

ATTACHMENT II
Text of 19 TAC

Chapter 100. Charters

Subchapter A. Open-Enrollment Charter Schools

§100.1. Selection Process.

- (a) In accordance with the Texas Education Code (TEC), §12.101, a State Board of Education (SBOE) member shall be designated by the SBOE chair to work in coordination with the commissioner of education on the review of TEC, Chapter 12, Subchapter D, open-enrollment charter school applicants.
- (b) Following the commissioner's notification to the SBOE of the charters the commissioner proposes to grant, a majority of the SBOE members present and voting may vote to veto the commissioner's proposed charter(s) or may vote to take no action. The SBOE's consideration of the proposed charters will occur no later than 90 days following the commissioner's notification.
- (c) The SBOE may not vote or deliberate on any charter application that has not been proposed by the commissioner. For purposes of this section, deliberation is defined in Texas Government Code, §551.001.
- (d) An applicant for an open-enrollment charter, or any person or entity acting on behalf of an applicant for an open-enrollment charter, shall not communicate with the commissioner or the commissioner's designee, a member of the SBOE, or a member of an external application review panel concerning a charter school application beginning on the date the application is submitted and ending 90 days after the commissioner's proposal. The SBOE may veto a proposed application for violation of this subsection.

Statutory Authority: The provisions of this §100.1 issued under the Texas Education Code, §12.101.

Source: The provisions of this §100.1 adopted to be effective October 21, 2014, 39 TexReg 8265.

Subchapter B. Home-Rule School District Charters

§100.201. Adverse Action on a Home-Rule School District Charter.

- (a) The State Board of Education (SBOE) may place on probation or revoke a home-rule school district charter if the SBOE determines that the district:
 - (1) committed a material violation of the charter;
 - (2) failed to satisfy generally accepted accounting standards of fiscal management; or
 - (3) failed to comply with the requirements of the Texas Education Code (TEC), Chapter 12, Subchapter B, or other applicable law or rule.
- (b) The recommendation to place on probation or revoke the charter of a home-rule school district charter shall be made by the Texas Education Agency (TEA) in accordance with 19 TAC §157.11 of this title (relating to Notice of Intent), no fewer than 60 calendar days prior to the meeting of the SBOE at which the recommendation will be considered.
- (c) The TEA shall notify the district before placing on probation or revoking the charter. The notice shall clearly specify the following, either in the notice or by reference to other documents included with the notice:
 - (1) the action sought and the grounds for taking such action;
 - (2) a statement of the legal authority and jurisdiction under which the hearing will be held;
 - (3) a reference to the particular sections of the statutes and rules involved; and

- (4) the date, time, and place for a hearing on the action sought, which shall be provided to the district and to parents and guardians of district students, if requested in accordance with subsection (e) of this section.
- (d) Notice served on the district shall be notice to parents and guardians of students in the district.
- (e) Within ten calendar days after receiving the notice, the district may request a hearing and submit a written response containing specific answers to each of the findings included in the notice. If a request for hearing and a written response are not submitted within ten calendar days, the recommendations of the TEA on the proposed action shall be submitted to the SBOE for action.
- (f) A hearing held under this section shall be open to the public and must be held at the district unless a different location is agreed to by the district. The hearing shall be held not fewer than ten calendar days from the date the district receives notice and shall be governed by Chapter 157, Subchapter A, of this title (relating to General Provisions for Hearings Before the State Board of Education).
- (g) The administrative law judge may order that testimony and evidence from parents and guardians of students at the charter school be taken via prefiled written testimony under the Texas Government Code, §2001.085.

Statutory Authority: The provisions of this §100.201 issued under the Texas Education Code, §7.102(c)(8) and (9) and §12.028.

Source: The provisions of this §100.201 adopted to be effective October 10, 1999, 24 TexReg 8547.