

By: Johnson

S.B. No. 90

A BILL TO BE ENTITLED

AN ACT

relating to an application for the establishment of a new open-enrollment charter school campus or site.

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 by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) Not later than the 60th day after the date that a charter

holder submits to the commissioner a completed request for approval for an expansion amendment, as defined by commissioner rule, ~~[including a new school amendment,~~] the commissioner shall provide to the charter holder written notice of approval or disapproval of the amendment.

(c-1) This section does not apply to an application for the establishment of a new open-enrollment charter school campus or site under Section 12.1142.

SECTION 3. Subchapter D, Chapter 12, Education Code, is amended by adding Section 12.1142 to read as follows:

Sec. 12.1142. APPLICATION FOR ESTABLISHMENT OF NEW OPEN-ENROLLMENT CHARTER SCHOOL CAMPUS OR SITE. (a) A charter holder may submit to the commissioner an application to establish a new open-enrollment charter school campus or site as provided by this section. The application must include the zip code of the proposed campus or site.

(b) As soon as practicable after an application for a new campus or site is submitted, the agency shall prepare a report that includes a fiscal note estimating the total cost to the state and the potential revenue loss for each affected school district for the 10-year period following the establishment of the proposed campus or site.

(c) The commissioner shall post to the agency's Internet website each application received under this section along with the report prepared under Subsection (b) for that application and shall provide notice of each application and a copy of the report to:

(1) the superintendent and the board of trustees of

each school district from which the proposed campus or site 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 campus or site, as determined by the commissioner.

(d) Not sooner than 60 days after notice of an application and a report prepared for that application are posted to the agency's Internet website and provided to the persons listed under Subsection (c), the commissioner shall submit to the State Board of Education any application the commissioner proposes to approve and:

(1) the report prepared under Subsection (b); and

(2) any impact statements submitted to the commissioner by a school district whose enrollment is likely to be affected by the proposed campus or site.

(e) Unless, before the 90th day after the date on which the State Board of Education receives an application proposing to establish a new open-enrollment charter school campus or site, a majority of the members of the board present and voting vote against the charter holder's proposal, the application is approved and the charter holder's proposal takes effect.

(f) The commissioner shall adopt rules regarding the consideration of applications under this section that:

(1) allow a charter holder to submit an application at least 18 months before the date proposed for the establishment of the proposed campus or site; and

(2) provide for the consideration and approval or disapproval of each application by the commissioner and the State

1 Board of Education only during even-numbered years.

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

4 SECTION 5. The changes in law made by this Act apply only to
5 an application for the establishment of a new open-enrollment
6 charter school campus or site received by the commissioner of
7 education on or after the effective date of this Act.

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