

The Texas Education Agency (TEA) proposes amendments to §§100.1021, 100.1025, 100.1035, 100.1095, 100.1111, 100.1117, 100.1119, 100.1121, 100.1207, and 100.1211, concerning the commissioner of education's rules for open-enrollment charter schools. The proposed amendment to §100.1207 would specify non-discriminatory enrollment criteria concerning students with records of serious disciplinary or criminal history to align the rule with Texas Education Code (TEC), §12.111, as amended by House Bill (HB) 6, 89th Texas Legislature, Regular Session, 2025. Further proposed amendments would include new charter schools in the list of entities eligible for transfer of property, no-contact provisions for high-performing entity applicants, and clarifications for central administrative officer instructional training requirements.

BACKGROUND INFORMATION AND JUSTIFICATION: Chapter 100 contains the primary rules governing open-enrollment charter schools in Texas. It outlines the regulations for charter authorization, governance, financial operations, and state oversight established by TEA and the commissioner.

The proposed amendment to §100.1021(d) would remove the citation to §100.1035(d), as that citation does not apply.

Proposed new §100.1025(h) would be added to prohibit high-performing entity applicants from contacting members of the State Board of Education during a certain period.

The proposed amendment to §100.1035 would remove subsection (c)(6), which addresses charter holder requests for high-quality campus designations prior to opening a new campus that is tied to an expansion amendment. The federal grant that required subsection (c)(6) is no longer in place.

The proposed amendment to §100.1035(d)(2)(A) would clarify the commissioner's requirements concerning campus dormancy.

New §100.1095(c)(1)(B)(ii)(I)(-b-) would be added to include new charter schools in the list of entities eligible for transfer of property.

New §100.1111(a)(6) would require each charter school to file an annual disclosure that no school officials, board members, or their close relatives would benefit financially from real estate transactions if the school seeks facilities funding under TEC, §12.106(d).

The proposed amendment to §100.1117(b) would explain the new timelines for board members to complete the Texas Open Meetings Act and Texas Public Information Act trainings, replacing the one-calendar-year timeline.

The proposed amendment to §100.1117(d)(3) would rename the training topic "Evaluating and Improving Student Outcomes" to "Academics and Student Outcomes" to provide consistency and clarity.

The proposed amendment to §100.1119(b) would align the timeline for new governing board members to complete training to be consistent with the new timelines specified in §100.1117(b).

The proposed amendment to §100.1119(e)(1) would move the requirement for central administrative officers to complete 20 additional instructional hours to new subsection (e)(2) and update the training topic in §100.1119(e)(1)(C) to "Academic and Student Outcomes" to provide consistency and clarity.

New §100.1119(e)(2) would relocate language from §100.1119(e)(1), which requires 20 additional instructional hours for central administrative officers, as listed in §100.1117(d).

New §100.1121(b) would specify the timeline for governing board members and officers to complete their trainings by the last business day in July.

New §100.1207(d)(2)(A)-(C) would detail the non-discriminatory enrollment criteria that may be used to determine a student's ineligibility for enrollment, which would include conduct resulting in placement in a disciplinary or juvenile justice alternative education program, conduct leading to expulsion, or conviction of a criminal offense or

adjudication by a juvenile court, to align with TEC, §12.111, as amended by HB 6, 89th Texas Legislature, Regular Session, 2025.

The proposed amendment to §100.1211(g) would remove the requirement for a charter school to submit a copy of the school's calendar to TEA, which duplicates an already required calendar submission under §103.1213(e)(3).

FISCAL IMPACT: Marian Schutte, associate commissioner for authorizing and policy, has determined that for the first five-year period the proposal is in effect, there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would expand existing regulations by requiring additional instructional hours for central administrative office roles, including new charter schools in property disposition processes, and adding new charter schools in the list of entities eligible for transfer of property and no-contact provisions for high-performing entity applicants.

It would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not limit or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Ms. Schutte has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be to provide open-enrollment charter schools with clarification on board training topics and timeline, updates to discipline and enrollment policies, and reduced submissions related to school safety and expansion amendments. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: TEA requests public comments on the proposal, including, per Texas Government Code, §2001.024(a)(8), information related to the cost, benefit, or effect of the proposed rule and any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. The public comment period on the proposal begins July 3, 2026, and ends August 3, 2026. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on July 3, 2026. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_\(TAC\)/Proposed_Commissioner_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/).

STATUTORY AUTHORITY. The amendments are proposed under TEC, §12.101, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023, which requires the commissioner to adopt rules regarding criteria for granting a charter and providing notification for the establishment of new charters or campuses; TEC, §12.1011, which requires the commissioner to adopt rules regarding charter authorization for high-performing entities; TEC, §12.103, as amended by HB 1707, 88th Texas Legislature, Regular Session, 2023, which considers open-enrollment charter schools a school district for purposes related to land development standards, licensing, zoning, and various purposes and services; TEC, §12.104, as reenacted and amended by HB 4595 and HB 3, 88th Texas Legislature, Regular Session, 2023, and amended by HB 33, HB 2, SB 12, and SB 571, 89th Texas Legislature, Regular Session, 2025, which allows the commissioner to adopt rules permitting an open-enrollment charter school to voluntarily participate in any state program available to school districts if the school complies with all terms of the program; TEC, §12.111, as amended by HB 6, 89th Texas Legislature, Regular Session, 2025, which outlines required components of an open-enrollment charter to conduct non-discrimination admissions and provides that a charter school may exclude students with documented criminal or serious disciplinary histories; TEC, §12.114, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023, which provides that an open-enrollment charter school may only revise its charter with the approval of the commissioner; TEC, §12.1141, which provides the commissioner with the authority to adopt rules concerning when and how a charter campus may be designated as a high-quality campus; TEC, §12.115, which allows the commissioner to revoke or reconstitute a charter school's governing body; and TEC, §12.123, requires the commissioner to adopt rules prescribing the training for members of the governing body of a charter school and its officers.

CROSS REFERENCE TO STATUTE. The amendments implement TEC, §12.101, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023; §12.1011; §12.103, as amended by HB 1707, 88th Texas Legislature, Regular Session, 2023; §12.104, as reenacted and amended by HB 4595 and HB 3, 88th Texas Legislature, Regular Session, 2023, and amended by HB 33, HB 2, SB 12, and SB 571, 89th Texas Legislature, Regular Session, 2025; §12.111, as amended by HB 6, 89th Texas Legislature, Regular Session, 2025; §12.114, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023; §12.1141; §12.115; and §12.123.

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§100.1021. Applicability of Law and Rules to Public Senior College or University Charters and Public Junior College Charters.

- (a) Except as expressly provided in the rules in this subchapter, or where required by Texas Education Code (TEC), Chapter 12, Subchapter E (College or University or Junior College Charter School), a provision of the rules in this subchapter applies to a public senior college or university charter school or junior college charter school as though the public senior college or university charter school or junior college charter school were granted a charter under TEC, Chapter 12, Subchapter D (Open-Enrollment Charter School).
- (b) Section 100.1011(b) of this title (relating to Application Requirements and Selection Process) applies, except that the commissioner of education may adopt a separate application form for applicants seeking a charter to operate a public senior college or university charter school or a public junior college charter school, which need not be similar to the application form adopted under that subsection for other charter applicants. The commissioner may approve or amend this separate application form without regard to the selection cycle referenced in that subsection.
- (c) Section 100.1011(b), (c), (e), (g), (h), (j) and (m)-(q) of this title apply unless provided otherwise in the charter contract.
- (d) The following provisions of this subchapter do not apply to a public senior college or university charter school or a public junior college charter school:
 - (1) ~~§100.1035(d) and~~ §100.1113 of this title (relating to ~~Charter Amendment and~~ Delegation of Powers and Duties), except as authorized in the charter contract upon written request of the governing body of the university, college, or junior college;
 - (2) §100.1127 of this title (relating to Record of Compliance and Disclosure of Non-compliance);

- (3) §100.1101 of this title (relating to Improvements to Real Property);
- (4) §§100.1131-100.1141 of this title (relating to Applicability of Nepotism Provisions; Exception for Acceptable Performance; General Nepotism Provisions; Relationships By Consanguinity or By Affinity; Nepotism Prohibitions; Nepotism Exceptions; and Enforcement of Nepotism Prohibitions);
- (5) §100.1145 and §100.1147 of this title (relating to General Conflict of Interest Provisions and Conflicts Requiring Affidavit and Abstention from Voting);
- (6) §100.1203(a) of this title (relating to Records Management); and
- (7) §100.1205 of this title (relating to Procurement of Professional Services).

