

1-1 By: Hughes S.B. No. 1838
 1-2 (In the Senate - Filed March 10, 2017; March 23, 2017, read
 1-3 first time and referred to Committee on Education; May 9, 2017,
 1-4 reported adversely, with favorable Committee Substitute by the
 1-5 following vote: Yeas 11, Nays 0; May 9, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Taylor of Galveston	X			
1-8 Lucio	X			
1-9 Bettencourt	X			
1-10 Campbell	X			
1-11 Hall	X			
1-12 Huffines	X			
1-13 Hughes	X			
1-14 Seliger	X			
1-15 Taylor of Collin	X			
1-16 Uresti	X			
1-17 West	X			

1-19 COMMITTEE SUBSTITUTE FOR S.B. No. 1838 By: Hughes

1-20 A BILL TO BE ENTITLED
 1-21 AN ACT

1-22 relating to the applicability of certain laws to open-enrollment
 1-23 charter schools.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 12.1058, Education Code, is amended by
 1-26 adding Subsection (d) to read as follows:

1-27 (d) In adopting or enforcing ordinances for purposes of
 1-28 zoning, permitting, code compliance, and development, a
 1-29 municipality may not treat an open-enrollment charter school
 1-30 differently than a school district.

1-31 SECTION 2. The heading to Section 212.902, Local Government
 1-32 Code, is amended to read as follows:

1-33 Sec. 212.902. SCHOOL DISTRICT AND OPEN-ENROLLMENT CHARTER
 1-34 SCHOOL LAND DEVELOPMENT STANDARDS.

1-35 SECTION 3. Sections 212.902(a), (b), (c), (d), and (f),
 1-36 Local Government Code, are amended to read as follows:

1-37 (a) This section applies to an agreement ~~[agreements]~~
 1-38 between a school district or open-enrollment charter school
 1-39 [districts] and a [any] municipality which has annexed territory
 1-40 for limited purposes.

1-41 (b) On request by a school district or open-enrollment
 1-42 charter school, a municipality shall enter an agreement with the
 1-43 board of trustees of the school district or the governing body of
 1-44 the open-enrollment charter school to establish review fees, review
 1-45 periods, and land development standards ordinances and to provide
 1-46 alternative water pollution control methodologies for school
 1-47 buildings constructed by the school district or open-enrollment
 1-48 charter school. The agreement shall include a provision exempting
 1-49 the district or charter school from all land development ordinances
 1-50 in cases where the district or charter school is adding temporary
 1-51 classroom buildings on an existing school campus.

1-52 (c) If the municipality and the school district or
 1-53 open-enrollment charter school do not reach an agreement on or
 1-54 before the 120th day after the date on which the municipality
 1-55 receives the district's or charter school's request for an
 1-56 agreement, proposed agreements by the [school] district or charter
 1-57 school and the municipality shall be submitted to an independent
 1-58 arbitrator appointed by the presiding district judge whose
 1-59 jurisdiction includes the [school] district or charter school. The
 1-60 arbitrator shall, after a hearing at which both the [school]

2-1 district or charter school and the municipality make presentations
2-2 on their proposed agreements, prepare an agreement resolving any
2-3 differences between the proposals. The agreement prepared by the
2-4 arbitrator will be final and binding upon both the [~~school~~]
2-5 district or charter school and the municipality. The cost of the
2-6 arbitration proceeding shall be borne equally by the [~~school~~]
2-7 district or charter school and the municipality.

2-8 (d) A school district or open-enrollment charter school
2-9 that requests an agreement under this section, at the time the
2-10 district or charter school [~~it~~] makes the request, shall send a copy
2-11 of the request to the commissioner of education. At the end of the
2-12 120-day period, the requesting district or charter school shall
2-13 report to the commissioner the status or result of negotiations
2-14 with the municipality. A municipality may send a separate status
2-15 report to the commissioner. The district or charter school shall
2-16 send to the commissioner a copy of each agreement between the
2-17 district or charter school and a municipality under this section.

2-18 (f) Nothing in this section shall be construed to limit the
2-19 applicability of or waive fees for fire, safety, health, or
2-20 building code ordinances of the municipality prior to or during
2-21 construction of school buildings, nor shall any agreement waive any
2-22 fee or modify any ordinance of a municipality for an
2-23 administration, service, or athletic facility proposed for
2-24 construction by a school district or open-enrollment charter
2-25 school.

2-26 SECTION 4. Section 395.022(b), Local Government Code, is
2-27 amended to read as follows:

2-28 (b) A school district and an open-enrollment charter school
2-29 are [~~is~~] not required to pay impact fees imposed under this chapter
2-30 unless the board of trustees of the district or the governing body
2-31 of the charter school consents to the payment of the fees by
2-32 entering a contract with the political subdivision that imposes the
2-33 fees. The contract may contain terms the board of trustees or
2-34 governing body considers advisable to provide for the payment of
2-35 the fees.

2-36 SECTION 5. This Act takes effect immediately if it receives
2-37 a vote of two-thirds of all the members elected to each house, as
2-38 provided by Section 39, Article III, Texas Constitution. If this
2-39 Act does not receive the vote necessary for immediate effect, this
2-40 Act takes effect September 1, 2017.

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