

BILL ANALYSIS

Senate Research Center
86R29574 CAE-F

C.S.S.B. 968
By: Hancock
Education
4/30/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Recent experiences have revealed that open-enrollment charter schools are often not treated the same as school districts for the purposes of zoning, permitting, code compliance, land development standards, and certain impact fees. These unnecessary hurdles can significantly increase their costs and affect their ability to educate Texas schoolchildren. S.B. 968 seeks to ensure that open-enrollment charter schools are included in certain provisions that currently apply to school districts and that charter schools are not completely prohibited from operating in a municipality through zoning requirements.

S.B. 968 clarifies that municipalities will consider an open-enrollment charter school to be the same as a school district for the purposes of zoning, permitting, code compliance, and development. Additionally, S.B. 968 gives charter schools the same ability as school districts to negotiate land development standards agreements with municipalities and further clarifies the definition of "land development standards." S.B. 968 prohibits municipalities from prohibiting charter schools from operating at any location within their boundaries. S.B. 968 includes charter schools in the exemption school districts receive from impact fees to a political subdivision and would require charter schools to be treated the same as a school district when being exempt from municipal drainage system regulations and charges. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 968 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, Education Code, by amending Subsection (c) and adding Subsection (d), as follows:

(c) Provides that, notwithstanding Subsection (a) (relating to providing that an open-enrollment charter school is considered to be a certain entity for certain purposes) or (b) (relating to authorizing an open-enrollment charter school to provide workers' compensation benefits in certain circumstances), an open-enrollment charter school operated by a tax exempt entity as described by Section 12.101(a)(3) (relating to providing that the definition of "eligible entity" includes certain tax exempt organizations) is not considered to be a political subdivision, local government, or local governmental entity unless a statute, rather than the applicable statute, specifically states that the statute applies to an open-enrollment charter school.

(d) Requires a municipality, except as provided by Section 12.103(c) (relating to a provision that a campus of an open-enrollment charter school located in a municipality of a certain size is not subject to a municipal zoning ordinance), to consider an open-enrollment charter school a school district for purposes of zoning, permitting, code compliance, and development.

SECTION 2. Amends Section 212.902, Local Government Code, as follows:

Sec. 212.902. New heading: SCHOOL DISTRICT AND OPEN-ENROLLMENT CHARTER SCHOOL LAND DEVELOPMENT STANDARDS. (a) Provides that this section applies to an agreement between a school district or open-enrollment charter school and a municipality which has annexed territory for limited purposes, rather than providing that this section applies to agreements between school districts and any municipality which has annexed territory for limited purposes.

(b) Makes conforming changes to this subsection.

(c) Requires proposed agreements by the district, rather than the school district, or charter school and the municipality, if the municipality and the school district or open-enrollment charter school do not reach an agreement on or before the 120th day after the date on which the municipality receives the district's or charter school's request for an open agreement, to be submitted to an independent arbitrator appointed by the presiding district judge whose jurisdiction includes the district, rather than school district, or charter school. Makes conforming changes.

(d) Makes conforming changes to this subsection.

(e) Creates Subdivision (1) from existing text and makes nonsubstantive changes. Provides that in this section:

(1) "Land development standards" includes impervious cover limitations, building setbacks, floor to area ratios, building heights and coverage, water quality controls, landscaping, development setbacks, compatibility standards, traffic analyses including traffic impact analyses, parking requirements, signage requirements, and driveway cuts, if applicable.

(2) "Open-enrollment charter school" means a school granted a charter under Subchapter D (Open-Enrollment Charter School) or E (College or University or Junior College Charter School), Chapter 12 (Charters), Education Code.

(f) Makes a conforming change to this subsection.

SECTION 3. Amends Chapter 250, Local Government Code, by adding Section 250.009, as follows:

Sec. 250.009. REGULATION OF OPEN-ENROLMENT CHARTER SCHOOLS. (a) Defines "open-enrollment charter school."

(b) Prohibits a municipality, county, or political subdivision from enacting or enforcing a prohibition on open-enrollment charter schools locating or establishing additional campuses within the jurisdiction of the municipality, county, or political subdivision.

(c) Provides that this section does not otherwise affect the authority granted by state law to a municipality, county, or political subdivision to regulate an open-enrollment charter school.

SECTION 4. Amends Section 395.022(b), Local Government Code, to make conforming changes.

SECTION 5. Amends Section 552.053, Local Government Code, by amending Subsection (b) and adding Subsections (b-1) and (b-2), as follows:

(b) Makes conforming changes to this subsection.

(b-1) Requires the exemption, for purposes of an exemption granted under Subsection (b)(4) (relating to authorizing a school district to be exempt from certain requirements relating to municipal drainage utility systems), to be granted to both school districts and open-enrollment charter schools.

(b-2) Defines "open-enrollment charter school."

SECTION 6. Provides that an exemption granted to a school district under Section 552.053(b)(4), Local Government Code, as that section existed before the effective date of this Act, automatically extends to all open-enrollment charter schools located in the municipality after the effective date of this Act unless the municipality repeals the exemption before the effective date of this Act.

SECTION 7. Effective date: upon passage or September 1, 2019.