§100.1025. Authorization for High-Performing Entities.

- (a) In accordance with Texas Education Code (TEC), §12.1011, notwithstanding TEC, §12.101(b), the commissioner of education may grant a charter to high-performing entities.
- (b) For an applicant to be eligible for consideration as a high-performing entity, the applicant must demonstrate one of the following criteria.
 - (1) The entity is affiliated with a charter operator that operates one or more charter schools in another state. The affiliated charter operator must have performed at an overall level that is comparable to the highest or second highest performance rating category under TEC, Chapter 39, Subchapter C.
 - (A) The entity must propose to operate the charter school program that is currently implemented in the affiliated charter operator's existing charter schools.
 - (B) A charter operator may be considered affiliated with an entity if it utilizes shared structures, practices, or materials, including, but not limited to, a shared management structure, shared financial management or staff development practices, or shared proprietary materials, including those related to instruction.
 - (2) The entity is currently operating charter programs under TEC, Chapter 12, Subchapter C or E. The entity must have performed at an overall level in the highest or second highest performance rating category under TEC, Chapter 39, Subchapter C.
- (c) Failure to disclose past or present accountability data is a material violation of the charter.
- (d) If the applicant or its affiliate is a high-performing entity, then it may vest management of corporate affairs in a member provided that the entity may change the members of the governing body of the charter holder prior to the expiration of a member's term only with commissioner's written approval.
- (e) Entities granted a charter under this provision have an initial contract term of five years.
- (f) In determining a charter award for a high-performing entity, the commissioner will consider the criteria identified in §100.1011(d)(4) of this title (relating to Application Requirements and Selection Process) as established for experienced operators.
- (g) Section 100.1011(b)(1), (2), and (5) of this title apply, except that the commissioner may adopt a separate application form for high-performing entities seeking a charter to operate a Subchapter D charter school, which need not be similar to the application form adopted under that subsection for other charter applicants. The commissioner may approve or amend this separate application form without regard to the selection cycle referenced in that subsection.
- (h) An applicant or any person or entity acting on behalf of a high-performing entity applicant shall not knowingly communicate with any member of the State Board of Education beginning on the date the application is submitted and ending once the entity is found eligible as a high-performing entity. On finding a material violation of the no-contact period, the commissioner may reject the application and deem it ineligible for award.

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CROSS REFERENCE TO STATUTE. The amendments implement TEC, , §12.101, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023; §12.1011; §12.103, as amended by HB 1707, 88th Texas Legislature, Regular Session, 2023; §12.104, as reenacted and amended by HB 4595 and HB 3, 88th Texas Legislature, Regular Session, 2023, and amended by HB 33, HB 2, SB 12, and SB 571, 89th Texas Legislature, Regular Session, 2025; §12.111, as amended by HB 6, 89th Texas Legislature, Regular Session, 2025; §12.114, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023; §12.1141; §12.115; and §12.123.

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§100.1035. Charter Amendment.

- (a) Subject to the requirements of this section, the terms of an open-enrollment charter may be revised with the consent of the charter holder by expansion or non-expansion amendment as approved by the commissioner of education.
- (b) Information relevant to all amendment requests.
 - (1) Filing of amendment request. Prior to implementation, the charter holder shall file a request, in the form prescribed, with the Texas Education Agency (TEA) division responsible for charter schools.
 - (2) Board resolution. The request must be attached to a written resolution adopted by the governing body of the charter holder and signed by a majority of the members indicating approval of the requested amendment.
 - (3) Relevant information considered. As directed by the commissioner, a charter holder requesting an amendment shall submit current information required by the prescribed amendment form, as well as any other information requested by the commissioner. In considering the amendment request, the commissioner may consider any relevant information concerning the charter holder, including its performance on the Charter School Performance Frameworks (CSPF) adopted by rule in §100.1031 of this title (relating to Performance Frameworks for Subchapters D and E Charter Schools) and §100.1033 of this title (relating to Performance Frameworks for Subchapter G Charter Schools); student and other performance; compliance, staff, financial, and organizational data; and other information.
 - (4) Best interest of students. The commissioner may approve an amendment only if the charter holder meets all applicable requirements, and only if the commissioner determines that the amendment is in the best interest of students. The commissioner may consider the performance of all charters operated by the same charter holder in the decision to finally grant or deny an amendment.

- (5) Conditional approval. The commissioner may grant the amendment without condition or may require compliance with such conditions and/or requirements as may be in the best interest of students.
 - (6) Required forms and formats. The TEA division responsible for charter schools may develop and promulgate, from time to time, forms or formats for requesting charter amendments under this section. If a form or format is promulgated for a particular type of amendment, it must be used to request an amendment of that type.
 - (7) Ineligibility. The commissioner will not consider any amendment that is submitted by a charter holder that has been notified by the commissioner of the commissioner's intent to allow the expiration of the charter or intent to revoke the charter. This subsection does not limit the commissioner's authority to accept the surrender of a charter.
- (c) Expansion amendments.
- (1) Timeline for submission. A charter holder may submit a request for approval for an expansion amendment:
 - (A) up to 36 months before the date on which the expansion will be effective; and
 - (B) no later than the first day of March before the school year for which the expansion will be effective or no later than June 30 of each year for which the expansion will be effective for Subchapter G charter schools.
 - (2) Notification.
 - (A) Upon receipt of an expansion amendment request by a charter holder, the TEA division responsible for charter schools will notify the following:
 - (i) the superintendent and the board of trustees of each school district from which the proposed open-enrollment charter school or campus is likely to draw students, as defined in §100.1013 of this title (relating to Notification of Charter Application); and
 - (ii) each member of the legislature that represents the geographic area to be served by the proposed school or campus, as defined in §100.1013 of this title.
 - (B) To be considered a school district for purposes related to land development standards, licensing, zoning, and various purposes and services, a charter school must meet the notification requirements as outlined in §100.1209 of this title (relating to Municipal Ordinances).
 - (C) Should a change in the location of a campus be approved after notification but prior to opening, the commissioner of education or the commissioner's designee is required to notify as required by subparagraph (A) of this paragraph based on the zip code of the new location.
 - (3) Expansion types. A charter holder of an open-enrollment charter may submit, as described by this section, a request for approval for either:
 - (A) expedited expansion; or
 - (B) discretionary expansion.
 - (4) Expedited expansion amendments. An expedited expansion amendment allows for the establishment of a new charter campus under Texas Education Code (TEC), §12.101(b-4).
 - (A) In order to submit an expedited expansion amendment, the charter school must meet the following requirements:
 - (i) an accreditation status of Accredited;

- (ii) currently has at least 50% of its student population in grades assessed under TEC, Chapter 39, Subchapter B, or has had at least 50% of the students in the grades assessed enrolled in the school for at least three years;
 - (iii) is currently evaluated under the standard accountability procedures for evaluation under TEC, Chapter 39, and received a district rating in the highest or second highest performance rating category under TEC, Chapter 39, Subchapter C, for three of the last five ratings;
 - (iv) at least 75% of the campuses rated under the charter school also received a rating in the highest or second highest performance rating category in the most recent ratings; and
 - (v) no campus received a rating in the lowest performance rating category in the most recent ratings.
 - (B) Unless the commissioner provides written notice that the charter holder does not meet the requirements outlined in TEC, §12.101(b-4), within 60 days of the date the charter holder submits a completed expedited expansion amendment, the amendment is considered enacted. If the commissioner denies the amendment, the commissioner must identify the legal and factual basis for denial, including the specific criteria under TEC, §12.101(b-4), that was not met.
- (5) Discretionary expansion amendments. A discretionary expansion amendment permits commissioner-approved changes to the terms of an open-enrollment charter school related to expansion.
- (A) Discretionary expansion amendment types. There are three types of discretionary amendments.
 - (i) Maximum enrollment. The commissioner may approve an expansion amendment request seeking to increase maximum allowable enrollment. For Subchapter G charter schools, the maximum enrollment may not exceed more than 2,000 students.
 - (ii) Grade span. The commissioner may approve an expansion amendment request seeking to extend the grade levels it serves only if it is accompanied by appropriate educational plans for the additional grade levels in accordance with Chapter 74, Subchapter A, of this title (relating to Required Curriculum), and such plan has been reviewed and approved by the charter governing board.
 - (iii) Adding a campus or site. The commissioner may approve an expansion amendment request seeking to add a new campus or site under a campus only if it meets the following criteria:
 - (I) the charter holder has operated at least one charter school campus in Texas for a minimum of three consecutive years; and
 - (II) a new site under an existing campus will be located within 25 miles of the campus with which it is associated.
 - (B) Board certification. Before voting to request a discretionary expansion amendment, the charter holder governing board must certify that they have considered a business plan and has determined by majority vote of the board that the growth proposed is financially prudent relative to the financial and operational strength of the charter school and includes such a statement in the board resolution. The commissioner may request submission of the business plan, which must be comprised of the following components:
 - (i) a statement discussing the need for the expansion;
 - (ii) a statement discussing the current and projected financial condition of the charter holder and charter school;

