

By: Dutton

H.B. No. 5095

A BILL TO BE ENTITLED

AN ACT

relating to the applicability of certain laws governing public school discipline and law and order to open-enrollment charter schools.

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

SECTION 1. Section 12.104(b), Education Code, as amended by Chapters 542 (S.B. 168), 887 (S.B. 1697), 915 (H.B. 3607), 974 (S.B. 2081), and 1046 (S.B. 1365), Acts of the 87th Legislature, Regular Session, 2021, is reenacted and amended to read as follows:

(b) An open-enrollment charter school is subject to:

(1) a provision of this title establishing a criminal offense;

(2) the provisions in Chapter 554, Government Code; and

(3) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) criminal history records under Subchapter C, Chapter 22;

(C) reading instruments and accelerated reading instruction programs under Section 28.006;

(D) accelerated instruction under Section 28.0211;

(E) high school graduation requirements under Section 28.025;

(F) special education programs under Subchapter A, Chapter 29;

(G) bilingual education under Subchapter B, Chapter 29;

(H) prekindergarten programs under Subchapter E or E-1, Chapter 29, except class size limits for prekindergarten classes imposed under Section 25.112, which do not apply;

(I) extracurricular activities under Section 33.081;

~~(J) [discipline management practices or behavior management techniques under Section 37.0021,~~

~~[(K)]~~ health and safety under Chapter 38;

(K) ~~[(L)]~~ the provisions of Subchapter A, Chapter 39;

(L) ~~[(M)]~~ public school accountability and special investigations under Subchapters A, B, C, D, F, G, and J, Chapter 39, and Chapter 39A;

(M) ~~[(N)]~~ the requirement under Section 21.006 to report an educator's misconduct;

(N) ~~[(O)]~~ intensive programs of instruction under Section 28.0213;

~~[(P)] the right of a school employee to report a crime, as provided by Section 37.148,~~

1                   ~~[(Q) bullying prevention policies and procedures~~  
2 ~~under Section 37.0832,~~

3                   ~~[(R) the right of a school under Section 37.0052~~  
4 ~~to place a student who has engaged in certain bullying behavior in a~~  
5 ~~disciplinary alternative education program or to expel the student,~~

6                   ~~[(S) the right under Section 37.0151 to report to~~  
7 ~~local law enforcement certain conduct constituting assault or~~  
8 ~~harassment,]~~

9                   (O) ~~[(T)]~~ a parent's right to information  
10 regarding the provision of assistance for learning difficulties to  
11 the parent's child as provided by Sections 26.004(b)(11) and  
12 26.0081(c) and (d);

13                   (P) ~~[(U)]~~ establishment of residency under  
14 Section 25.001;

15                   ~~[(V) school safety requirements under Sections~~  
16 ~~37.108, 37.1081, 37.1082, 37.109, 37.113, 37.114, 37.1141, 37.115,~~  
17 ~~37.207, and 37.2071,]~~

18                   (Q) ~~[(W)]~~ the early childhood literacy and  
19 mathematics proficiency plans under Section 11.185;

20                   (R) ~~[(X)]~~ the college, career, and military  
21 readiness plans under Section 11.186; ~~[and]~~

22                   (S) ~~[(Y)]~~ parental options to retain a student  
23 under Section 28.02124; and

24                   (T) discipline and law and order under Chapter  
25 37.

26               SECTION 2. To the extent of any conflict, this Act prevails  
27 over another Act of the 88th Legislature, Regular Session, 2023,

1 relating to nonsubstantive additions to and corrections in enacted  
2 codes.

3       SECTION 3. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2023.