

BILL ANALYSIS

C.S.H.B. 2354
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Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee that there is ambiguity in the Education Code that puts open-enrollment charter schools at a disadvantage and creates overly burdensome requirements. C.S.H.B. 2354 seeks to clarify those areas of state law, provide for single-sex charter schools, and give open-enrollment charter schools some of the same authority as independent 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

C.S.H.B. 2354 amends the Education Code to update the provision in current law establishing the classes of charters to provide that a college or university or junior college charter and an adult education program charter are classes of charters. The bill authorizes a charter to provide for an admission policy that limits admission to students of a single biological sex as correctly stated on the student's official birth certificate or, if the student's official birth certificate is unobtainable, another governmental record. The bill establishes that an open-enrollment charter school, under the specified circumstances, is considered to be the following:

- a public school district customer, for purposes of the sale of electricity;
- a political subdivision, for purposes of aggregation by political subdivisions; and
- a local authority for purposes of Transportation Code provisions governing the rules of the road, but only when the charter school is designating school crossing guards for campuses of the school.

C.S.H.B. 2354 revises the requirement for the governing body of a charter school to take certain actions with respect to its admissions process by doing the following:

- clarifying that the requirement applies to the charter school's admission and enrollment process; and
- with respect to the condition triggering the requirement for the governing body to fill available positions in the school by lottery, specifying that the charter school does so on receipt of more acceptable applications for admission than available positions in a grade level or campus, rather than available positions in the school.

C.S.H.B. 2354 establishes that, for purposes relating to the information each charter school must annually file with the commissioner of education, an officer or member of the governing body

of a charter school does not include an assistant principal or assistant director. The bill authorizes a person to be employed by a charter school as a teacher for a noncore academic career and technical education course without holding a baccalaureate degree if the following conditions are met:

- the person meets the qualifications for a public school district teaching permit for a person who will teach only noncore academic career and technical education courses; and
- the governing body and the chief executive officer and educational leader of the charter school comply with those requirements in the same manner as a district's board of trustees and superintendent.

C.S.H.B. 2354 applies beginning with the 2025-2026 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 2354 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include provisions that appeared in the introduced that did the following:

- authorized an open-enrollment charter school that fills available positions in a grade level or campus by lottery to use a weighted lottery that assigns weights to applicants so that an applicant's probability of admission increases if the applicant satisfies criteria selected by the charter school;
- authorized the charter school to increase an applicant's probability of admission if the applicant is eligible to participate in a special education program, is an emergent bilingual student, or is educationally disadvantaged;
- required the commissioner of education to adopt rules regarding the implementation of a weighted lottery, including rules that establish the information a charter school may request an applicant to provide, which must be limited in scope to only the information necessary for the charter school to implement the lottery and ensure compliance with:
 - federal law regarding the confidentiality of student medical or educational information, including the federal Health Insurance Portability and Accountability Act of 1996 and the federal Family Educational Rights and Privacy Act of 1974; and
 - any state law relating to the privacy of student information;
- required a charter school that uses a weighted lottery to:
 - include in the charter school's admission and enrollment policy the information the school may request from an applicant as provided by commissioner rule;
 - request an applicant to provide the information only if the charter school receives more acceptable applications for admission than available positions in the school;
 - clearly mark all such requested information as optional; and
 - use any information provided by an applicant only to determine if the applicant's probability of admission will increase in accordance with the applicable criteria selected by the charter school; and
- required a charter school to make publicly available and post in a prominent and appropriate location on its public website, if applicable, notice of the school's admission and enrollment policy, including the method by which the school fills available positions, including whether the school uses a lottery or a weighted lottery and, if the school fills available positions by weighted lottery, the weights assigned to applicants.