

BILL ANALYSIS

H.B. 3155
By: Deshotel
Public Education
Committee Report (Amended)

BACKGROUND AND PURPOSE

It has been noted that open-enrollment charter schools may not be treated the same as public school districts with regard to certain state laws relating to zoning, permitting, code compliance, and land development standards. Concerns have been raised that this may result in unnecessary hurdles that could significantly increase these schools' costs and affect their ability to educate Texas schoolchildren. H.B. 3155 seeks to address these concerns by making these laws applicable to open-enrollment charter schools.

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

H.B. 3155 amends the Education Code to require a municipality to consider an open-enrollment charter school as a public school district for the purposes of zoning, permitting, code compliance, and development but excepts from this requirement a campus of a charter school located in whole or in part in a municipality with a population of 20,000 or less.

H.B. 3155 amends the Local Government Code to make the following changes with respect to the applicability of certain laws to charter schools:

- extends the applicability of statutory provisions relating to school district land development standards to an agreement between a charter school and a municipality that has annexed territory for limited purposes;
- excludes a charter school from the statutory requirement to pay impact fees on land within a political subdivision's corporate boundaries or extraterritorial jurisdiction;
- prohibits a municipality, county, or political subdivision from enacting or enforcing an ordinance, order, regulation, resolution, rule, or policy that prohibits a charter school from operating at any location or within any zoning district in the municipality, county, or political subdivision and establishes that this prohibition does not otherwise affect the authority granted by state law to a municipality, county, or political subdivision to regulate a charter school; and
- exempts a charter school from all ordinances, resolutions, and rules relating to a municipal drainage utility system, specifies that such an exemption must be granted to both school districts and charter schools, and automatically extends such an exemption

granted to a school district before the bill's effective date to all open-enrollment charter schools located in the municipality after the bill's effective date unless the municipality repeals the exemption before that date.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

EXPLANATION OF AMENDMENTS

Committee Amendment No. 1

Committee Amendment No. 1 removes provisions providing for a prohibition against a municipality, county, or political subdivision enacting or enforcing an ordinance, order, regulation, resolution, rule, or policy that prohibits a charter school from operating at any location or within any zoning district in the political subdivision.