

1-1 By: Hancock, Hall S.B. No. 968  
 1-2 (In the Senate - Filed February 21, 2019; March 1, 2019,  
 1-3 read first time and referred to Committee on Education;  
 1-4 May 1, 2019, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 10, Nays 1; May 1, 2019,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Taylor	X			
1-9 Lucio	X			
1-10 Bettencourt	X			
1-11 Campbell	X			
1-12 Fallon	X			
1-13 Hall	X			
1-14 Hughes	X			
1-15 Paxton	X			
1-16 Powell	X			
1-17 Watson	X			
1-18 West		X		

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 968 By: Paxton

1-21 A BILL TO BE ENTITLED  
 1-22 AN ACT

1-23 relating to the applicability of certain laws to open-enrollment  
 1-24 charter schools.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 12.1058, Education Code, is amended by  
 1-27 amending Subsection (c) and adding Subsection (d) to read as  
 1-28 follows:

1-29 (c) Notwithstanding Subsection (a) or (b), an  
 1-30 open-enrollment charter school operated by a tax exempt entity as  
 1-31 described by Section 12.101(a)(3) is not considered to be a  
 1-32 political subdivision, local government, or local governmental  
 1-33 entity unless a ~~[the applicable]~~ statute specifically states that  
 1-34 the statute applies to an open-enrollment charter school.

1-35 (d) Except as provided by Section 12.103(c), a municipality  
 1-36 shall consider an open-enrollment charter school a school district  
 1-37 for purposes of zoning, permitting, code compliance, and  
 1-38 development.

1-39 SECTION 2. Section 212.902, Local Government Code, is  
 1-40 amended to read as follows:

1-41 Sec. 212.902. SCHOOL DISTRICT AND OPEN-ENROLLMENT CHARTER  
 1-42 SCHOOL LAND DEVELOPMENT STANDARDS. (a) This section applies to an  
 1-43 agreement [agreements] between a school district or  
 1-44 open-enrollment charter school [districts] and a [any]  
 1-45 municipality which has annexed territory for limited purposes.

1-46 (b) On request by a school district or open-enrollment  
 1-47 charter school, a municipality shall enter an agreement with the  
 1-48 board of trustees of the school district or the governing body of  
 1-49 the open-enrollment charter school to establish review fees, review  
 1-50 periods, and land development standards ordinances and to provide  
 1-51 alternative water pollution control methodologies for school  
 1-52 buildings constructed by the school district or open-enrollment  
 1-53 charter school. The agreement shall include a provision exempting  
 1-54 the district or charter school from all land development ordinances  
 1-55 in cases where the district or charter school is adding temporary  
 1-56 classroom buildings on an existing school campus.

1-57 (c) If the municipality and the school district or  
 1-58 open-enrollment charter school do not reach an agreement on or  
 1-59 before the 120th day after the date on which the municipality  
 1-60 receives the district's or charter school's request for an

2-1 agreement, proposed agreements by the [~~school~~] district or charter  
2-2 school and the municipality shall be submitted to an independent  
2-3 arbitrator appointed by the presiding district judge whose  
2-4 jurisdiction includes the [~~school~~] district or charter school. The  
2-5 arbitrator shall, after a hearing at which both the [~~school~~]  
2-6 district or charter school and the municipality make presentations  
2-7 on their proposed agreements, prepare an agreement resolving any  
2-8 differences between the proposals. The agreement prepared by the  
2-9 arbitrator will be final and binding upon both the [~~school~~]  
2-10 district or charter school and the municipality. The cost of the  
2-11 arbitration proceeding shall be borne equally by the [~~school~~]  
2-12 district or charter school and the municipality.

2-13 (d) A school district or open-enrollment charter school  
2-14 that requests an agreement under this section, at the time the  
2-15 district or charter school [~~it~~] makes the request, shall send a copy  
2-16 of the request to the commissioner of education. At the end of the  
2-17 120-day period, the requesting district or charter school shall  
2-18 report to the commissioner the status or result of negotiations  
2-19 with the municipality. A municipality may send a separate status  
2-20 report to the commissioner. The district or charter school shall  
2-21 send to the commissioner a copy of each agreement between the  
2-22 district or charter school and a municipality under this section.