- (iii) an unaudited statement of financial position for the current fiscal year;
- (iv) an unaudited statement of financial activities for the current fiscal year;
- (v) an unaudited statement of cash flows for the current fiscal year;
- (vi) a pro forma budget that includes the costs of operating the charter school, including the implementation of the expansion amendment;
- (vii) a statement or schedule that identifies the assumptions used to calculate the charter school's estimated Foundation School Program revenues;
- (viii) a statement discussing the use of debt instruments to finance part or all of the charter school's incremental costs;
- (ix) a statement discussing the incremental cost of acquiring additional facilities, furniture, and equipment to accommodate the anticipated increase in student enrollment;
- (x) a statement discussing the incremental cost of additional on-site personnel and identifying the additional number of full-time equivalents that will be employed;
- (xi) the required statement that the growth proposed is financially prudent relative to the financial and operational strength of the charter school;
- (xii) there are no instances of nepotism, conflicts of interest, or revelations in criminal history checks that deemed any board member or employee ineligible to serve as reported in the Governance Reporting Forms submitted to TEA for the previous three years; and
- (xiii) the charter holder meets all other requirements applicable to expansion amendment requests and other amendments.

(C) Requirements. The commissioner may approve a discretionary expansion amendment only if:

- (i) the expansion will be effective no earlier than the start of the fourth full school year at the affected charter school. This restriction does not apply if the affected charter school has a district rating of an A, B, or C and is operated by a charter holder that operates multiple charter campuses and all of that charter holder's most recent campus ratings of an A, B, or C;
- (ii) the charter school has an accreditation status of Accredited;
- (iii) the most recent district rating for the charter school is an A, B, or C;
- (iv) the most recent district financial accountability rating for the charter school in the Financial Integrity Rating System of Texas for charter schools is "satisfactory" as defined by §100.1001(9) of this title (relating to Definitions);
- (v) a charter holder that operates multiple charter campuses meets the criteria in subclause (I) or (II) of this clause. When calculating the percentages described, campuses that receive a 'Not Rated' rating shall not be included in the calculation.
 - (I) At least 90% of the campuses that receive an accountability rating are rated as an A, B, or C.
 - (II) If 75-89% of campuses that receive an accountability rating under the charter school are rated as an A, B, or C, the charter holder must provide additional information with the expansion request; and
- (vi) the most recent designation for the charter school under the CSPF or Adult Charter School Performance Framework is "Tier 1" or "Tier 2" as defined by §100.1031 or §100.1033 of this title.

- (D) Discretionary expansion amendment determination timeline. Notice of the commissioner's decision regarding a discretionary expansion amendment will be made within 60 calendar days of the date the charter holder submits a completed amendment request. The notice of the commissioner's determination may be sent electronically.

~~[(6) High-quality campus designation. A high-quality campus designation is a separate designation and must be requested prior to the opening of a new campus associated with an approved expansion amendment. Charter holders of charter schools that receive high-quality campus designation from the commissioner will be eligible to participate in the charter school program competitive grant process when federal funding for the Texas charter school program is available.]~~

~~[(A) The commissioner may approve a high-quality campus designation for a charter only if:]~~

~~[(i) the charter holder meets all requirements applicable to an expansion amendment set forth in this section and has operated at least one charter school campus in Texas for a minimum of five consecutive years;]~~

~~[(ii) the charter school has been evaluated under the accountability rating system established in §97.1001 of this title (relating to Accountability Rating System); has an accreditation status of Accredited, is currently evaluated under the standard accountability procedures, currently has an "A" or "B" rating at the local education agency level, and has an "A" or "B" rating in the previous two years in which ratings were issued with each campus that received a rating and operated under the charter also receiving an "A" or "B" rating as defined by §100.1001(8) of this title in the most recent state accountability ratings;]~~

~~[(iii) no charter campus has been identified for federal interventions in the most current report;]~~

~~[(iv) the charter school is not under any sanction imposed by TEA authorized under TEC, Chapter 39; Chapter 97, Subchapter EE, of this title (relating to Accreditation Status, Standards, and Sanctions); or federal requirements;]~~

~~[(v) is rated "Tier 1" in the most recent CSPF and meets the requirements of federal law and TEC, §12.111(a)(3) and (4);]~~

~~[(vi) the charter holder completes an application approved by the commissioner;]~~

~~[(vii) the amendment complies with all requirements of this paragraph; and]~~

~~[(viii) the commissioner determines that the designation is in the best interest of students;]~~

~~[(B) In addition to the requirements of subparagraph (A) of this paragraph, the commissioner may approve a high-quality campus designation only if the campus with the proposed designation:]~~

~~[(i) satisfies each element of the definition of a public charter school as set forth in federal law, including:]~~

~~[(I) admits students on the basis of a lottery, consistent with Elementary and Secondary Education Act, §4303(e)(3)(A), if more students apply for admission than can be accommodated; or]~~

~~[(II) in the case of a school that has an affiliated charter school (such as a school that is part of the same network of schools), automatically enrolls students who are enrolled in the immediate prior grade level of the affiliated charter school and, for any additional student openings or student openings created through regular attrition in student enrollment in the affiliated charter school and the enrolling school, admits students on the basis of a lottery as described in subclause (I) of this clause;]~~

~~[(ii) is separate and distinct from the existing charter school campus(es) established under the open-enrollment charter school with a separate facility and county-district campus number; and]~~

~~[(iii) holds a valid charter contract issued by TEA.]~~

~~[(C) In making the findings required by subparagraph (B)(i) and (iii) of this paragraph, the commissioner shall consider:]~~

~~[(i) the terms of the open-enrollment charter school as a whole, as modified by the high-quality campus designation; and]~~

~~[(ii) whether the campus with the proposed designation shall be established and recognized as a separate school under Texas law.]~~

~~[(D) Failure to meet any standard or requirement for high-quality campus designation or agreed to in a performance agreement shall mean the immediate termination of any federal charter school program grant and/or any waiver exempting a charter from some of the expansion amendment requirements that may have been granted to a charter holder as a result of the high-quality campus designation.]~~

~~[(E) Notice of the commissioner's decision regarding a high-quality campus designation will be made within 60 calendar days of the date the charter holder submits a completed request. The notice of the commissioner's determination may be sent electronically.]~~

- (d) Non-expansion amendment. A non-expansion amendment permits changes to the terms of an open-enrollment charter school not related to expansion.
- (1) Timeline for submission. All non-expansion amendments may be filed with the commissioner at any time throughout the year.
 - (2) Non-expansion amendment types. A non-expansion amendment is either material or non-material.
 - (A) Material non-expansion amendments include changes to the terms of an open-enrollment charter, including the following: relocation of a campus, campus or charter dormancy, reopening a campus after dormancy, closing or returning an active campus or site, charter holder governance, articles of incorporation, corporate bylaws, management company, admission and enrollment policy, shared services cooperatives or shared services agreements, and curriculum programs not already approved by TEA.
 - (i) Relocation amendment. A material non-expansion amendment to relocate solely permits a charter holder to relocate an existing campus or site to an alternate address while serving the same students and grade levels without a significant disruption to the delivery of the educational services. The alternate address of the relocation shall not be in excess of 25 miles from the existing campus address.
 - (ii) Material charter language change. Any material non-expansion amendment that requires changes to charter language shall set forth the text and page references in electronic format of the current open-enrollment charter language to be changed, and the text proposed as the new open-enrollment charter language.
 - [(iii) Reopening a campus after dormancy. To reopen a campus after dormancy, the commissioner may require a charter holder to meet the requirements in (c)(5)(C) of this subsection.]
 - (B) Non-material non-expansion amendments include changes to the terms of an open-enrollment charter, including the following: charter holder name, charter school (district) name, charter campus name, grade levels served on a campus, campus start date change, closing or returning a dormant campus or site, and fiscal year change.
 - (C) Any non-expansion amendment not identified in subparagraph (A) or (B) of this paragraph is subject to commissioner determination as material or non-material.

- (D) The following timelines apply to non-expansion amendment requests.
- (i) Charter holders that submit material non-expansion requests will receive notice of the commissioner's decision within 60 calendar days of a completed amendment request.
 - (ii) Charter holders that submit non-material non-expansion requests may proceed with the request 30 calendar days after the date the charter holder submits a completed amendment request unless otherwise notified by the commissioner.

