

BILL ANALYSIS

Senate Research Center
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S.B. 487
By: Hughes
Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Section 12.105, Education Code, states that "An open-enrollment charter school is part of the public school system of this state." These charter schools on occasion may not have been treated in the same manner as independent school districts, however, with regard to certain state laws relating to zoning, permitting, code compliance, and land development standards. To the extent that charter schools have been disadvantaged by such treatment, the costs of the school have increased and its educational mission has been impaired. S.B. 487 seeks to address these concerns by ensuring that open-enrollment charter schools and school districts are treated in the same manner when it comes to certain aspects of local government.

As proposed, S.B. 487 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 amending Subsection (c) and adding Subsection (d), as follows:

(c) Makes a nonsubstantive change to this subsection.

(d) Requires a municipality, except as provided by Section 12.103(c) (relating to the exception of certain open-enrollment charter schools from municipal zoning ordinances), to consider an open-enrollment charter school a school district for purposes of zoning, permitting, code compliance, and development.

SECTION 2. Amends Section 212.902, Local Government Code, as follows:

Sec. 212.902. New heading: SCHOOL DISTRICT AND OPEN-ENROLLMENT CHARTER SCHOOL LAND DEVELOPMENT STANDARDS. (a) Provides that this section applies to an agreement between a school district or open-enrollment charter school and a municipality which has annexed territory for limited purposes. Makes nonsubstantive changes.

(b) Requires a municipality, on request by a school district or open-enrollment charter school, to enter an agreement with the board of trustees of the school district or the governing body of the open-enrollment charter school to establish review fees, review periods, and land development standards ordinances and to provide alternative water pollution control methodologies for school buildings constructed by the school district or open-enrollment charter school. Makes conforming changes.

(c) and (d) Makes conforming changes to these subsections.

(e) Redefines "land development standards." Defines "open-enrollment charter school."

(f) Makes a conforming change to this subsection.

SECTION 3. Amends Chapter 250, Local Government Code, by adding Section 250.013, as follows:

Sec. 250.013. REGULATION OF OPEN-ENROLLMENT CHARTER SCHOOLS. (a) Defines "open-enrollment charter school."

(b) Prohibits a municipality, county, or political subdivision from enacting or enforcing an ordinance, order, regulation, resolution, rule, or policy that prohibits an open-enrollment charter school from operating at any location or within any zoning district in the municipality, county, or political subdivision.

(c) Provides that this section does not otherwise affect the authority granted by state law to a municipality, county, or political subdivision to regulate an open-enrollment charter school.

SECTION 4. Amends Section 395.022(b), Local Government Code, to make conforming changes.

SECTION 5. Amends Section 552.053, Local Government Code, by amending Subsection (b) and adding Subsections (b-1) and (b-2), as follows:

(b) Authorizes the following to be exempt from Subchapter C (Municipal Drainage Utility Systems) and all ordinances, resolutions, and rules adopted under Subchapter C:

(1) and (2) makes no changes to these subdivisions;

(3) makes a nonsubstantive change to this subdivision; or

(4) school districts and open-enrollment charter schools, rather than a school district.

(b-1) Requires that the exemption, for purposes of an exemption granted under Subsection (b)(4), be granted to both school districts and open-enrollment charter schools.

(b-2) Defines "open-enrollment charter school" for Section 552.053 (Exemptions).

SECTION 6. Provides that an exemption granted to a school district under Section 552.053(b)(4), Local Government Code, as that section existed before the effective date of this Act, automatically extends to all open-enrollment charter schools located in the municipality after the effective date of this Act unless the municipality repeals the exemption before the effective date of this Act.

SECTION 7. Effective date: upon passage or September 1, 2021.