

The Texas Education Agency (TEA) proposes new §100.1019, concerning application to adult high school charters. The proposed new rule would implement Senate Bill (SB) 1615, 87th Texas Legislature, Regular Session, 2021, by providing requirements for the administration of the adult high school open-enrollment charter application process.

BACKGROUND INFORMATION AND JUSTIFICATION: Proposed new §100.1019 would implement SB 1615, 87th Texas Legislature, Regular Session, 2021, which added Texas Education Code (TEC), §12.265, regarding adult high school charters. The new rule would specify which portions of the open-enrollment charter application process codified in 19 TAC §100.1002, Application and Selection Procedures and Criteria, apply to adult high school charters.

The proposed new rule is constructed to mirror 19 TAC §100.1004 that provides application process requirements for public senior college or university charters and junior college charters. This construction is intended to provide consistency in rule among each program's authorization and administration.

FISCAL IMPACT: Kelvey Oeser, deputy commissioner for educator systems and support, 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 create a new regulation to implement TEC, §12.265, regarding adult high school charters.

The proposed rulemaking 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 expand, 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. Oeser 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 requirements for the administration of the adult high school charter school process described in SB 1615, 87th Texas Legislature, Regular Session, 2021. The intention of the program under TEC, §12.253, is to "meet industry needs for a sufficiently trained workforce within the state and strengthen the economic and educational prosperity of the state," which would provide a direct benefit to the public. 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: The public comment period on the proposal begins May 19, 2023, and ends June 20, 2023. 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 May 19, 2023. 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 new rule is proposed under Texas Education Code, §12.265, as added by Senate Bill 1615, 87th Texas Legislature, Regular Session, 2021, which requires the commissioner to adopt rules to administer the adult high school charter school program.

CROSS REFERENCE TO STATUTE. The new rule implements Texas Education Code, §12.265, as added by SB 1615, 87th Texas Legislature, Regular Session, 2021.

<rule>

§100.1019. Application to Adult High School Charters.

The following provisions apply as indicated in this section to an adult education charter school as though the adult education charter school was granted a charter under Texas Education Code, Chapter 12, Subchapter D.

- (1) Section 100.1002(a) of this title (relating to Application and Selection Procedures and Criteria) applies, except that the commissioner of education may adopt a separate application form for applicants seeking a charter to operate an adult education 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.
- (2) Section 100.1002(b)(1), (c)-(g), (h)(1)-(3) and (6)-(8), (i), and (m)-(q) of this title apply unless provided otherwise in the charter contract.