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STATUTORY AUTHORITY. The amendments are proposed under TEC, §12.101, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023, which requires the commissioner to adopt rules regarding criteria for granting a charter and providing notification for the establishment of new charters or campuses; TEC, §12.1011, which requires the commissioner to adopt rules regarding charter authorization for high-performing entities; TEC, §12.103, as amended by HB 1707, 88th Texas Legislature, Regular Session, 2023, which considers open-enrollment charter schools a school district for purposes related to land development standards, licensing, zoning, and various purposes and services; TEC, §12.104, as reenacted and amended by HB 4595 and HB 3, 88th Texas Legislature, Regular Session, 2023, and amended by HB 33, HB 2, SB 12, and SB 571, 89th Texas Legislature, Regular Session, 2025, which allows the commissioner to adopt rules permitting an open-enrollment charter school to voluntarily participate in any state program available to school districts if the school complies with all terms of the program; TEC, §12.111, as amended by HB 6, 89th Texas Legislature, Regular Session, 2025, which outlines required components of an open-enrollment charter to conduct non-discrimination admissions and provides that a charter school may exclude students with documented criminal or serious disciplinary histories; TEC, §12.114, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023, which provides that an open-enrollment charter school may only revise its charter with the approval of the commissioner; TEC, §12.1141, which provides the commissioner with the authority to adopt rules concerning when and how a charter campus may be designated as a high-quality campus; TEC, §12.115, which allows the commissioner to revoke or reconstitute a charter school's governing body; and TEC, §12.123, requires the commissioner to adopt rules prescribing the training for members of the governing body of a charter school and its officers.

CROSS REFERENCE TO STATUTE. The amendments implement TEC, , §12.101, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023; §12.1011; §12.103, as amended by HB 1707, 88th Texas Legislature, Regular Session, 2023; §12.104, as reenacted and amended by HB 4595 and HB 3, 88th Texas Legislature, Regular Session, 2023, and amended by HB 33, HB 2, SB 12, and SB 571, 89th Texas Legislature, Regular Session, 2025; §12.111, as amended by HB 6, 89th Texas Legislature, Regular Session, 2025; §12.114, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023; §12.1141; §12.115; and §12.123.

<rule>

§100.1095. Possession and Control of the Public Property of a Former Charter Holder.

- (a) Disposition of audited property. The commissioner of education shall take possession, assume control, and supervise the disposition of the public property disclosed by the annual audit report as filed with the Texas Education Agency (TEA) or as revised pursuant to subsection (b) of this section. At any time, the commissioner may appoint a board of managers to transfer the property or may direct the governing board of the charter holder to transfer the property. The commissioner may transfer or direct the transfer of property to any public school if the commissioner determines that the transfer is in the best interest of students. For purposes of this section, references to a charter holder refers to both an organization that currently holds a charter contract and an organization that formerly held a charter contract.
- (b) Disposition of property--defective audit. If the annual audit reports filed by a former charter holder are not in substantial compliance with §100.1091(f) of this title (relating to Use of Public Property by a Charter Holder), the commissioner shall use such legal process as may be available under Texas law to take possession and assume control of all property of the former charter holder and, using such legal process, supervise the disposition of such property in accordance with law. The commissioner may transfer or direct the transfer of property to any public school if the commissioner determines that the transfer is in the best interest of students.
 - (1) At any time, the commissioner may determine whether the exhibits to the annual audit reports filed by a former charter holder substantially comply with §100.1091(f) of this title.
 - (2) At the commissioner's sole discretion, the commissioner may cure any defects in the annual audit reports by reviewing the audit reports and reclassifying the transactions and restating the financial statements or by securing, at the former charter holder's expense, such professional services as may be required to create and/or audit the necessary exhibits to the annual audit reports.

- (3) The commissioner may, at the commissioner's sole discretion, take possession, assume control, and supervise the disposition of the public property disclosed by those exhibits as provided by subsection (c) of this section.
- (c) Method of disposition of property. The commissioner may take possession, assume control, and supervise the disposition of property by taking one or more of the following actions.
 - (1) For real property purchased with funds received under the Texas Education Code (TEC), §12.106, the commissioner shall direct the charter holder to dispose of the property through one of the following methods.
 - (A) The charter holder may retain or sell the property and provide reimbursement to the state. The following provisions apply to a charter holder that retains or sells the property.
 - (i) The charter holder must notify the commissioner more than 30 calendar days prior to the last day of instruction that the charter holder intends to reimburse the state for its interest in the property and specify whether the charter holder intends to retain or sell the real property.
 - (ii) The charter holder must provide the commissioner a written assurance that the charter holder will comply with the requirements of TEC, §12.1284.
 - (iii) The charter holder must obtain the written consent of the commissioner.
 - (iv) The charter holder must file an affidavit in the real property records of the county in which the real property is located disclosing the state interest in the property at least 30 calendar days prior to the last day of instruction.
 - (v) Not later than 30 calendar days after the charter school's last day of operation, the charter holder must deposit with the Texas Comptroller of Public Accounts an amount equal to 110% of the estimated state reimbursement for the property as directed by the commissioner, which TEA will calculate by taking the fair-market value of the property as determined by an appraisal approved by the commissioner, subtracting the principal amount of any debt described by TEC, §12.128(e), and multiplying that result by a fraction for which the numerator is the funds received under TEC, §12.106, used to purchase the property and the denominator is the funds received under TEC, §12.106, plus any non-state funds used to purchase the property. If an appraisal cannot be obtained in 30 calendar days, the charter holder may request that the commissioner grant an extension.
 - (vi) The charter holder must prepare and submit a final audit under TEC, §44.008. This audit must be filed by the deadline specified in TEC, §44.008, and must disclose:
 - (I) the total amount of funds received under TEC, §12.106, that were used to purchase each separate item of real property to be retained or sold by the charter holder;
 - (II) the total amount of federal funds that were used to purchase each separate item of real property to be retained or sold by the former charter holder; and
 - (III) the total amount of state, federal, or any other private funds that were used to purchase the property to be retained or sold by the former charter holder.
 - (vii) The charter holder shall timely make all required payments relating to the property, including note payments; shall maintain the premises; and shall maintain full insurance coverage as determined by the commissioner until the state has received its full reimbursement and released its claim to the property.
 - (viii) The following provisions apply if the charter holder elects to retain the property.

- (I) After the final annual audit report is filed, TEA will calculate the final state reimbursement amount, which is calculated by taking the fair-market value of the property as determined by the commissioner less the final principal amount of any debt described by TEC, §12.128(e), that was incurred prior to the charter school's cessation of operations and multiplying that amount by a fraction for which the numerator is the funds received under TEC, §12.106, used to purchase the property and the denominator is the funds received under TEC, §12.106, plus any non-state funds used to purchase the property.
 - (II) If the final state reimbursement amount is greater than the deposit made with the comptroller under this section, the former charter holder must make the additional deposit to the comptroller within 30 calendar days of TEA's determination of the final state reimbursement amount or as otherwise ordered by the commissioner.
 - (III) Once the charter holder has filed its final audit report under TEC, §44.008, and sufficient funds are on deposit with the comptroller to pay the final reimbursement amount, the commissioner may request the comptroller to distribute the deposit as directed by TEA and release any state claim on the property. Any remaining funds on deposit with the comptroller may be returned to the former charter holder once the state has received the full final reimbursement amount.
 - (IV) If the charter holder fails to complete its final financial audit under TEC, §44.008, or fails to make an additional payment to the comptroller as required, the charter holder shall forfeit the amount deposited with the comptroller and shall dispose of the property as ordered by the commissioner. The commissioner may extend this deadline upon request of the charter holder.
- (ix) The following provisions apply if the charter holder sells the property.
- (I) The property must be sold for at least fair-market value, as determined under this section.
 - (II) The property must be sold and fully closed no later than one year after the last day of instruction.
 - (III) If the property is sold prior to the completion of the final audit report under TEC, §44.008, for an amount greater than the fair-market value used to determine the estimated state reimbursement amount, the charter holder shall deposit with the comptroller an amount equal to the difference between the estimated fair-market value and the sales price multiplied by the percentage of state funds used to purchase the property based on the most recent audit pursuant to TEC, §44.008.
 - (IV) After the property has been sold and the final audit report, pursuant to TEC, §44.008, has been filed, TEA shall calculate the final state reimbursement amount.
 - (V) The final state reimbursement amount is calculated by taking the final gross sales price of the property less the remaining principal amount of any debt described by TEC, §12.128(e), that was incurred prior to the charter school's cessation of operations and multiplying that amount by a fraction for which the numerator is the funds received under TEC, §12.106, used to purchase the property and the denominator is the funds received under TEC, §12.106, plus any non-state funds used to purchase the property.

