

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1838
By: Hughes
Education
5/5/2017
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Section 12.103, Education Code, states that open-enrollment charter schools are "subject to federal and state laws and rules governing public schools and to municipal zoning ordinances governing public schools," but only to the extent that the applicability of such laws and rules have been specifically applied to open-enrollment charter schools. Chapter 12 goes on to apply such rules on an assortment of educational and administrative items (Section 12.104); open meetings and public information laws (Section 12.1051); local government records (Section 12.1052); public purchasing and contracting (Section 12.1053); conflict of interest (Section 12.1054); nepotism (Section 12.1055); immunity from liability and suit (Section 12.1056); and membership in the Teacher Retirement System (Section 12.1057).

Section 12.105, Education Code, states that "An open-enrollment charter school is part of the public school system of this state." With this in mind, S.B. 1838 ensures that school districts and charter schools are treated in the same manner when it comes to certain aspects of municipal government. Specifically, Section 1 of the bill states that a municipality shall apply to school districts and charter schools the same zoning, permitting, code compliance, and development guidelines. Section 2 of the bill requires municipalities to treat school districts and charter schools as equivalent when it comes to the payment of municipal impact fees. Taken together, these provisions will help ensure that municipalities extend similar treatment to school districts and charter schools. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 1838 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 adding Subsection (d), to prohibit a municipality, in adopting or enforcing ordinances for purposes of zoning, permitting, code compliance, and development, from treating an open-enrollment charter school differently than a school district.

SECTION 2. Amends the heading to Section 212.902, Local Government Code, to read as follows:

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

SECTION 3. Amends Sections 212.902(a), (b), (c), (d), and (f), Local Government Code, as follows:

(a) Provides that this section applies to an agreement between a school district or open-enrollment charter school and a municipality, rather than to agreements between school districts and any municipality, which has annexed territory for limited purposes.

(b) Requires a municipality, on request by a school district or open-enrollment charter school, rather than by a school district, to enter an agreement with the board of trustees of the school district (board) or the governing body of the open-enrollment charter school, rather than enter an agreement with the board, for purposes related to school buildings. Makes conforming changes.

(c) and (d) Makes conforming and nonsubstantive changes.

(f) Requires that nothing in this section be construed to limit the applicability of or waive certain fees of the municipality prior to or during construction of school buildings, nor any agreement to waive any fee or modify any ordinance of a municipality for certain facilities' construction by a school district or open-enrollment charter school.

SECTION 4. Amends Section 395.022(b), Local Government Code, as follows:

(b) Provides that a school district and an open-enrollment charter school are not required to pay impact fees imposed under this chapter (Financing Capital Improvements Required by New Development in Municipalities, Counties, and Certain Other Local Governments) unless the board or the governing body of the charter school consents to the payment of the fees by entering a contract with the political subdivision that imposes the fees. Authorizes the contract to contain terms the board or governing body considers advisable to provide for the payment of fees.

SECTION 5. Effective date: upon passage or September 1, 2017.