

By: Dutton

H.B. No. 1728

A BILL TO BE ENTITLED

AN ACT

relating to certain facilities transactions between school districts and charter schools.

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

SECTION 1. Section [11.1542](#), Education Code, is amended to read as follows:

Sec. 11.1542. FACILITIES TRANSACTIONS BETWEEN DISTRICTS AND CHARTER SCHOOLS [~~OPEN-ENROLLMENT CHARTER SCHOOL OFFER FOR DISTRICT FACILITY~~]. (a) This subsection applies only to an independent school district facility or portion of a district facility that is identified by the commissioner in accordance with commissioner rule adopted under Subsection (b) as being unused or underutilized by the district. If the charter holder of an open-enrollment charter school makes a written offer to a district to lease or purchase, for use by the open-enrollment charter school, a district facility or portion of a district facility identified as being unused or underutilized, the district must lease or sell, as applicable, the facility or portion of the facility to the charter holder for use by the open-enrollment charter school. The lease or sale price must be at fair market value and may be on other terms agreed to by the charter holder and district board of trustees. The terms of the lease or sale may not restrict the ability of the charter holder to use the facility for classroom or other instructional purposes [~~The board of trustees of~~

~~an independent school district that intends to sell, lease, or allow use for a purpose other than a district purpose of an unused or underused district facility must give each open-enrollment charter school located wholly or partly within the boundaries of the district the opportunity to make an offer to purchase, lease, or use the facility, as applicable, in response to any terms established by the board of trustees, before offering the facility for sale or lease or to any other specific entity].~~

(b) For purposes of Subsection (a), the commissioner shall by rule adopt a procedure and criteria for determining whether a school district facility or a portion of a district facility is unused or underutilized by the district. Each year, the commissioner shall, using the procedure and criteria adopted, identify for each district any district facility or portion of a district facility that is unused or underutilized. Each year, the agency shall post on the agency's Internet website a list of each district's unused or underutilized facilities and portions of facilities. At the request of an open-enrollment charter school, a district shall provide to the charter school a list of unused and underutilized district facilities and portions of district facilities as identified by the commissioner ~~[This section does not require the board of trustees of a school district to accept an offer made by an open-enrollment charter school].~~

SECTION 2. This Act applies only to a contract entered into by a school district and a charter holder of an open-enrollment charter school on or after the effective date of this Act. A contract entered into between a school district and a charter

1 holder before the effective date of this Act is governed by the law
2 in effect on the date the contract is entered into, and that law is
3 continued in effect for that purpose.

4 SECTION 3. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2015.