- (VI) If the final state reimbursement amount is greater than the total deposit made with the comptroller, the former charter holder must make the additional deposit to the comptroller within 30 calendar days or as otherwise ordered by the commissioner.
- (VII) Once the former charter holder has filed its final audit report under TEC, §44.008, and sold the property, and once sufficient funds are on deposit with the state comptroller's office to pay the final reimbursement amount, the commissioner may request the comptroller to distribute the deposit and release any state claim on the property. Any funds on deposit with the comptroller may be returned to the former charter holder once the state has received the full final reimbursement amount.
- (VIII) The release of claims may be made in a closing where an independent third party is responsible for distributing the funds necessary to supplement the escrow account with the comptroller's office. If the property is sold before the final audit has been submitted to TEA, TEA may elect to release its claim on the property based on the most recent audit report.
- (IX) If the charter holder fails to complete its final financial audit under TEC, §44.008, fails to sell the property within one year after the last day of instruction, or fails to make an additional payment to the comptroller as required, the charter holder shall forfeit the amount deposited with the state comptroller and shall dispose of the property as ordered by the commissioner.
- (x) For purposes of determining the fair-market value of the real property, the charter holder shall provide an appraisal from a certified appraiser approved by the commissioner not less than 60 calendar days after the final order of revocation, non-renewal, surrender, or return of the charter, or as otherwise directed by the commissioner. If the charter holder cannot provide an appraisal within 60 calendar days, the charter holder may request that the commissioner grant an extension.
- (xi) The commissioner may direct the charter holder to contract with a specified, certified appraiser or require the charter holder to obtain additional appraisals and may then choose which appraisal will be used to calculate fair-market value.
- (xii) Subject to the satisfaction of any security interest or lien described by TEC, §12.128(e), if the commissioner determines a former charter holder failed to comply with this section or TEC, §12.1282, on request of TEA, the attorney general shall take any appropriate legal action to compel the former charter holder to convey title to TEA or other governmental entity authorized by TEA to maintain or dispose of the property.
- (xiii) All payments made by the charter holder to retain real property must be made with non-state funds. Lease payments received for state property are state property.
- (xiv) A decision by the commissioner under this section is final and may not be appealed.
- (B) The charter holder may transfer the property using one of the following methods.
 - (i) Transfer to TEA.
 - (I) Subject to the satisfaction of any security interest or lien, the former charter holder shall transfer the property, including a conveyance of title, to TEA no later than two weeks after the last day of instruction.

- (II) The following provisions apply to the sale of public real property by TEA.
- (-a-) After TEA receives title to real property described by TEC, §12.128, TEA may sell the property at any price acceptable to TEA.
 - (-b-) On request of TEA, the General Land Office shall enter into a memorandum of understanding to sell real property for TEA as required by TEC, §12.1283. The memorandum of understanding may allow the General Land Office to recover from the sale proceeds any cost incurred by the office or commission in the sale of the property.
 - (-c-) Subject to the satisfaction of any security interest or lien described by TEC, §12.128(e), proceeds from the sale of property under this section shall be deposited in the charter school liquidation fund.

(ii) Transfer to a school district or open-enrollment charter school under TEC, §12.1282.

(I) The following order of priority shall be used when transferring to a school district or open-enrollment charter school under this clause. No property may be transferred to a school district or charter school if it has a financial accountability rating of lower than satisfactory.

(-a-) A charter school with the highest or second-highest academic accountability rating with no campus rated at the lowest or second-lowest accountability rating.

(-b-) A new charter school that has not yet been assigned an academic accountability rating.

(-c-) [~~(-b-)~~ A school district that has the highest or second-highest academic accountability rating with no campus rated at the lowest or second-lowest accountability rating.

(-d-) [~~(-e-)~~ A charter school with the third-highest academic accountability rating with no campus rated at the lowest or second-lowest accountability rating.

(-e-) [~~(-d-)~~ A school district with the third-highest academic accountability rating with no campus rated at the lowest or second-lowest accountability rating.

(II) A school district or an open-enrollment charter school may receive property under this clause only if:

(-a-) the open-enrollment charter school or school district receiving the property:

(-1-) has not received notice of the expiration or revocation of the contract for charter, notice of reconstitution of its governing body, or the assignment of an accreditation rating of Not Accredited-Revoked;

(-2-) agrees to the transfer;

(-3-) agrees to identify the property as purchased wholly using state funds on the school's annual financial report filed under TEC, §44.008; and

- (-4-) agrees that if the property is sold within three years, the charter holder or school district will remit the sales proceeds back to TEA to be deposited in the charter school liquidation fund;
 - (-b-) any creditor with a security interest in or lien on the property described by TEC, §12.128(e), agrees to the transfer; and
 - (-c-) the transfer of the property does not make the open-enrollment charter school or school district receiving the property insolvent.
 - (III) Property received by an open-enrollment charter school or school district under this clause is considered state property. TEA may require a set amount of remuneration in exchange for the property, may accept bids, or may accept bids with a minimum bid amount established. If TEA takes bids, TEA shall transfer the property to the highest qualified bidder from the highest priority category established in subclause (I) of this clause, except as provided by subsection (g) of this section.
- (2) For personal property purchased with state funds, the commissioner shall direct the charter holder to dispose of the property through one of the following methods.
 - (A) If TEA determines that the cost of disposing of personal property described by TEC, §12.128, transferred to TEA by an open-enrollment charter school that ceases to operate exceeds the return of value from the sale of the property, TEA may distribute the personal property to open-enrollment charter schools and school districts in a manner determined by the commissioner.
 - (B) On request of TEA, the Texas Facilities Commission shall enter into a memorandum of understanding to sell personal property for TEA as required by TEC, §12.1283.
 - (i) A memorandum of understanding entered into as provided by this subparagraph may allow the Texas Facilities Commission to recover from the sale proceeds any cost incurred by the office or commission in the sale of the property.
 - (ii) Subject to the satisfaction of any security interest or lien described by TEC, §12.128(e), proceeds from the sale of personal property under this section shall be deposited in the charter school liquidation fund.
- (3) For property leased with state funds, the commissioner may direct the charter holder to assign the charter holder's interest in the lease to TEA or may direct the charter holder to cancel the lease.
- (d) Maintenance of property. TEA may approve an expenditure of remaining funds by a former charter holder for insurance or utilities for or maintenance, repairs, or improvements to property described by this section, and TEA may lease the property in its possession if TEA determines that the action is reasonably necessary to dispose of the property or preserve the property's value.
- (e) Funds and assets following termination of operations. After extinguishing all payable obligations owed by the charter school that ceases to operate, and after disposing of all real and personal property owned by the charter school that ceases to operate, the former charter holder shall:
 - (1) remit to TEA any remaining funds as described by TEC, §12.106(h), and any state reimbursement amounts as described by TEC, §12.128, to be deposited in the charter school liquidation fund;
 - (2) transfer all or a portion of the remaining funds to another charter school that has all or part of the operations of the former charter school assigned to it under TEC, §12.116(d)(2), if ordered by the commissioner, only if the charter school:
 - (A) has not received notice of possible adverse action or sanction by the commissioner;
 - (B) has an academic accountability rating at the district level of A or B and no campus with a rating of D or F;

- (C) has a rating under the Financial Integrity Rating System of Texas for charter schools of Meets Standard Achievement or above;
 - (D) has an accreditation rating of Accredited;
 - (E) does not have any warrant holds by which state payments issued to payees indebted to the state, or payees with a tax delinquency, are held by the comptroller until the debt is satisfied in accordance with Texas Government Code, §403.055; and
 - (F) agrees to classify the property as state property; or
- (3) take any combination of the actions described by paragraphs (1) and (2) of this subsection.
- (f) Use of legal process. Notwithstanding subsection (c) of this section, the commissioner may use such legal process as may be available under Texas law to take possession and assume control over the public property disclosed by the annual audit reports and, using such legal process, supervise the disposition of such property in accordance with law.
- (g) Commissioner authority. The commissioner has discretion to direct disposition of the property in the best interest of Texas students.

