

SUBJECT: Requiring cities to treat charter schools as ISD schools for zoning, permits

COMMITTEE: Land and Resource Management — favorable, without amendment

VOTE: 6 ayes — Deshotel, Leman, Biedermann, Burrows, Craddick, Spiller

2 nays — Romero, Rosenthal

1 absent — Thierry

SENATE VOTE: On final passage, May 14 — 23-7 (Eckhardt, Gutierrez, Menéndez, Miles, Powell, Seliger, Whitmire)

WITNESSES: None

BACKGROUND: Education Code sec. 12.103(a) subjects an open-enrollment charter school to federal and state laws and rules governing public schools and to municipal zoning ordinances. Sec. 12.103(c) states that a campus of a charter school located in whole or in part in a municipality with a population of 20,000 or less is not subject to a municipal zoning ordinance governing public schools.

Some have suggested that open-enrollment charter schools may be treated differently than public school districts with respect to local zoning, permitting, land development, and other regulations. Concerns have been raised that this may raise costs for charter schools and hamper the ability of these schools to effectively educate Texas children.

DIGEST: SB 487 would require a political subdivision, other than a school district, to consider an open-enrollment charter school a public school district for purposes of zoning, project permitting, platting and replatting processes, business licensing, franchises, utility services, signage, subdivision regulation, property development projects, the requirements for posting bonds or securities, contract requirements, school district land development standards, tree and vegetation regulations, regulations of architectural features of a structure, construction of fences, landscaping,

garbage disposal, noise levels, fees or other assessments, and construction or site development work. An open-enrollment charter school would not have the power of eminent domain.

A political subdivision could not take any action that prohibited a charter school from operating a public school campus, educational support facility, athletic facility, or administrative office that it could not take against a school district. A political subdivision would have to grant approval in the same manner and follow the same timelines as if the charter school were a school district located in that political subdivision's jurisdiction.

The bill would apply to charter school property that was owned or leased with state funds. The bill would not affect the authority granted by state law to a political subdivision to regulate a charter school regarding health and safety ordinances.

SB 487 would amend the Local Government Code as follows:

- extend the applicability of statutory provisions on a land development standards agreement between a school district and a municipality that had 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;
- specify that the definition of land development standards that applied included building heights, traffic impact analyses, parking requirements, and signage requirements; and
- authorize exemption of a charter school and applicable charter school property from the Municipal Drainage Utility Systems Act and regulations.

The bill would establish that an exemption from the Municipal Drainage Utility Systems Act granted to a school district as that subdivision existed before the bill's effective date would automatically extend to all charter schools located in the municipality unless the municipality repealed the

exemption before the bill's effective date.

SB 487 also would repeal Education Code sec. 12.103(c), which exempts a campus of an open-enrollment charter school located in whole or in part in a municipality with a population of 20,000 or less from the general applicability of municipal zoning ordinances governing public schools.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.

NOTES:

The House companion bill, HB 1348 by Deshotel, was heard by the House Land and Resource Management Committee in a public hearing on March 16, placed on the General State Calendar for May 5, and postponed until June 27.