

## **BILL ANALYSIS**

Senate Research Center

H.B. 211  
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Education  
5/13/1999  
Engrossed

### **DIGEST**

Some school districts and open-enrollment charter schools disagree with certain decisions made by the attorney general with respect to public information. Districts or schools that disagree with those opinions may appeal up to the supreme court level, which may cause added costs to taxpayers. H.B. 211 prohibits a school district or open-enrollment charter school from filing a suit challenging an attorney general's decision relating to decisions regarding requests for public information or from seeking relief from compliance with such a decision. This bill also requires the commissioner of education to suspend funding to any district or school failing to comply with an attorney general's decision.

### **PURPOSE**

As proposed, H.B. 211 sets forth provisions regarding compliance by school districts and open-enrollment charter schools with the public information law and the open meetings law and to the governance of an open-enrollment charter school.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 12.105(b), Education Code, to provide that any requirement in Chapters 551 and 552, Government Code, relating to a school district, school board, or school children applies to an open-enrollment charter school (charter school) and to children attending an open-enrollment school.

SECTION 2. Amends Section 12.111, Education Code, to require each charter granted under this subchapter to describe the governing structure of the program, including certain information.

SECTION 3. Amends Chapter 12D, Education Code, by adding Sections 12.119 and 12.120, as follows:

Sec. 12.119. BYLAWS; ANNUAL REPORT. Requires the entity to which a charter is granted for a charter school to file with the State Board of Education (board) a copy of its bylaws, or a comparable document if the entity does not have bylaws, within the period and manner prescribed by the board. Requires each charter school to file certain information with the board each year within the period and on a prescribed form. Requires the board to provide certain information to a member of the public, on request. Authorizes the board to charge a reasonable fee to cover the board's cost in providing the information.

Sec. 12.120. LIMITATION ON SERVING AS OFFICER OR EMPLOYEE. Prohibits a person who has been convicted of a felony or a misdemeanor involving moral turpitude from serving as an officer or member of the governing body of a charter school.

SECTION 4. Amends Chapter 552C, Government Code, by adding Section 552.131, as follows:

Sec. 552.131. EXCEPTION: CERTAIN INFORMATION HELD BY SCHOOL DISTRICT. Provides that certain information held by a school district is excepted from the requirements of Section 552.021 to the extent the information names or otherwise identifies a student or former student or an employee or former employee of the district. Sets forth circumstances under which Subsection (a) does not apply. Requires information excepted under Subsection (a) to be made available to a law enforcement agency or prosecutor for official purposes on the request of the

agency or prosecutor. Provides that this section does not infringe on or impair the informer's privilege recognized and applied as making information confidential under Section 552.108.

SECTION 5. Amends Chapter 552H, Government Code, by adding Section 552.3241, as follows:

Sec. 552.3241. APPEAL BY SCHOOL DISTRICT OR OPEN-ENROLLMENT CHARTER SCHOOL PROHIBITED. Prohibits certain entities and persons, notwithstanding any other provision of this chapter, from filing a suit challenging a decision of the attorney general issued under Subchapter G or otherwise seeking relief from compliance with a decision. Provides that this section applies only to certain information.

SECTION 6. Makes application of Section 552.3241, Government Code, as added by this Act, prospective.

SECTION 7. Amends Section 26.007(b), Education Code, to require a board of trustees of a school district to hold each public meeting in a certain area except as required by law or except to hold a joint meeting with another governmental entity, if the boundaries of the governmental entity are in whole or in part within the boundaries of the district.

SECTION 8. Requires each charter school for which a charter is granted before September 1, 1999, to revise its charter as necessary to comply with Section 12.111, Education Code, as amended by this Act, not later than January 1, 2000. Requires the entity to which a charter is granted before September 1, 1999, to file a copy of its bylaws or other document not later than January 1, 2000.

SECTION 9. Emergency clause.  
Effective date: upon passage.