

## **BILL ANALYSIS**

Senate Research Center  
85R13033 CAE-F

S.B. 1786  
By: Hall  
Education  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Charter schools operated by nonprofit corporations are treated like public entities at the legislature's discretion, but otherwise they are considered private nonprofit corporations. This is the intent and legal framework established by the legislature for charter schools since first enacted in 1995. They are "public schools" and their employees "public employees" because they receive public funds to educate children and are accountable like public schools for academic and financial performance.

In several states, charter schools have recently been subject to unionization efforts following unfavorable decisions of the National Labor Relations Board (NLRB). Independent school districts in Texas, as political subdivisions, are not subject to unionization and collective bargaining by their employees.

As the legislature determines which statutes will apply to charter schools and when and where they will be considered like a political subdivision, S.B. 1786 clarifies that charter schools are to be treated like school districts and are a political subdivision for purposes of Chapter 617, Government Code. This will prohibit collective bargaining by charter school employees under state law, the same protection as provided to school districts.

As proposed, S.B. 1786 amends current law relating to the applicability of certain laws to open-enrollment charter schools.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 12.1058(c), Education Code, as follows:

(c) Provides that, notwithstanding Subsection (a) (relating to defining an "open-enrollment charter school") or (b) (relating to authorizing an open-enrollment charter school to elect to extend workers' compensation to employers), an open-enrollment charter school operated by a tax exempt entity as described by Section 12.101(a)(3) (relating to the definition of "eligible entity" to include an organization that is tax exempt) is not considered to be a political subdivision, local government, or local governmental entity unless a provision in this chapter (Charters) states that a specific statute applies to an open-enrollment charter school. Makes nonsubstantive changes.

SECTION 2. Amends Chapter 617, Government Code, by adding Section 617.0025, as follows:

Sec. 617.0025. APPLICABILITY OF CHAPTER TO OPEN-ENROLLMENT CHARTER SCHOOL. (a) Provides that an open-enrollment charter school established under Subchapter D (Open-Enrollment Charter School), Chapter 12, Education Code, is a political subdivision for purposes of this chapter (Collective Bargaining and Strikes).

(b) Provides that a member of the governing body of a charter holder, a member of the governing body of an open-enrollment charter school, and an officer of an open-enrollment charter school are considered to be officials of a political subdivision and an employee of an open-enrollment charter school is considered to be a public employee under this chapter.

SECTION 3. Provides that, with respect to Section 617.0025, Government Code, as added by this Act, if an open-enrollment charter school entered into a collective bargaining contract with a labor organization before the effective date of this Act, Chapter 617, Government Code, does not apply during the term of that contract. Prohibits a collective bargaining contract entered into before the effective date of this Act from being renewed.

SECTION 4. Effective date: upon passage or September 1, 2017.