

## **BILL ANALYSIS**

C.S.H.B. 1348  
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Land & Resource Management  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been noted that open-enrollment charter schools may not be treated in the same way as public school districts under state law establishing certain regulatory powers of political subdivisions, including local regulation of zoning, permitting, code compliance, and land development standards. Concerns have been raised that this uneven treatment may result in unnecessary hurdles that could significantly increase these schools' costs and affect their ability to educate Texas schoolchildren. C.S.H.B. 1348 seeks to address these concerns by making certain laws relating to local government powers applicable to charter schools in the same manner as to public school districts.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1348 amends the Education Code to require a political subdivision to consider an open-enrollment charter school a public school district for purposes of certain zoning, property, and property development regulations and for other purposes specified by the bill. The bill prohibits a political subdivision from taking any action that prohibits a charter school from operating a campus, educational support facility, athletic facility, or administrative office within the political subdivision's jurisdiction or on any specific property located within that jurisdiction unless the political subdivision could take the same action against a public school district. The bill requires a political subdivision to grant any applicable approval in the same manner and follow the same timelines as if the charter school were a public school district located in the jurisdiction. These provisions apply to charter school property that is owned or leased with certain state funds and expressly do not affect the authority granted by state law to a political subdivision to regulate a charter school regarding health and safety ordinances.

C.S.H.B. 1348 amends the Local Government Code to make the following changes:

- to extend the applicability of statutory provisions relating to a land development standards agreement between a public school district and a municipality that has annexed territory for limited purposes to such an agreement between an applicable municipality and an open-enrollment charter school, including a campus or campus program charter and a college, university, or junior college charter school;

- to specify that the definition of land development standards that applies to these provisions includes building heights, traffic impact analyses, parking requirements, and signage requirements;
- to exempt an open-enrollment charter school from paying impact fees imposed by a municipality, applicable county, or certain other local governments for financing capital improvements required by new development, unless the governing body of the charter school consents by contract to such payment; and
- to authorize the exemption of an open-enrollment charter school and applicable charter school property from the Municipal Drainage Utility Systems Act and associated regulations.

The bill establishes that an exemption from the Municipal Drainage Utility Systems Act granted to a public school district before the bill's effective date automatically extends to all open-enrollment charter schools located in the municipality unless the municipality repeals the exemption before the bill's effective date.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1348 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes from a municipality to a political subdivision the entity that is required to consider an open-enrollment charter school a public school district for certain purposes and expands the specification of those purposes.

The substitute revises the prohibition of certain actions by a political subdivision against an open-enrollment charter school as follows:

- expands the types of prohibited actions to include any action that prohibits certain charter school operations and specifies that a prohibited action is one that a political subdivision could not take against a public school district; and
- extends the protected charter school operations to include certain facilities and offices and revises the location of those operations.

The substitute includes the following:

- a requirement that a political subdivision grant certain approval to a charter school in the same manner and on the same timeline as for a public school district;
- a provision specifying that a political subdivision's authority to regulate an open-enrollment charter school for certain purposes applies to charter school property that is owned or leased using certain state funds;
- a provision clarifying that the bill does not affect the authority granted by state law to a political subdivision to regulate a charter school regarding health and safety ordinances; and
- a specification that, for purposes of a land development standards agreement with an applicable municipality, an open-enrollment charter school includes a campus charter or campus program charter.

The substitute does not include a requirement that an exemption from the Municipal Drainage Systems Utility Act, if applicable, be granted to both public school districts and open-enrollment charter schools.