

TEXAS EDUCATION CODE  
TITLE 2. PUBLIC EDUCATION  
SUBTITLE C. LOCAL ORGANIZATION AND GOVERNANCE  
CHAPTER 12. CHARTERS  
SUBCHAPTER D. OPEN-ENROLLMENT CHARTER SCHOOL

**TEC, §12.1011. CHARTER AUTHORIZATION FOR HIGH-PERFORMING ENTITIES.**

- (a) Notwithstanding Section 12.101(b), the commissioner may grant a charter for an open-enrollment charter school to an applicant that is:
- (1) an eligible entity under Section 12.101(a)(3) that proposes to operate the charter school program of a charter operator that operates one or more charter schools in another state and with which the eligible entity is affiliated and, as determined by the commissioner in accordance with commissioner rule, has performed at a level of performance comparable to performance under the highest or second highest performance rating category under Subchapter C, Chapter 39; or
  - (2) an entity that has operated one or more charter schools established under this subchapter or Subchapter C or E and, as determined by the commissioner in accordance with commissioner rule, has performed in the highest or second highest performance rating category under Subchapter C, Chapter 39.
- (b) A charter holder granted a charter for an open-enrollment charter school under Subsection (a) may vest management of corporate affairs in a member entity provided that the member entity may change the members of the governing body of the charter holder before the expiration of a member's term only with the express written approval of the commissioner.
- (c) The initial term of a charter granted under this section is five years.
- (d) The commissioner shall adopt rules to modify criteria for granting a charter for an open-enrollment charter school under this section to the extent necessary to address changes in performance rating categories under Subchapter C, Chapter 39.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1140 (S.B. [2](#)), Sec. 10, eff. September 1, 2013.