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STATUTORY AUTHORITY. The amendments are proposed under TEC, §12.101, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023, which requires the commissioner to adopt rules regarding criteria for granting a charter and providing notification for the establishment of new charters or campuses; TEC, §12.1011, which requires the commissioner to adopt rules regarding charter authorization for high-performing entities; TEC, §12.103, as amended by HB 1707, 88th Texas Legislature, Regular Session, 2023, which considers open-enrollment charter schools a school district for purposes related to land development standards, licensing, zoning, and various purposes and services; TEC, §12.104, as reenacted and amended by HB 4595 and HB 3, 88th Texas Legislature, Regular Session, 2023, and amended by HB 33, HB 2, SB 12, and SB 571, 89th Texas Legislature, Regular Session, 2025, which allows the commissioner to adopt rules permitting an open-enrollment charter school to voluntarily participate in any state program available to school districts if the school complies with all terms of the program; TEC, §12.111, as amended by HB 6, 89th Texas Legislature, Regular Session, 2025, which outlines required components of an open-enrollment charter to conduct non-discrimination admissions and provides that a charter school may exclude students with documented criminal or serious disciplinary histories; TEC, §12.114, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023, which provides that an open-enrollment charter school may only revise its charter with the approval of the commissioner; TEC, §12.1141, which provides the commissioner with the authority to adopt rules concerning when and how a charter campus may be designated as a high-quality campus; TEC, §12.115, which allows the commissioner to revoke or reconstitute a charter school's governing body; and TEC, §12.123, requires the commissioner to adopt rules prescribing the training for members of the governing body of a charter school and its officers.

CROSS REFERENCE TO STATUTE. The amendments implement TEC, , §12.101, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023; §12.1011; §12.103, as amended by HB 1707, 88th Texas Legislature, Regular Session, 2023; §12.104, as reenacted and amended by HB 4595 and HB 3, 88th Texas Legislature, Regular Session, 2023, and amended by HB 33, HB 2, SB 12, and SB 571, 89th Texas Legislature, Regular Session, 2025; §12.111, as amended by HB 6, 89th Texas Legislature, Regular Session, 2025; §12.114, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023; §12.1141; §12.115; and §12.123.

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§100.1111. Annual Report on Open-Enrollment Charter Governance.

- (a) Using a format and timeline as approved by the commissioner of education, each open-enrollment charter holder shall file under §100.1003 of this title (relating to Filing of Documents), the following information on an annual basis:
 - (1) identifying information for and compensation of each officer and member of the governing body of the open-enrollment charter holder;
 - (2) identifying information for and compensation of each officer of the charter school;
 - (3) identifying information for and compensation of each member of the governing body of the charter school, if the charter holder has established a governing body for the charter school;
 - (4) identifying information for and compensation of all family members, within the third degree of consanguinity or third degree of affinity of each board member, chief executive officer/superintendent, and chief financial officer for purposes of conflict of interest; [and]
 - (5) identifying information for and compensation of all family members, within the third degree of consanguinity or second degree of affinity of each board member and chief executive officer/superintendent for purposes of nepotism ; and [;]
 - (6) written certification indicating none of the following derives any financial benefit from a real estate transaction with the school should the school seek facilities funding under Texas Education Code , §12.106(d):
 - (A) an administrator, officer, or employee of the school;
 - (B) a member of the governing body of the school or its charter holder; or

(C) a person related within the third degree by consanguinity or second degree by affinity, as determined under Texas Government Code, Chapter 573, to a person described by subparagraph (A) or (B) of this section.

- (b) The identifying information required for each member of the governing body of the open-enrollment charter holder, each member of the governing body of the charter school, and each chief executive officer/superintendent shall include:
- (1) the title of each position held, or function performed, by the individual;
 - (2) the specific powers and duties that the governing body of the charter holder or charter school have delegated to the individual, as described by the powers and duties listed in the charter;
 - (3) the legal name of the individual;
 - (4) any aliases or names formerly used by the individual, including maiden name;
 - (5) a mailing address unique for the individual;
 - (6) a telephone number and electronic mail address unique for the individual;
 - (7) the county and state in which the individual is registered to vote, if a governing body member of the charter holder or charter school; and
 - (8) assurance that criminal records history check has been made and reported to the Texas Education Agency pursuant to §100.1153 of this title (relating to Criminal History; Restrictions on Serving).
- (c) The compensation information required for an individual under subsection (a) of this section shall include all compensation, remuneration, and benefits received by the individual in any capacity from the charter holder or the charter school, or from any contractor or management company doing business with the charter holder or charter school. The compensation reported shall include without limitation:
- (1) all salary, bonuses, benefits, or other compensation received pursuant to an employment relationship;
 - (2) all compensation received for goods or services under contract, agreement, informal arrangement, or otherwise;
 - (3) all payment of or reimbursement for personal expenses;
 - (4) all credit extended to the individual by the charter holder or charter school;
 - (5) the fair market value of all personal use of property paid for by the charter holder or charter school;
 - (6) the fair market value of all in-kind transfers of property;
 - (7) all compensation for goods or services provided to the charter holder through transactions unrelated to the charter school;
 - (8) all other forms of compensation or remuneration received by the individual from the charter holder or charter school;
 - (9) all forms of compensation received from a business in which a person under subsection (a) of this section has a significant interest in, pursuant to Texas Government Code, Chapter 171; and
 - (10) any payment or form of compensation to an individual under subsection (a) of this section by any and all family members, within the third degree of consanguinity or third degree of affinity.

§100.1117. Core Training for New Governing Board Members and Officers.

- (a) Training required. A new governing board member or officer, defined as any board member or officer who has not served in their position or similar position requiring the core program training with a Texas charter school in the last three years, must complete core training that consists of 10 instructional hours outlined in this section.

~~(b) Timeline for completing training. The timeline for core training is determined by the month in which new board members or officers are appointed or hired.~~

~~(1) All board members and officers, regardless of appointment or hiring month, must complete the Texas Open Meetings Act training and the Texas Public Information Act training within the first 90 days after being appointed or hired.~~

~~(2) If appointed or hired prior to October 1, core training will be due the same academic year by the last business day of July.~~

~~(3) If appointed or hired after October 1, core training will be due by December 1 of the following academic year.~~

~~[(b) Timeline for completing training. The core training must be completed within one calendar year of appointment or election to such governing body or employment by the charter, as applicable, unless otherwise indicated in subsection (d) of this section or as required by Texas law.]~~

(c) Required curriculum outline. The commissioner of education shall approve and disseminate a curriculum outline that specifies all core training content, time, and delivery requirements. Training that does not conform to the core curriculum outline does not satisfy the requirements of this section.

(d) Core training content. The core training shall cover, at minimum, the following topics:

(1) Charter Law, including:

- (A) history and purpose of charter schools;
- (B) charter holder contractual obligations to the Texas Education Agency (TEA);
- (C) charter holder bylaws, charter board governance policy, and charter district policies and procedures;
- (D) charter School Performance Framework;
- (E) charter contract renewal with TEA;
- (F) charter amendments;
- (G) contract revocation;
- (H) student enrollment and lotteries;
- (I) roles and responsibilities by officer type;
- (J) ensuring services to special populations;
- (K) student code of conduct, student discipline, and parental rights; and
- (L) other laws and rules that apply to charter holders;

(2) Accountability to the Public, including:

- (A) Texas Open Meetings Act, open meetings requirements under Texas Government Code, Chapter 551, with special emphasis on posting the agenda, executive sessions, accessibility of the meeting location to the public, employee board members, and civil and criminal sanctions, which must be completed by new governing board members and officers within the first 90 days after being appointed or hired ~~[joining the board]~~ ;
- (B) Texas Public Information Act requirements under Texas Government Code, Chapter 552, which must be completed by new governing board members and officers within the first 90 days after being appointed or hired ~~[joining the board]~~ ;
- (C) nepotism and conflicts of interest;
- (D) audits, investigations, and sanctions, with an emphasis on mandatory revocation for three consecutive unacceptable performance ratings required by Texas Education Code (TEC),

§12.115(c), and mandatory expiration for three out of five unacceptable performance ratings required by TEC, §12.1141(d);

- (E) student records and privacy; and
- (F) other accountability or transparency requirements that apply to charter holders;
- (3) Academics and ~~Evaluating and Improving~~ Student Outcomes, including:
 - (A) Texas Essential Knowledge and Skills;
 - (B) State of Texas Assessments of Academic Readiness;
 - (C) Texas A-F Accountability System;
 - (D) setting school board required specific, quantifiable student outcome goals for all students and disaggregated student groups;
 - (E) adopting plans to improve early literacy and numeracy and college, career, and military readiness;
 - (F) Results Driven Accountability;
 - (G) progress monitoring practices to improve student outcomes; and
 - (H) other best practices for improving student outcomes;
- (4) Accountability for Public Funds, including:
 - (A) school finance in Texas, with an emphasis on charter finance;
 - (B) Financial Integrity Rating System of Texas;
 - (C) Annual Financial and Compliance Report;
 - (D) Financial Accountability System Resource Guide;
 - (E) financial controls and monitoring financial health;
 - (F) annual budgets; and
 - (G) other items related to school finance, risk management, related party transactions, or financial oversight; and
- (5) School Safety, including:
 - (A) school safety plans and audits;
 - (B) school emergency and safety drills;
 - (C) behavioral threat assessment;
 - (D) school safety and security committee;
 - (E) school security guard;
 - (F) traumatic injury response;
 - (G) identifying child abuse and human trafficking;
 - (H) school safety facility standards; and
 - (I) other items related to school safety or student health.

