

SUBJECT: Revising applicability of certain laws to open-enrollment charter schools

COMMITTEE: Land & Resource Management — favorable, without amendment

VOTE: 5 ayes — Burns, C. Bell, K. Bell, Buckley, Schofield

2 nays — Ortega, Sherman

2 absent — Rogers, Reynolds

WITNESSES: For — Ann Scott, KIPP Texas Public Schools; Bryce Adams, Texas Public Charter Schools Association; Randy Shaffer, Trinity Basin Preparatory; Sarah Landsman, YES Prep Public Schools (*Registered, but did not testify*; Garry Jones, Democrats For Education Reform; Frank Corte, International Leadership of Texas; Addie Gomez, KIPP Texas Public Schools; Harold Oliver, Shulman Lopez Hoffer & Adelstein; Gabriel Grantham, Texas 2036; Stephanie Matthews, Texas Association of Business; Justin Yancy, Texas Business Leadership Council; Amanda List, Tom Sage, Partner Hunton Andrews Kurth)

Against — Ann Heuberger, Del Valle ISD; Patty Quinzi, Texas AFT; Susybelle Gosslee; Betsy Greenberg (*Registered, but did not testify*; Tricia Cave, Association of Texas Professional Educators; Lynn Boswell, Austin ISD Board of Trustees; Kathryn Whitley Chu, Austin ISD Board of Trustees; Brie Franco, City of Austin; Tennell Atkins, City of Dallas; Clifford Sparks, City of Dallas; LaRessa Quintana, City of Denton; Charles Luke, Coalition for Education Funding; Jaime Puente, Every Texan; Charles Johnson, Pastors for Texas Children; Ana Gonzalez, Texas AFL-CIO; Barry Haenisch, Texas Association of Community Schools; Raif Calvert, Texas Association of School Boards; Pamela McPeters, Texas Classroom Teachers Association; Dee Carney, Texas School Alliance; Carrie Griffith, Texas State Teachers Association; and 10 individuals)

BACKGROUND: Some have suggested that municipalities should be required to apply certain locally determined rules across all public schools, including open-

enrollment charter schools.

DIGEST: HB 1707 would require a political subdivision to consider an open-enrollment charter school as a school district for certain purposes related to zoning, permitting, business licensing, utility services, signage, subdivision regulation, property development projects, land development standards, requirements for posting bonds or securities, contract requirements, and fees or other assessments, among certain other purposes. The bill would establish that a charter school did not have the power of eminent domain.

Under the bill, a political subdivision could not take any action that prohibited a charter school from operating a public school campus, educational support facility, athletic facility, or administrative office within the political subdivision's jurisdiction or on any specific property located within the jurisdiction that the political subdivision could not take against a school district. A subdivision would be required to grant approval in the same manner and follow the same timelines for a charter school as it would for a school district located within the political subdivision's jurisdiction. The bill would apply to both owned and leased property of a charter school. The bill would not affect the authority of a political subdivision to regulate a charter school regarding health and safety ordinances.

The bill would include charter schools in provisions of the Local Government Code pertaining to school district land development standards agreements.

The bill would include charter schools on the list of entities that were eligible for an exemption from the Municipal Drainage Utility Systems Act. An exemption granted to a school district would automatically extend to all charter schools located in the municipality after the effective date of the bill.

The bill would repeal Education Code sec. 12.103(c), which establishes that a campus of an open-enrollment charter school located in a

municipality with a population of 20,000 or less is not subject to a municipal zoning ordinance governing public schools.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2023.