



APPLICANT INFORMATION SESSION SUBCHAPTER G

SELECTED LEGAL ISSUES



Eligibility Topics

1

Nonprofit Entity

An entity lawfully filed as a nonprofit entity.



2

School District

An entity lawfully recognized as a school district.

3

Charter School

An entity that currently holds an open-enrollment charter school as **granted under Texas Education Code, Chapter 12, Subchapter D.**

4

General Academic Teaching Institution

An entity recognized as a general academic teaching institution as defined in **Texas Education Code, Chapter 61, Subchapter A, Section 61.003(3).**

5

Higher Education

An entity recognized as either a public junior college or public technical institute general academic teaching institution as defined in **Texas Education Code, Chapter 61, Subchapter A, Section 61.003(2) and (7).**

Texas Education Code, Chapter 12, Subchapter D-Open-Enrollment Charter Schools

Although charter schools authorized under Subchapter D are often referred to in shorthand as “open-enrollment charter schools”, this term can be broader than Subchapter D schools (see, Subchapter E, Chapter 12).

If an entity is considered to have an open-enrollment charter school, it **must specifically be an entity authorized under Subchapter D, Chapter 12 of the Texas Education Code** to be eligible for Subchapter G authorization.



Texas Education Code, Chapter 12, Subchapter G- Adult Charter High Schools

To be eligible for enrollment at a Subchapter G charter school, a student must:

- Be **18-50 years of age**.
- Have previously failed to complete a high school graduation, either through noncompletion of curriculum or assessment requirements.

A **prioritization is in place for students who have NOT received** their high school equivalency certificate, see TEC 12.258(b).



Eligible Students to Enroll- Virtual Campuses

Texas Education Code, Chapter 30, Subchapter C- Full-Time Hybrid Campus

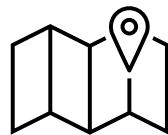
A **student eligible to enroll in a public school** in Texas is eligible to enroll at a full-time hybrid campus.

Texas Education Code, Chapter 30, Subchapter C- Full-Time Virtual Campus

A student eligible to enroll in a full-time virtual campus if the student...



Attended a public school in Texas for a **minimum of six weeks** in the current school year or in the preceding school year



Was not required to attend public school in Texas due to nonresidency during the preceding school year



Is a **dependent of a member** of the United States military who has been deployed



Has been **placed in substitute care** in Texas



Governance Topics

Business Organization Code

Prospective charter holders that **are Texas non-profit corporations must remember** to comply with the requirements of the Business Organizations Code (BOC).

Under BOC §22.204, the number of directors of a corporation **shall be not less than three (3)**.

Questions regarding non-profit corporations **should be directed to the Texas Secretary of State's Corporations Division**.



Texas Open Meetings Act (TOMA) Texas Government Code, Chapter 551

TOMA requires that when a quorum of a governing body discusses public business, written notice of the time, place, and subject of the meeting be posted for at least 72 hours at a place convenient to the public at the central administrative office.

For more information, visit the following...



KEN PAXTON
ATTORNEY GENERAL *of* TEXAS

[Attorney General Online TOMA Resources](#)

[2024 Open Meetings Handbook](#)

Nonsectarian Educational Nature

Like other public schools, **charter schools must be nonsectarian in all respects.**

This includes but is not limited to:



Student Admission



Instruction



Employee Hiring



Visible Religious Iconography



**School Calendars
(naming student holidays)**



Operations Topics

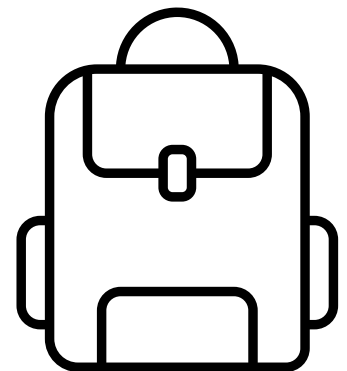
Admissions and Enrollment

Admissions policy must **prohibit discrimination on the basis of race, color, national origin, sex, or disability**. The Office for Civil Rights and TEA enforce several federal civil rights laws that prohibit discrimination in programs or activities that receive federal funds.

Federal law and non-regulatory guidance require charter schools **receiving federal funds to use a lottery** when a school is oversubscribed.

Charter schools **may not charge an admission fee** to students.

Charter school **may not require students to** volunteer, to attend any sessions, or make any commitment to the charter for admission.





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WE WILL RETURN AT 2:15PM