§100.1119. Additional Training for New Governing Board Members and Officers.

- (a) Training required. A new governing board member or officer who has completed the core training under §100.1117 of this title (relating to Core Training for New Governing Board Members and Officers) next must complete additional training as outlined in this section.

- (b) Timeline for completing training. The additional training requirements must be completed by the same timeline listed under §100.1117(b) of this title ~~[after the core training is completed and within one calendar year of appointment or election to such governing body or employment by the charter, as applicable]~~.
- (c) Optional curriculum outline. The commissioner of education may approve and disseminate a curriculum outline that specifies all additional training content for this subsection. Training that does not conform to any curriculum outline released by the commissioner does not satisfy the requirements of this section.
- (d) Governing board member requirements. A new governing board member must complete two additional instructional hours on board governance requirements and best practices, including:
 - (1) hiring and evaluating a superintendent;
 - (2) required training and governance requirements;
 - (3) non-delegable board governance duties;
 - (4) board meeting protocols; and
 - (5) other practices for effective governance and continuous improvement.
- (e) Officer requirements. A new officer must complete additional training hours specific to their role as follows.
 - (1) The chief [Chief] executive officer [and central administrative officers] must complete 20 additional instructional hours that further explore the core training topics outlined in §100.1117(d) of this title, including:
 - (A) two hours on Charter Law;
 - (B) two hours on Accountability to the Public;
 - (C) six hours on Academics and [Evaluating and Improving] Student Outcomes [EISO] ;
 - (D) three hours on Accountability for Public Funds;
 - (E) three hours on School Safety; and
 - (F) four hours on any other core training topic outlined in §100.1117(d) of this title.
 - (2) Central administrative officers must complete a total of 20 additional instructional hours that further explore the core training topics outlined in §100.1117(d) of this title as they apply to their role.
 - (3) [(2)] Campus administrative officers are not required to complete additional instructional hours.
 - (4) [(3)] Business managers must complete 20 additional instructional hours that further explore the core training topics outlined in §100.1117(d) of this title, including:
 - (A) two hours on Charter Law;
 - (B) two hours on Accountability to the Public;
 - (C) three hours on Academics and Student Outcomes [EISO] ;
 - (D) nine hours on Accountability for Public Funds; and
 - (E) four hours on any other core training topic outlined in §100.1117(d) of this title.
- (f) Excess hours earned. Twenty-five percent of instructional hours earned in excess of the requirements set forth in this section by a new governing board member or officer may be carried over to meet the following year's requirement under §100.1121 of this title (relating to Continuing Training for Governing Board Members and Officers).

§100.1121. Continuing Training for Governing Board Members and Officers.

- (a) Training required. Any governing board member or officer who has completed the training requirements
 - (a) Training required. Any governing board member or officer who has completed the training

requirements under §100.1117 and §100.1119 of this title (relating to Core Training for New Governing Board Members and Officers Additional Training for New Governing Board Members and Officers) must annually thereafter complete additional training as outlined in this section.

(b) Timeline for completing training. Training must be completed each academic year and is due by the last business day in July.

(c) ~~(b)~~ Training content. Continuing training under this subsection shall:

- (1) fulfill training needs determined by the charter based on charter needs;
- (2) address updated items identified in the core training topics outlined in §100.1117(d) of this title or cover in greater depth than the curriculum outline indicates for initial training on those topics; or
- (3) address applicable topics if a charter holder has lower than a C in the Texas A-F Accountability System, lower than a C in the Financial Integrity Rating System of Texas for charter schools, or is rated in TIER 3 on the Charter School Performance Framework, or is being sanctioned, investigated, or is required by the Texas Education Agency to take corrective action training.

(d) ~~(c)~~ Governing board member requirements. Governing board members must annually receive six instructional hours of training.

(e) ~~(d)~~ Officer requirements. An officer must complete additional training hours specific to their role as follows.

- (1) Campus administrative officers must annually receive five instructional hours of training.
- (2) Business managers must annually receive 15 instructional hours of training.
- (3) Chief executive and central administrative officers must annually receive 15 instructional hours of training.

(f) ~~(e)~~ Excess hours earned. Twenty-five percent of instructional hours earned in excess of the requirements set forth in this section by a governing board member or officer may be carried over to meet the following year's requirement under this section.

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STATUTORY AUTHORITY. The amendments are proposed under TEC, §12.101, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023, which requires the commissioner to adopt rules regarding criteria for granting a charter and providing notification for the establishment of new charters or campuses; TEC, §12.1011, which requires the commissioner to adopt rules regarding charter authorization for high-performing entities; TEC, §12.103, as amended by HB 1707, 88th Texas Legislature, Regular Session, 2023, which considers open-enrollment charter schools a school district for purposes related to land development standards, licensing, zoning, and various purposes and services; TEC, §12.104, as reenacted and amended by HB 4595 and HB 3, 88th Texas Legislature, Regular Session, 2023, and amended by HB 33, HB 2, SB 12, and SB 571, 89th Texas Legislature, Regular Session, 2025, which allows the commissioner to adopt rules permitting an open-enrollment charter school to voluntarily participate in any state program available to school districts if the school complies with all terms of the program; TEC, §12.111, as amended by HB 6, 89th Texas Legislature, Regular Session, 2025, which outlines required components of an open-enrollment charter to conduct non-discrimination admissions and provides that a charter school may exclude students with documented criminal or serious disciplinary histories; TEC, §12.114, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023, which provides that an open-enrollment charter school may only revise its charter with the approval of the commissioner; TEC, §12.1141, which provides the commissioner with the authority to adopt rules concerning when and how a charter campus may be designated as a high-quality campus; TEC, §12.115, which allows the commissioner to revoke or reconstitute a charter school's governing body; and TEC, §12.123, requires the commissioner to adopt rules prescribing the training for members of the governing body of a charter school and its officers.

CROSS REFERENCE TO STATUTE. The amendments implement TEC, , §12.101, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023; §12.1011; §12.103, as amended by HB 1707, 88th Texas Legislature, Regular Session, 2023; §12.104, as reenacted and amended by HB 4595 and HB 3, 88th Texas Legislature, Regular Session, 2023, and amended by HB 33, HB 2, SB 12, and SB 571, 89th Texas Legislature, Regular Session, 2025; §12.111, as amended by HB 6, 89th Texas Legislature, Regular Session, 2025; §12.114, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023; §12.1141; §12.115; and §12.123.

<rule>

§100.1207. Student Admission.

- (a) Application deadline. For admission to a charter school, a charter holder shall:
 - (1) require the applicant to complete and submit a common application form prescribed by the commissioner of education, referred to as the Texas Charter School Admission Application, beginning in the 2020-2021 school year. The application must be submitted not later than a reasonable deadline the charter holder establishes.
 - (A) The common application form shall be posted on the Texas Education Agency (TEA) website, and the form and all associated fields shall be posted on each open-enrollment charter school's website to be used by an applicant for admission to an open-enrollment charter school campus.
 - (B) The common application form and the student admission and enrollment policy under subsection (d) or (e) of this section, including the policies and procedures for admission, lotteries, enrollment, student waitlists, withdrawals, reenrollment, and transfers, shall be publicly accessible and easily available on the charter school's website. A charter school must make available the common application form and may not require the use of an account, email, password, or other condition as the sole means to access the information or the common application form. A charter school may also print copies of the common application form and make them available for use during the admission process.
 - (C) An open-enrollment charter school may not alter the form, unless to signify specific criteria that may not apply to their campus as permitted by TEA, and may not add any additional criteria, questions, statements, advertisements, or solicitations or require any

conditions for a person to access the form. An open-enrollment charter school may not sell, provide, or ask an applicant to agree to share or have the charter school share any student information provided in the application to any person or entity other than TEA;

