

BILL ANALYSIS

Senate Research Center

C.S.H.B. 211
By: Hochberg (Sibley)
Education
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Committee Report (Substituted - REVISED)

DIGEST

Currently, there are issues regarding compliance with the public information and open-meetings laws by school districts and open-enrollment charter schools. C.S.H.B. 211 sets forth provisions regarding compliance by school districts and open-enrollment charter schools with the public information law and the open meetings law and to the governance of an open-enrollment charter school.

PURPOSE

As proposed, C.S.H.B. 211 sets forth provisions regarding compliance by school districts and open-enrollment charter schools with the public information law and the open meetings law and to the governance of an open-enrollment charter school.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 12.105(b), Education Code, to provide that any requirement in Chapters 551 and 552, Government Code, relating to a school district, school board, or school children applies to an open-enrollment charter school (charter school) and to children attending an open-enrollment school.

SECTION 2. Amends Section 12.111, Education Code, to require each charter granted under this subchapter to describe the governing structure of the program, including certain information.

SECTION 3. Amends Chapter 12D, Education Code, by adding Sections 12.119 and 12.120, as follows:

Sec. 12.119. BYLAWS; ANNUAL REPORT. Requires the entity to which a charter is granted for a charter school to file with the State Board of Education (board) a copy of its bylaws, or a comparable document if the entity does not have bylaws, within the period and manner prescribed by the board. Requires each charter school to file certain information with the board each year within the period and on a prescribed form. Requires the board to provide certain information to a member of the public, on request. Authorizes the board to charge a reasonable fee to cover the board's cost in providing the information.

Sec. 12.120. LIMITATION ON SERVING AS OFFICER OR EMPLOYEE. Prohibits a person who has been convicted of a felony or a misdemeanor involving moral turpitude from serving as an officer or member of the governing body of a charter school.

SECTION 4. Amends Section 53.02, Education Code, by adding Subdivision (13), to define "authorized charter school."

SECTION 5. Amends Section 53.48, Education Code, to authorize a corporation created under Section 53.35(b) to issue bonds to finance or refinance educational facilities or housing facilities to be used by an accredited primary or secondary school or by an authorized charter school, in the same manner that a corporation may issue bonds under this chapter for an institution of higher education.

SECTION 6. Amends Chapter 552C, Government Code, by adding Section 552.131, as follows:

Sec. 552.131. EXCEPTION: CERTAIN INFORMATION HELD BY SCHOOL DISTRICT.

Defines “informer.” Provides that an informer’s name or information that would substantially reveal the identity of an informer is excepted from the requirements of Section 552.021. Sets forth certain instances in which Subsection (b) does not apply. Authorizes information excepted under Subsection (b) to be made available to a law enforcement agency or prosecutor for official purposes of the agency or prosecutor upon proper request. Provides that this section does not infringe on or impair the confidentiality of information considered to be confidential by law.

SECTION 7. Makes application of Section 552.3241, Government Code, as added by this Act, prospective.

SECTION 8. Amends Section 26.007(b), Education Code, to require a board of trustees of a school district to hold each public meeting in a certain area except as required by law or except to hold a joint meeting with another governmental entity, if the boundaries of the governmental entity are in whole or in part within the boundaries of the district.

SECTION 9. Requires each charter school for which a charter is granted before September 1, 1999, to revise its charter as necessary to comply with Section 12.111, Education Code, as amended by this Act, not later than January 1, 2000. Requires the entity to which a charter is granted before September 1, 1999, to file a copy of its bylaws or other document not later than January 1, 2000.

SECTION 10. Emergency clause.

Effective date: upon passage.