

By: West

S.B. No. 2130

A BILL TO BE ENTITLED

AN ACT

relating to an application for a charter for an open-enrollment charter school and to the expansion of an open-enrollment charter school.

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

SECTION 1. Section 12.101(b-4), Education Code, is amended to read as follows:

(b-4) Notwithstanding Section 12.114, approval of the commissioner under that section is not required for establishment of a new open-enrollment charter school campus if the requirements of this subsection are satisfied. A charter holder having an accreditation status of accredited and at least 50 percent of its student population in grades assessed under Subchapter B, Chapter 39, or at least 50 percent of the students in the grades assessed having been enrolled in the school for at least three school years may establish one or more new campuses under an existing charter held by the charter holder if:

(1) the charter holder is currently evaluated under the standard accountability procedures for evaluation under Chapter 39 and received a district rating in the highest or second highest performance rating category under Subchapter C, Chapter 39, for three of the last five years with at least 75 percent of the campuses rated under the charter also receiving a rating in the highest or second highest performance rating category and with no

campus with a rating in the lowest performance rating category in the most recent ratings;

(2) the charter holder provides written notice to the commissioner of the establishment of any campus under this subsection in the time, manner, and form provided by rule of the commissioner; and

(3) not later than the 60th day after the date the charter holder provides written notice under Subdivision (2), the commissioner does not provide written notice to the charter holder that the commissioner has determined that:

(A) the charter holder does not satisfy the requirements of this section; or

(B) the proposed campus will be located in the attendance zone of a school district campus described by Section 12.110(d)(3).

SECTION 2. Section 12.110, Education Code, is amended by amending Subsection (d) and adding Subsections (f) and (g) to read as follows:

(d) The commissioner shall approve or deny an application based on:

(1) documented evidence collected through the application review process;

(2) merit; ~~and~~

(3) whether the geographical area to be served by the proposed open-enrollment charter school includes the attendance zone of a school district campus:

(A) that:

1 (i) received an overall performance rating
2 of B for the preceding school year;

3 (ii) did not have significant student
4 academic achievement differentials among students from different
5 racial and ethnic groups and socioeconomic backgrounds for the
6 preceding school year, as determined by the commissioner; and

7 (iii) is not at full enrollment capacity;
8 or

9 (B) for which a charter has been granted under
10 Subchapter C to replicate successful educational programs, as
11 determined by the commissioner, within the preceding five years;
12 and

13 (4) other criteria as adopted by the commissioner,
14 which must include:

15 (A) criteria relating to the capability of the
16 applicant to carry out the responsibilities provided by the charter
17 and the likelihood that the applicant will operate a school of high
18 quality;

19 (B) criteria relating to improving student
20 performance and encouraging innovative programs; and

21 (C) a statement from any school district whose
22 enrollment is likely to be affected by the open-enrollment charter
23 school, including information relating to any financial difficulty
24 that a loss in enrollment may have on the district.

25 (f) The commissioner may reject an application on the basis
26 that the application proposes an open-enrollment charter school
27 campus to be located in the attendance zone of a school district

campus described by Subsection (d)(3)(A) and for which enrollment is open to any eligible student residing in the district only if each campus in the district for which enrollment is open to any eligible student residing in the district received an overall performance rating of A for the preceding school year.

(g) In approving an application that proposes an open-enrollment charter school to serve a geographical area that includes an entire county, the commissioner may require that the school and each campus of the school be located outside of the attendance zone of a school district campus described by Subsection (d)(3).

SECTION 3. Section [12.114](#), Education Code, is amended by adding Subsection (e) to read as follows:

(e) In determining whether to approve an expansion amendment that would expand the geographical area served by an open-enrollment charter school, the commissioner may consider the factors described by Section [12.110](#)(d)(3).

SECTION 4. The changes in law made by this Act apply only to an application for a charter for an open-enrollment charter school, notice of the establishment of an open-enrollment charter school campus, or a request for approval of an expansion amendment submitted on or after the effective date of this Act.

SECTION 5. 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, 2017.