2-23 (e) In this section:

2-24 (1) [~~7~~] "Land [~~land~~] development standards" includes  
2-25 impervious cover limitations, building setbacks, floor to area  
2-26 ratios, building heights and coverage, water quality controls,  
2-27 landscaping, development setbacks, compatibility standards,  
2-28 traffic analyses including traffic impact analyses, parking  
2-29 requirements, signage requirements, and driveway cuts, if  
2-30 applicable.

2-31 (2) "Open-enrollment charter school" means a school  
2-32 granted a charter under Subchapter D or E, Chapter 12, Education  
2-33 Code.

2-34 (f) Nothing in this section shall be construed to limit the  
2-35 applicability of or waive fees for fire, safety, health, or  
2-36 building code ordinances of the municipality prior to or during  
2-37 construction of school buildings, nor shall any agreement waive any  
2-38 fee or modify any ordinance of a municipality for an  
2-39 administration, service, or athletic facility proposed for  
2-40 construction by a school district or open-enrollment charter  
2-41 school.

2-42 SECTION 3. Chapter 250, Local Government Code, is amended  
2-43 by adding Section 250.009 to read as follows:

2-44 Sec. 250.009. REGULATION OF OPEN-ENROLLMENT CHARTER  
2-45 SCHOOLS. (a) In this section, "open-enrollment charter school"  
2-46 means a school granted a charter under Subchapter D or E, Chapter  
2-47 12, Education Code.

2-48 (b) A municipality, county, or political subdivision may  
2-49 not enact or enforce a prohibition on open-enrollment charter  
2-50 schools locating or establishing additional campuses within the  
2-51 jurisdiction of the municipality, county, or political  
2-52 subdivision.

2-53 (c) This section does not otherwise affect the authority  
2-54 granted by state law to a municipality, county, or political  
2-55 subdivision to regulate an open-enrollment charter school.

2-56 SECTION 4. Section 395.022(b), Local Government Code, is  
2-57 amended to read as follows:

2-58 (b) A school district and an open-enrollment charter school  
2-59 are [~~is~~] not required to pay impact fees imposed under this chapter  
2-60 unless the board of trustees of the district or the governing body  
2-61 of the charter school consents to the payment of the fees by  
2-62 entering a contract with the political subdivision that imposes the  
2-63 fees. The contract may contain terms the board of trustees or  
2-64 governing body considers advisable to provide for the payment of  
2-65 the fees.

2-66 SECTION 5. Section 552.053, Local Government Code, is  
2-67 amended by amending Subsection (b) and adding Subsections (b-1) and  
2-68 (b-2) to read as follows:

2-69 (b) The following may be exempt:

- 3-1 (1) this state;
- 3-2 (2) a county;
- 3-3 (3) a municipality; or
- 3-4 (4) [~~a~~] school districts and open-enrollment charter
- 3-5 schools [~~district~~].

3-6 (b-1) For purposes of an exemption granted under Subsection  
3-7 (b)(4), the exemption must be granted to both school districts and  
3-8 open-enrollment charter schools.

3-9 (b-2) For purposes of this section, "open-enrollment  
3-10 charter school" means a school granted a charter under Subchapter D  
3-11 or E, Chapter 12, Education Code.

3-12 SECTION 6. An exemption granted to a school district under  
3-13 Section 552.053(b)(4), Local Government Code, as that section  
3-14 existed before the effective date of this Act, automatically  
3-15 extends to all open-enrollment charter schools located in the  
3-16 municipality after the effective date of this Act unless the  
3-17 municipality repeals the exemption before the effective date of  
3-18 this Act.

3-19 SECTION 7. This Act takes effect immediately if it receives  
3-20 a vote of two-thirds of all the members elected to each house, as  
3-21 provided by Section 39, Article III, Texas Constitution. If this  
3-22 Act does not receive the vote necessary for immediate effect, this  
3-23 Act takes effect September 1, 2019.

3-24 \* \* \* \* \*