

By: Shaheen

H.B. No. 2354

A BILL TO BE ENTITLED

AN ACT

1
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;

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.

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, Education Code, is amended by
5 amending Subsection (a) and adding Subsections (a-1), (a-2), (a-3),
6 and (b-1) to read as follows:

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

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

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

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

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

19 (a-1) An open-enrollment charter school that fills
20 available positions by lottery under Subsection (a)(2)(A) may use a
21 weighted lottery that assigns weights to applicants so that an
22 applicant's probability of admission increases if the applicant
23 satisfies criteria selected by the school. The school may increase
24 an applicant's probability of admission if the applicant is:

25 (1) eligible to participate in a special education
26 program under Section 29.003;

27 (2) an emergent bilingual student, as defined by

1 Section 29.052; or

2 (3) educationally disadvantaged.

3 (a-2) The commissioner shall adopt rules regarding the
4 implementation of a weighted lottery under Subsection (a-1),
5 including rules that:

6 (1) establish the information an open-enrollment
7 charter school may request an applicant to provide, which must be
8 limited in scope to only the information necessary for the school to
9 implement the lottery; and

10 (2) ensure compliance with:

11 (A) federal law regarding the confidentiality of
12 student medical or educational information, including the Health
13 Insurance Portability and Accountability Act of 1996 (42 U.S.C.
14 Section 1320d et seq.) and the Family Educational Rights and
15 Privacy Act of 1974 (20 U.S.C. Section 1232g); and

16 (B) any state law relating to the privacy of
17 student information.

18 (a-3) An open-enrollment charter school that uses a
19 weighted lottery under Subsection (a-1) shall:

20 (1) include in the school's admission and enrollment
21 policy the information the school may request an applicant to
22 provide under Subsection (a-2)(1);

23 (2) request an applicant to provide the information
24 under Subsection (a-2)(1) only if the school receives more
25 acceptable applications for admission than available positions in
26 the school;

27 (3) clearly mark all information requested under

1 Subdivision (2) as optional; and
2 (4) use any information provided by an applicant under
3 Subdivision (2) only to determine if the applicant's probability of
4 admission will increase in accordance with Subsection (a-1).

5 (b-1) An open-enrollment charter school shall make publicly
6 available and post in a prominent and appropriate location on the
7 school's public Internet website, if the school maintains a public
8 Internet website, notice of the school's admission and enrollment
9 policy, including:

10 (1) the method by which the school fills available
11 positions in the school, including whether the school uses:

12 (A) a lottery; or

13 (B) a weighted lottery; and

14 (2) if the school fills available positions by
15 weighted lottery under Subsection (a-1), the weights assigned to
16 applicants under that subsection.

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

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

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

25 (a) Except as provided by Subsections [~~Subsection~~] (b) and
26 (c), a person employed as a principal or a teacher by an
27 open-enrollment charter school must hold a baccalaureate degree.

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

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

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

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

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