

By: Shaheen

H.B. No. 2354

Substitute the following for H.B. No. 2354:

By: Buckley

C.S.H.B. No. 2354

A BILL TO BE ENTITLED

AN ACT

relating to charter schools, including the admission, enrollment,  
and employment policies of and the applicability of certain laws to  
open-enrollment charter schools.

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

SECTION 1. Section 12.002, Education Code, is amended to  
read as follows:

Sec. 12.002. CLASSES OF CHARTER. The classes of charter  
under this chapter are:

(1) a home-rule school district charter as provided by  
Subchapter B;

(2) a campus or campus program charter as provided by  
Subchapter C; ~~or~~

(3) an open-enrollment charter as provided by  
Subchapter D;

(4) a college or university or junior college charter  
as provided by Subchapter E; or

(5) an adult education program charter as provided by  
Subchapter G.

SECTION 2. Section 12.1058(a), Education Code, is amended  
to read as follows:

(a) An open-enrollment charter school is considered to be:

(1) a local government for purposes of Chapter 791,  
Government Code;

1           (2) a local government for purposes of Chapter 2259,  
2 Government Code, except that an open-enrollment charter school may  
3 not issue public securities as provided by Section 2259.031(b),  
4 Government Code;

5           (3) a political subdivision for purposes of Chapter  
6 172, Local Government Code;

7           (4) a local governmental entity for purposes of  
8 Subchapter I, Chapter 271, Local Government Code;

9           (5) a political subdivision for purposes of Section  
10 180.008, Local Government Code;

11           (6) a political subdivision for purposes of Section  
12 16.061, Civil Practice and Remedies Code, with respect to any  
13 property purchased, leased, constructed, renovated, or improved  
14 with state funds under Section 12.128 of this code; ~~and~~

15           (7) a political subdivision for purposes of Section  
16 11.11, Tax Code;

17           (8) a public school district customer for purposes of  
18 Section 182.022(d), Tax Code;

19           (9) a political subdivision for purposes of Section  
20 304.001, Local Government Code; and

21           (10) a local authority for purposes of Subtitle C,  
22 Title 7, Transportation Code, only when the school is designating  
23 school crossing guards for campuses of the school.

24       SECTION 3. Section 12.111(a), Education Code, is amended to  
25 read as follows:

26       (a) Each charter granted under this subchapter must:

27           (1) describe the educational program to be offered,

1 which must include the required curriculum as provided by Section  
2 28.002;

3 (2) provide that continuation of the charter is  
4 contingent on the status of the charter as determined under Section  
5 12.1141 or 12.115 or under Chapter 39A;

6 (3) specify the academic, operational, and financial  
7 performance expectations by which a school operating under the  
8 charter will be evaluated, which must include applicable elements  
9 of the performance frameworks adopted under Section 12.1181;

10 (4) specify:

11 (A) any basis, in addition to a basis specified  
12 by this subchapter or Chapter 39A, on which the charter may be  
13 revoked, renewal of the charter may be denied, or the charter may be  
14 allowed to expire; and

15 (B) the standards for evaluation of a school  
16 operating under the charter for purposes of charter renewal, denial  
17 of renewal, expiration, revocation, or other intervention in  
18 accordance with Section 12.1141 or 12.115 or Chapter 39A, as  
19 applicable;

20 (5) prohibit discrimination in admission policy on the  
21 basis of sex, national origin, ethnicity, religion, disability,  
22 academic, artistic, or athletic ability, or the district the child  
23 would otherwise attend in accordance with this code, although the  
24 charter may:

25 (A) provide for the exclusion of a student who  
26 has a documented history of a criminal offense, a juvenile court  
27 adjudication, or discipline problems under Subchapter A, Chapter

1 37; ~~and~~

2 (B) provide for an admission policy that requires  
3 a student to demonstrate artistic ability if the school specializes  
4 in performing arts; and

5 (C) provide for an admission policy that limits  
6 admission to students of a single biological sex as correctly  
7 stated on the student's official birth certificate, as described by  
8 Section 33.0834(c), or, if the student's official birth certificate  
9 is unobtainable, another governmental record;

10 (6) specify the grade levels to be offered;

11 (7) describe the governing structure of the program,  
12 including:

13 (A) the officer positions designated;

14 (B) the manner in which officers are selected and  
15 removed from office;

16 (C) the manner in which members of the governing  
17 body of the school are selected and removed from office;

18 (D) the manner in which vacancies on that  
19 governing body are filled;

20 (E) the term for which members of that governing  
21 body serve; and

22 (F) whether the terms are to be staggered;

23 (8) specify the powers or duties of the governing body  
24 of the school that the governing body may delegate to an officer;

25 (9) specify the manner in which the school will  
26 distribute to parents information related to the qualifications of  
27 each professional employee of the program, including any

1 professional or educational degree held by each employee, a  
2 statement of any certification under Subchapter B, Chapter 21, held  
3 by each employee, and any relevant experience of each employee;

4 (10) describe the process by which the person  
5 providing the program will adopt an annual budget;

6 (11) describe the manner in which an annual audit of  
7 the financial and programmatic operations of the program is to be  
8 conducted, including the manner in which the person providing the  
9 program will provide information necessary for the school district  
10 in which the program is located to participate, as required by this  
11 code or by commissioner rule, in the Public Education Information  
12 Management System (PEIMS);

13 (12) describe the facilities to be used;

14 (13) describe the geographical area served by the  
15 program;

16 (14) specify any type of enrollment criteria to be  
17 used;

18 (15) provide information, as determined by the  
19 commissioner, relating to any management company that will provide  
20 management services to a school operating under the charter; and

21 (16) specify that the governing body of an  
22 open-enrollment charter school accepts and may not delegate  
23 ultimate responsibility for the school, including the school's  
24 academic performance and financial and operational viability, and  
25 is responsible for overseeing any management company providing  
26 management services for the school and for holding the management  
27 company accountable for the school's performance.

SECTION 4. The heading to Section 12.117, Education Code, is amended to read as follows:

Sec. 12.117. ADMISSION AND ENROLLMENT.

SECTION 5. Section 12.117(a), Education Code, is amended to read as follows:

(a) For admission and enrollment to an open-enrollment charter school, the governing body of the school shall:

(1) require the applicant to complete and submit the common admission application form described by Section 12.1173 not later than a reasonable deadline the school establishes; and

(2) on receipt of more acceptable applications for admission under this section than available positions in a grade level or campus [~~the school~~]:

(A) fill the available positions by lottery; or

(B) subject to Subsection (b), fill the available positions in the order in which applications received before the application deadline were received.

SECTION 6. Section 12.119, Education Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) For purposes of Subsection (b), an officer or member of the governing body of an open-enrollment charter school does not include an assistant principal or assistant director.

SECTION 7. Section 12.129, Education Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsections [~~Subsection~~] (b) and (c), a person employed as a principal or a teacher by an

open-enrollment charter school must hold a baccalaureate degree.

(c) A person may be employed as a teacher for a noncore academic career and technical education course without holding a baccalaureate degree if:

(1) the person meets the qualifications under Section 21.055(d-1); and

(2) the governing body and the chief executive officer and educational leader of the open-enrollment charter school comply with the requirements of Section 21.055(d-1) in the same manner as a school district board of trustees and superintendent.

SECTION 8. This Act applies beginning with the 2025-2026 school year.

SECTION 9. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2025.