- (2) on receipt of more acceptable applications for admission under this section than available positions in the school:
 - (A) except as permitted by subsection (b) of this section, fill the available positions by lottery; or
 - (B) subject to subsection (d) of this section, fill the available positions in accordance with the open-enrollment charter school's approved student admission and enrollment policy; and
 - (3) create and manage a waitlist, as described in subsection (e) of this section, for applicants who are not admitted after all available positions in the charter school have been filled.
- (b) Lottery exemption. The charter holder may exempt students from the lottery required by subsection (d) of this section to the extent this is consistent with the definition of a "public charter school" under the Elementary and Secondary Education Act (ESEA) as reauthorized under the Every Student Succeeds Act (ESSA), as interpreted by the United States Department of Education (USDE), including but not limited to, siblings of students already admitted to or attending the same charter school; children of a charter school's founders, teachers and staff, and children of employees in a work-site charter school (so long as the total number of students allowed under this exemption does not exceed 10% of the school's total enrollment).
- (c) Newspaper publication. To the extent this is consistent with the definition of a "public charter school" under ESEA as reauthorized under ESSA, as interpreted by the USDE, a charter holder may fill applications for admission under subsection (a)(1) of this section only if it published a notice of the opportunity to apply for admission to the charter school. At a minimum, a notice published under this subsection must:
- (1) state the application deadline; and
 - (2) be published in a newspaper of general circulation in the community in which the school is located not later than the seventh day before the application deadline. For purposes of this chapter, a newspaper of general circulation is defined as one that has more than a minimum number of subscribers among a particular geographic region, which has a diverse subscribership, and that publishes some news items of general interest to the community.
- (d) Student admission and enrollment. Except as provided by this section, the governing body of the charter holder must adopt a student admission and enrollment policy that:
- (1) unless as provided in subsection (f) of this section, prohibits discrimination on the basis of sex; national origin; ethnicity; religion; disability; academic, artistic, or athletic ability; or the district the child would otherwise attend under state law;
 - (2) specifies any type of non-discriminatory enrollment criteria to be used at each charter school operated by the charter holder. Such non-discriminatory enrollment criteria may make the student ineligible for enrollment ~~[based on a history of a criminal offense, a juvenile court adjudication, or discipline problems under Texas Education Code (TEC), Chapter 37, Subchapter A, documented as provided by local policy; and]~~ if the student:
 - (A) has engaged in conduct outlined in Texas Education Code (TEC), §37.006, related to placement in a disciplinary alternative education program or a juvenile justice alternative education program;
 - (B) has engaged in conduct outlined in TEC, §37.007, related to expulsion; or
 - (C) has been convicted of a criminal offense or has a juvenile court adjudication; and
 - (3) specifies whether students will be admitted to the charter school campus by lottery or on a first come, first served basis if the application is published in a newspaper of general circulation in the community in which the school is located not later than the seventh day before the application deadline, as described in TEC, §12.117.

- (e) Waitlist. Charter holders required to create and maintain a waitlist as a result of receiving more acceptable applications for admission than available positions at the school shall manage and update the student waitlist.
- (1) Each school year, the following information must be maintained at the campus level for reporting to TEA no later than the last Friday in October of each school year:
 - (A) the total number of students on the waitlist;
 - (B) the number of students on the waitlist disaggregated by grade level;
 - (C) the number of students enrolled;
 - (D) the enrollment capacity; and
 - (E) information necessary to identify each student, as specified in TEC, §12.1174 (Enrollment and Waiting List Report).
 - (2) The waitlist of each charter school campus shall be managed according to that charter holder's policy, which must include the following criteria.
 - (A) The names of eligible students with completed applications who apply and are not admitted shall be added to the end of the waitlist in the order in which the applications are received.
 - (B) As spaces become available at the charter school campus during the school year, the school must consult its campus waitlist and select a new student for enrollment in the order that students appear on the list.
 - (C) The charter school shall review each campus waitlist no less than every 60 days and eliminate duplicate entries and the names of students who have been admitted to the charter school.
 - (3) An open-enrollment charter school may not sell, provide, or ask a student to agree to share any student information on the waitlist with any person or entity other than TEA.
- (f) Student admission and enrollment at charter schools specializing in performing arts. In accordance with TEC, §12.111 and §12.1171, a charter school specializing in performing arts, as defined in this subsection, may adopt a student admission and enrollment policy that complies with this subsection in lieu of compliance with subsections (a)-(d) of this section.
- (1) A charter school specializing in performing arts as used in this subsection means a school whose open-enrollment charter includes an educational program that, in addition to the required academic curriculum, has an emphasis in one or more of the performing arts, which include music, theatre, and dance. A program with an emphasis in the performing arts may include the following components:
 - (A) a core academic curriculum that is integrated with performing arts instruction;
 - (B) a wider array of performing arts courses than are typically offered at public schools;
 - (C) frequent opportunities for students to demonstrate their artistic talents;
 - (D) cooperative programs with other organizations or individuals in the performing arts community; or
 - (E) other innovative methods for offering performing arts learning opportunities.
 - (2) To the extent this is consistent with the definition of a "public charter school" as defined in ESEA as reauthorized under ESSA, as interpreted by the USDE, the governing body of a charter holder that operates a charter school specializing in performing arts must require the applicant to complete and submit a common admission application form as described in subsection (a)(1) of this section and may adopt an admission policy that requires a student to demonstrate an interest or ability in the performing arts or to audition for admission to the school.

- (3) The governing body of a charter holder that operates a charter school specializing in performing arts must adopt a student admission and enrollment policy that prohibits discrimination on the basis of sex, national origin, ethnicity, religion, disability, academic or athletic ability, or the district the child would otherwise attend under state law.
- (4) The governing body of a charter holder that operates a charter school specializing in performing arts must adopt a student admission and enrollment policy that specifies any type of non-discriminatory enrollment criteria to be used at the charter school. Such non-discriminatory enrollment criteria may make the student ineligible for enrollment if the student: [based on a history of a criminal offense, a juvenile court adjudication, or discipline problems under TEC, Chapter 37, Subchapter A, documented as provided by local policy.]
 - (A) has engaged in conduct outlined in TEC, §37.006, related to placement in a disciplinary alternative education program or a juvenile justice alternative education program;
 - (B) has engaged in conduct outlined in TEC, §37.007, related to expulsion; or
 - (C) has been convicted of a criminal offense or has a juvenile court adjudication.
- (g) Maximum enrollment. Total enrollment shall not exceed the maximum number of students approved in the open-enrollment charter. A charter school may establish a primary and secondary boundary. Students who reside outside the primary geographic boundary stated in the open-enrollment charter shall not be admitted to the charter school until all eligible applicants that reside within the primary boundary and have submitted a timely application have been enrolled. Then, if the open-enrollment charter so provides for a secondary boundary, the charter holder may admit students who reside within the secondary boundary to the charter school in accordance with the terms of the open-enrollment charter.

§100.1211. Students.

- (a) Student performance. Notwithstanding any provision in an open-enrollment charter, acceptable student performance under Texas Education Code, §12.111(a)(3), shall at a minimum require overall student performance meeting the standards for an "academically acceptable" rating as defined by §100.1001(8) of this title (relating to Definitions).
- (b) Reporting child abuse or neglect. A charter holder shall adopt and disseminate to all charter school staff and volunteers a policy governing child abuse reports required by Texas Family Code, Chapter 261. The policy shall require that employees, volunteers, or agents of the charter holder and the charter school report child abuse or neglect directly to an appropriate entity listed in Texas Family Code, Chapter 261.
- (c) Admission and enrollment. A charter holder for an open-enrollment charter school shall have an admission and enrollment policy as outlined in §100.1207 of this title (relating to Student Admission), including prohibiting discrimination on the basis of sex; national origin; ethnicity; religion; disability; academic, artistic, or athletic ability; or the district the child would otherwise attend under state law.
- (d) Notice of expulsion or withdrawal. A charter school shall notify the school district in which the student resides within three business days of any action expelling or withdrawing a student from the charter school.
- (e) Data reporting. A charter holder and its charter school shall report timely and accurate information required by the commissioner of education to the Texas Education Agency (TEA), except as expressly waived by the commissioner.
- (f) Student records. Student records shall be secure and maintained physically within the state of Texas at all times. Charter school personnel shall respond to requests for records in a timely and appropriate manner. Charter schools shall participate in the Texas Records Exchange (TREx) system and shall follow TREx data standards.
- (g) Scholastic year. A charter holder shall adopt a school year for the charter school, with fixed beginning and ending dates. [The charter school shall submit a copy of the charter school's campus calendars to the TEA division responsible for charter school administration prior to the first day of August of each year.]