

By: Kitzman

H.B. No. 4613

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of professional charter academies.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 12, Education Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. PROFESSIONAL CHARTER ACADEMY PROGRAM

Sec. 12.201. PURPOSES. Professional charter academies are established under this subchapter to provide highly qualified education professionals an opportunity to:

(1) operate an educational institution and function independently; and

(2) innovate and create educational programs tailored specifically to the students enrolled in the academy.

Sec. 12.202. PROFESSIONAL CHARTER ACADEMY PROGRAM; RULES.

(a) The commissioner shall establish a professional charter academy program under which eligible education professionals are authorized to create and operate a professional charter academy in accordance with this subchapter.

(b) The commissioner shall adopt rules to administer this subchapter. The rules must include provisions relating to prevention of fraud and abuse in financial transactions under the professional charter academy program.

Sec. 12.203. ELIGIBLE EDUCATION PROFESSIONALS. (a) To be eligible to operate a professional charter academy under this

1 subchapter, an education professional must:

2 (1) have at least three years of classroom teaching
3 experience;

4 (2) have been rated as proficient or higher for at
5 least three years under the evaluation system used to evaluate the
6 professional; or

7 (3) have served as the principal of a school for at
8 least three years.

9 (b) A professional charter academy must be operated by at
10 least one eligible education professional and be formed as a
11 corporation governed under Title 2, Business Organizations Code.

12 Sec. 12.204. APPLICATION OF LAWS. A professional charter
13 academy is subject only to federal and state laws applicable to
14 schools accredited by an organization that is monitored and
15 approved by the Texas Private School Accreditation Commission. A
16 professional charter academy is not subject to state law applicable
17 to charter schools authorized by law other than this subchapter.

18 Sec. 12.205. INITIAL FUNDING. An education professional
19 eligible under Section 12.203 is responsible for securing initial
20 capital from sources other than public funding for the
21 establishment of a professional charter academy. The commissioner
22 may not provide any public or state funding to an eligible education
23 professional operating a professional charter academy during the
24 first 12 months of operation of the academy.

25 Sec. 12.206. GRANTING OF CHARTER. The commissioner shall
26 grant a charter to operate a professional charter academy to an
27 education professional eligible under Section 12.203 if the

1 professional provides to the commissioner:

2 (1) a viable business plan;

3 (2) proof of financial ability to fund 12 months of the
4 academy's anticipated operation expenses, presented in the form of
5 a bank letter of credit or other acceptable financial guarantee;
6 and

7 (3) demonstration of parental and community interest
8 in the establishment of a professional charter academy.

9 Sec. 12.207. PUBLIC FUNDING. (a) Funding under this
10 section may only be provided for a school year after the first full
11 school year in which a professional charter academy is in
12 operation.

13 (b) For each school year after the first school year in
14 which a professional charter academy is in operation, the
15 commissioner shall provide to a student who will attend the academy
16 or the student's parent an amount equal to the average state funding
17 per student received by open-enrollment charter schools under
18 Subchapter D during the preceding school year. The student or the
19 student's parent may assign the funding received under this section
20 to the academy the student attends. The commissioner may adjust the
21 amount provided in accordance with the student's period of actual
22 enrollment in the academy during the school year.

23 (c) The commissioner shall provide the funding under
24 Subsection (b) to the student, to the student's parent, or, if the
25 funding has been assigned to the professional charter academy, to
26 the academy, not later than the 90th day after the date the
27 commissioner receives enrollment data reports from the academy at

1 the end of each school year for which the academy is eligible for
2 funding under this section.

3 (d) Federal funds and money from the available school fund
4 may not be used to make payments under this subchapter.

5 Sec. 12.208. REPORTS. (a) Not later than October 1 of each
6 year, the commissioner shall determine the estimated number of
7 students who are likely to attend each professional charter academy
8 authorized under this subchapter. The report must indicate the
9 school district a student attending a professional charter academy
10 is eligible to attend.

11 (b) Not later than March 1 of each year, the commissioner
12 shall provide actual numbers of students who attend each
13 professional charter academy.

14 (c) The agency shall modify estimates of funding under
15 Section 48.266 using the information reported under this section.

16 Sec. 12.209. ADMINISTRATIVE COSTS. (a) Notwithstanding
17 Section 12.207(b), the commissioner may deduct a percentage of each
18 payment provided under that subsection to cover the commissioner's
19 costs in implementing and administering the program. The
20 percentage deducted from each payment may not exceed the lesser of:

21 (1) the pro rata cost of the program in the applicable
22 year; or

23 (2) two percent of the amount of each payment.

24 (b) This section expires September 1, 2030.

25 SECTION 2. As soon as possible but not later than the 45th
26 day after the effective date of this Act, the commissioner of
27 education shall establish the professional charter academy program

1 as required under Subchapter F, Chapter 12, Education Code, as
2 added by this Act.

3 SECTION 3. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2023.