

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

1 AN ACT

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

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

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

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

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

12 (2) a campus or campus program charter as provided by
13 Subchapter C; ~~[or]~~

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

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

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

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

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

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

C.S.H.B. No. 2354

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;

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

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.

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

3 Sec. 12.117. ADMISSION AND ENROLLMENT.

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

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

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

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

14 (A) fill the available positions by lottery; or

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

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

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

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

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

1 open-enrollment charter school must hold a baccalaureate degree.

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

5 (1) the person meets the qualifications under Section
6 21.055(d-1); and

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

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

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