

BILL ANALYSIS

C.S.S.B. 933
By: Shapiro
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, some parents have left the public school system for private schools or home schools, but might return if they were offered the support of a content-rich curriculum, adaptive lessons, and certified teachers without losing the flexibility of home-based learning. C.S.S.B. 933 establishes virtual charter schools to be administered by public senior colleges and universities.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTION 1.02 (Section 12.153, Education Code) and SECTION 2.01 (Section 12.153, Education Code) of this bill.

ANALYSIS

ARTICLE 1. AMENDMENTS EFFECTIVE THROUGH AUGUST 31, 2009

C.S.S.B. 933 amends the Education Code to include a college or university charter as provided by Subchapter E as a class of charter. The bill defines "educational activity," and "virtual charter school."

The bill authorizes the State Board of Education (SBOE), in accordance with this subchapter or Subchapter D, to grant a charter on the application of a public senior college or university for a virtual charter school administered by a public senior college or university to operate from an administrative office in the same county in which the campus of the college or university is located.

The bill authorizes SBOE to grant a total of not more than two charters for virtual charter schools and the combined enrollment for the two charter schools may not exceed 8,000 students. The bill provides that a virtual charter school is part of the public school system and may not discriminate in admissions based on race, sex, national origin, ethnicity, religion, or disability.

The bill authorizes the commissioner of education (commissioner) to adopt rules to implement this chapter. The bill requires the commissioner to adopt rules to administer virtual charter schools under this subchapter. The bill requires the commissioner to determine the number of hours of virtual charter school educational activities that are the equivalent of one day of school attendance, for the purpose of charter school funding under Section 12.106. The bill provides that the commissioner may not grant a virtual charter school's request for a waiver from compliance with a provision listed in Section 12.104.

The bill provides that to be eligible for funding under this subchapter, a virtual charter school must:

- provide each student with access to a secular curriculum that meets or exceeds state academic standards;
- allow each student to work at a grade level other than the grade level in which the student is enrolled;
- assess each student's performance in each subject in the foundation curriculum in which the student

- is enrolled;
- ensure that a parent verifies the number of hours of educational activities completed by the student each school year;
- make available to the parent a computer and printer, physical copies of any instructional materials, and reimbursement for any fees related to accessing the Internet for educational activities;
- maintain a student/teacher ratio of not less than one teacher for each 60 students in average daily attendance;
- give preference in enrollment to students with educational or medical needs that require the student to receive educational services in a home setting, except that preferential enrollment status may not be given to a student who is in an alternative education setting because of the student's suspension or expulsion;
- to the extent possible, provide that at least 25 percent of the students enrolled in the school are educationally disadvantaged;
- provide general special education services under Subchapter A, Chapter 29; and
- provide bilingual and special language program services under Subchapter B, Chapter 29.

The bill requires a virtual charter school student to complete at least 720 hours of educational activities each school year in grade two or lower and at least 900 hours in grade three or higher. The bill requires virtual charter school teachers to be appropriately certified, be available to meet with the parent of each student enrolled in the teacher's class at least four times each school year, and be reasonably available each school day by electronic communication or other means. The bill requires a public senior college or university that holds a charter for a virtual charter school to conduct an annual evaluation of the school.

The bill provides that a virtual charter school is entitled, for each student in average daily attendance, to funding at a level equal to an open-enrollment charter school. The bill provides that a virtual charter school may not receive funding for a student if the student is not administered an assessment instrument under Subchapter B, Chapter 39. The bill authorizes the commissioner to grant a waiver from this requirement on a student-by-student basis.

The bill requires the commissioner, not later than December 1 of each even-numbered year, to submit a report to the governor, the lieutenant governor, and the speaker of the house a report which must include:

- recommendations regarding virtual charter school funding mechanisms and mechanisms designed to monitor student identification and participation;
- information relating to the quality assurance and audit requirements;
- recommendations regarding any need to develop or license specific electronic courses for statewide use to ensure a cost-efficient increase in student access to the recommended high school program, including any estimated costs and resources necessary to make the courses available statewide;
- for each grade level, recommendations regarding the effectiveness and any benefit to students, teachers, administrators, or school districts of electronic courses;
- the estimated number and cost to the state of private school and home school students who are expected to participate in the virtual charter school program during the two years following the date of the report;
- the impact of the virtual charter school program on school districts and campuses; and
- recommendations regarding any limit on the number of universities that may grant virtual charter schools, and students that may enroll in virtual charter schools; and
- information relating to the extent which virtual charter schools assist school districts and the state in complying with the No Child Left Behind Act.

The bill provides that Sections 12.156(c), 12.157, 12.158, and 12.159 Education Code expire September 1, 2009.

ARTICLE 2. AMENDMENTS EFFECTIVE ON SEPTEMBER 1, 2009

The bill provides that effective September 1, 2009, Sections 12.151, 12.152, and 12.153, Education Code, are amended to read as follows:

- Sec. 12.151. DEFINITION. In this subchapter, "public senior college or university" has the meaning assigned by Section 61.003.
- Sec. 12.152. AUTHORIZATION. In accordance with this subchapter and Subchapter D, the State Board of Education may grant a charter on the application of a public senior college or university for an open-enrollment charter school to operate on the campus of the public senior college or university or in the same county in which the campus of the public senior college or university is located.
- Sec. 12.153. RULES. The commissioner may adopt rules to implement this subchapter.

ARTICLE 3. TRANSITION PROVISIONS

The bill requires the commissioner, no later than January 1, 2005, to recommend to the legislature an appropriate level of funding for virtual charter schools.

EFFECTIVE DATE

Except as otherwise provided, upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

COMPARISON OF ENGROSSED TO SUBSTITUTE

C.S.S.B. 933 modifies the engrossed version by adding provisions relating to discrimination and admissions. C.S.S.B. 933 modifies the engrossed version by authorizing SBOE to grant a total of not more than two charters for virtual charter schools and the combined enrollment for the two charter schools may not exceed 8,000, rather than 2,000, students. C.S.S.B. 933 modifies the engrossed version by deleting provisions that require the commissioner to establish guidelines for the reporting of and verification of the enrollment of and instructional hours completed by each student enrolled in a virtual charter school.

C.S.S.B. 933 modifies the engrossed version by deleting provisions that require the commissioner to determine the number of hours of virtual charter school educational activities that are the equivalent of one day of school attendance. C.S.S.B. 933 modifies the engrossed version by deleting provisions that the level of funding must reflect the school's actual cost of efficiently providing a student with educational services. C.S.S.B. 933 modifies the engrossed version by deleting provisions that require the commissioner to provide different levels of funding as necessary to reflect the costs of different instructional arrangements.

C.S.S.B. 933 modifies the engrossed version by authorizing the commissioner to grant a wavier from certain assessment instrument requirements on a student-by-student basis.

C.S.S.B. 933 modifies the engrossed version by altering the information of the report the commissioner is required to submit to the governor, the lieutenant governor, and the speaker of the house.