

BILL ANALYSIS

Senate Research Center

S.B. 2266
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Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The public education of Texas is a mix of traditional public schools and charter schools. Since the inception of charter schools, the number of schools has grown.

But in certain geographical areas there is a plethora of charter schools that has led to an oversaturation of charter schools. This legislation sets in place a mechanism for what would be considered by the commissioner of education when considering approving a charter application, whether new or an expansion, that would deal with the oversaturation of charter schools in areas.

S.B. 2266 enacts a process for considering when a new charter or expansion of charter would be inadvisable given that the service of a traditional school district already meets the needs of students. The commissioner currently has no way to reject requests for these schools, leading to oversaturation in certain communities and the hollowing out and erosion of good public schools. S.B. 2266 authorizes the commissioner to consider whether the students in the proposed service area are already served by a traditional school district that meets the following safety indicators: a traditional campus: (1) is rated a "B" campus; (2) possesses no significant achievement differentials for student subgroups, and (3) is not at full capacity. If the charter requests to serve the entire county, then the commissioner may prohibit the location of a campus in a specific service area.

As proposed, S.B. 2266 amends current law relating to an application for a charter for an open-enrollment charter school and to the expansion of an open-enrollment charter school.

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 12.101(b-4), Education Code, as follows:

(b-4) Authorizes a charter holder having an accreditation status of accredited and at least 50 percent of its student population in grades assessed under Subchapter B (Assessment of Academic Skills), 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 to establish one or more new campuses under an existing charter held by the charter holder if:

(1)–(2) makes no changes to these subdivisions;

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

(A) creates this subdivision from existing text and makes a nonsubstantive change; and

(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. Amends Section 12.110, Education Code, by amending Subsection (d) and adding Subsections (f) and (g), as follows:

(d) Requires the commissioner to approve or deny an application based on:

(1) makes no changes to this subdivision;

(2) makes a nonsubstantive change;

(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:

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

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

(iii) is not at full enrollment capacity; or

(B) for which a charter has been granted under Subchapter C (Campus on Campus Program Charter) to replicate successful educational programs, as determined by the commissioner, within the preceding five years; and

(4) creates this subdivision from existing text.

(f) Authorizes the commissioner to reject an application on the basis that the application proposes an open-enrollment charter school 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) Authorizes the commissioner, in approving an application that proposes an open-enrollment charter school to serve a geographical area that includes an entire county, to 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. Amends Section 12.114, Education Code, by adding Subsection (e) to authorize the commissioner, in determining whether to approve an expansion amendment that would expand the geographical area served by an open-enrollment charter school, to consider the factors described by Section 12.110(d)(3).

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: upon passage or September 1, 2017.