

BILL ANALYSIS

H.B. 1707
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Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In Texas, open-enrollment charter schools are considered public schools. However, charter schools are sometimes subjected to zoning and permitting rules and made to pay specific fees that traditional public schools are not. These fees and the extra regulatory burden negatively impact the ability of charter schools to serve public school students and waste taxpayer resources. H.B. 1707 seeks to address this issue by requiring municipalities to apply the same locally determined rules across all public schools, including open-enrollment charter schools. The legislation would not give charter schools any special rights, preference, or treatment above other public schools or stop municipalities from determining safe and appropriate sites where such charter schools may be located. H.B. 1707 respects local control by allowing municipalities to set their own local rules, but ensures that the rules apply to open-enrollment charter schools in the same manner as to public school districts.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1707 amends the Education Code to require a political subdivision to consider an open-enrollment charter school a public school district for purposes of the following: zoning; project permitting; platting and replatting processes; business licensing; franchises; utility services; signage; subdivision regulation; property development projects; the requirements for posting bonds or securities; contract requirements; applicable land development standards; tree and vegetation regulations; regulations of architectural features of a structure; construction of fences; landscaping; garbage disposal; noise levels; fees or other assessments; and construction or site development work. The bill establishes that an open-enrollment charter school does not have the power of eminent domain. The bill prohibits a political subdivision from taking any action that prohibits an open-enrollment charter school from operating a public school campus, educational support facility, athletic facility, or administrative office within the political subdivision's jurisdiction or on any specific property located within that jurisdiction that it could not take against a public school district. The bill requires a political subdivision to grant approval in the same manner and follow the same timelines as if the charter school were a public school district located in the jurisdiction. Statutory provisions relating to the applicability of laws to an open-enrollment charter school, as amended by the bill, apply to charter school property that is owned or leased with certain state funds and, except as provided by the provisions, expressly do not affect the authority granted by state law to a political subdivision to regulate an open-

enrollment charter school regarding health and safety ordinances. The bill excludes a public school district from the term "political subdivision" for purposes of these provisions.

H.B. 1707 amends the Local Government Code to make the following changes:

- to extend the applicability of statutory provisions relating to a land development standards agreement between a public school district and a municipality that has annexed territory for limited purposes to also apply to such an agreement between such a municipality and an open-enrollment charter school, including a campus or campus program charter and a college, university, or junior college charter school;
- to specify that the definition of land development standards that applies to those provisions includes building heights, traffic impact analyses, parking requirements, and signage requirements; and
- to authorize the exemption of an open-enrollment charter school and applicable charter school property from the Municipal Drainage Utility Systems Act and associated regulations.

The bill establishes that an exemption from the Municipal Drainage Utility Systems Act granted to a public school district before the bill's effective date automatically extends to all open-enrollment charter schools located in the municipality after that date unless the municipality repeals the exemption before that date.

H.B. 1707 repeals Section 12.103(c), Education Code, which establishes that a campus of an open-enrollment charter school located in whole or in part in a municipality with a population of 20,000 or less is not subject to a municipal zoning ordinance governing public schools.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.