand the geographical area served by  
16 an open-enrollment charter school, the commissioner may consider  
17 the factors described by Section 12.110(d)(3).

18 SECTION 4. The changes in law made by this Act apply only to  
19 an application for a charter for an open-enrollment charter school,  
20 notice of the establishment of an open-enrollment charter school  
21 campus, or a request for approval of an expansion amendment  
22 submitted on or after the effective date of this Act.

23 SECTION 5. This Act takes effect immediately if it receives  
24 a vote of two-thirds of all the members elected to each house, as  
25 provided by Section 39, Article III, Texas Constitution. If this  
26 Act does not receive the vote necessary for immediate effect, this  
27 Act takes effect September 1, 2021.