

By: Bernal

H.B. No. 263

A BILL TO BE ENTITLED

AN ACT

relating to the requirements for the revision of a charter for 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 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 notice of the establishment of a campus as authorized under Section 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. (a) A revision of a charter of an open-enrollment charter school that is not an expansion revision

1 may be made only with the approval of the commissioner. An
2 expansion revision, as defined by commissioner rule, may be made
3 only in the manner provided by this section.

4 (b) Not more than once during each biennium [~~each year~~], an
5 open-enrollment charter school may request approval of an expansion
6 amendment to:

7 (1) increase [~~to revise~~] the maximum allowable student
8 enrollment described by the school's charter;i

9 (2) add a new campus or site;

10 (3) relocate an existing campus or site more than five
11 miles from the current location;

12 (4) extend the grade levels described by the school's
13 charter; or

14 (5) expand the geographic boundaries described by the
15 school's charter.

16 (c) A [~~Not later than the 60th day after the date that a~~]
17 charter holder shall submit [~~submits~~] to the commissioner a
18 completed request for approval for an expansion amendment. A
19 request for approval submitted under this section must include
20 information needed for an evaluation of the charter holder as
21 provided by Subsection (d).

22 (d) The commissioner shall thoroughly review a request for
23 approval for an expansion amendment and ensure approval of the
24 request is in the best interest of all students in the state. The
25 commissioner may not approve a request if during each of the two
26 years preceding the date of the request the open-enrollment charter
27 school has not served the lesser of:

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

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

6 (e) The commissioner may not waive the requirements of
7 Subsection (d).

8 (f) The [, as defined by commissioner rule, including a new
9 school amendment, the] commissioner shall provide to the charter
10 holder written notice of approval or disapproval of an [the]
11 amendment requested under this section.

12 (g) [~~(d)~~] A charter holder may submit a request for approval
13 for an expansion amendment up to 18 months before the date on which
14 the expansion will be effective. A request for approval of an
15 expansion amendment does not obligate the charter holder to
16 complete the proposed expansion.

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

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

23 SECTION 5. This Act takes effect September 1, 2023.