

By: Grusendorf

H.B. No. 2218

A BILL TO BE ENTITLED

AN ACT

relating to a public school district virtual campus contract charter.

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. SCHOOL DISTRICT VIRTUAL CAMPUS CONTRACT CHARTER

Sec. 12.201. DEFINITIONS. In this subchapter:

(1) "Board of trustees" means the board of trustees of a school district or the governing body of a home-rule school district.

(2) "Contract charter" means a contract for educational services granted by a board of trustees under this subchapter.

(3) "Virtual campus" means a program described by this subchapter for which a contract charter is granted and in which the teacher and student are in different locations for at least a majority of the student's instructional time.

Sec. 12.202. AUTHORIZATION. The board of trustees may grant a contract charter for the establishment of a virtual campus.

Sec. 12.203. AUTHORITY UNDER CONTRACT CHARTER. (a) A board of trustees may grant a contract charter that specifically exempts a virtual campus from the instructional and academic rules and policies of the board.

1       (b) A virtual campus may continue to operate only if  
2 students enrolled in the virtual campus perform satisfactorily, as  
3 provided by the contract charter.

4       Sec. 12.204. APPLICABILITY OF CERTAIN LAWS AND RULES. A  
5 virtual campus is subject to federal and state laws and rules  
6 governing public schools, except that the virtual campus is subject  
7 to this code and rules adopted under this code only to the extent  
8 the applicability to a virtual campus of a provision of this code or  
9 a rule adopted under this code is specifically provided.

10       Sec. 12.205. APPLICABILITY OF TITLE. (a) A virtual campus  
11 has the powers granted to schools under this title.

12       (b) A virtual campus is subject to:

13               (1) a provision of this title establishing a criminal  
14 offense; and

15               (2) a prohibition, restriction, or requirement, as  
16 applicable, imposed by this title or a rule adopted under this  
17 title, relating to:

18                       (A) the Public Education Information Management  
19 System (PEIMS) to the extent necessary to monitor compliance with  
20 this subchapter as determined by the commissioner;

21                       (B) criminal history records under Subchapter C,  
22 Chapter 22;

23                       (C) extracurricular activities under Section  
24 33.081; and

25                       (D) public school accountability under Chapter  
26 39.

27       Sec. 12.206. STATUS AND FUNDING. (a) A school district is

1 entitled to receive federal, state, and local funding for a student  
2 enrolled in a virtual campus in an amount equal to the funding the  
3 district is otherwise entitled to receive for a student enrolled in  
4 the district.

5 (b) A school district may calculate the average daily  
6 attendance of a student enrolled in a virtual campus based on:

7 (1) hours of contact with the student; or

8 (2) the student's successful completion of a course.

9 (c) The commissioner shall adopt rules necessary to  
10 administer this section.

11 Sec. 12.207. CONTENT. Each contract charter granted under  
12 this subchapter must:

13 (1) describe the virtual campus educational program to  
14 be offered, which may be general or specialized;

15 (2) provide that continuation of the contract charter  
16 is contingent on satisfactory student performance under Subchapter  
17 B, Chapter 39, and on compliance with other applicable  
18 accountability provisions under Chapter 39;

19 (3) specify any basis, in addition to a basis  
20 specified by this subchapter, on which the contract charter may be  
21 placed on probation or revoked;

22 (4) prohibit discrimination in admission on the basis  
23 of national origin, ethnicity, race, religion, or disability;

24 (5) describe the governing structure of the virtual  
25 campus;

26 (6) specify any procedure or requirement, in addition  
27 to those under Chapter 38, that the virtual campus will follow to

1 ensure the health and safety of students and employees; and

2 (7) describe the manner in which an annual audit of  
3 financial and programmatic operations of the virtual campus is to  
4 be conducted, including the manner in which the virtual campus will  
5 provide information necessary for the school district in which it  
6 is located to participate, as required by this code or by State  
7 Board of Education rule, in the Public Education Information  
8 Management System (PEIMS).

9 Sec. 12.208. FORM. A contract charter must be in the form  
10 and substance of a written contract signed by the presiding officer  
11 of the board of trustees granting the contract charter and the chief  
12 operating officer of the virtual campus.

13 Sec. 12.209. CONTRACT CHARTER GRANTED. Each contract  
14 charter a board of trustees grants under this subchapter must:

15 (1) satisfy this subchapter;  
16 (2) include the information that is required under  
17 Section 12.207 consistent with the information provided in the  
18 application and any modification the board requires; and

19 (3) require that the virtual campus governed by the  
20 contract charter annually provide the agency information for use  
21 under Section 12.214.

22 Sec. 12.210. REVISION. A contract charter granted under  
23 this subchapter may be revised with the approval of:

24 (1) the board of trustees that granted the charter;  
25 and

26 (2) the chief operating officer of the virtual campus.

27 Sec. 12.211. BASIS FOR PLACEMENT ON PROBATION OR

1 REVOCATION. (a) A board of trustees may place on probation or revoke  
2 a contract charter it grants if the board determines that the  
3 virtual campus governed by the contract charter:

4 (1) committed a material violation of the contract  
5 charter;

6 (2) failed to satisfy generally accepted accounting  
7 standards of fiscal management; or

8 (3) failed to comply with this subchapter, another  
9 law, or a state agency rule.

10 (b) The action the board takes under Subsection (a) must be  
11 based on the best interest of students enrolled in the virtual  
12 campus, the severity of the violation, and any previous violation  
13 the virtual campus has committed.

14 Sec. 12.212. PROCEDURE FOR PLACEMENT ON PROBATION OR  
15 REVOCATION. (a) Each board of trustees that grants a contract  
16 charter under this subchapter shall adopt a procedure to be used for  
17 placing on probation or revoking a charter it grants.

18 (b) The procedure adopted under Subsection (a) must provide  
19 an opportunity for a hearing to the virtual campus and to parents  
20 and guardians of students at the campus.

21 Sec. 12.213. ADMISSION. (a) Eligibility criteria for  
22 admission of students to a virtual campus may give priority on the  
23 basis of a student's age, grade level, or academic credentials in  
24 general or in a specific area, as necessary for the type of program  
25 offered.

26 (b) The virtual campus may require an applicant to submit an  
27 application not later than a reasonable deadline the campus

1 establishes.

2 Sec. 12.214. INFORMED CHOICE. (a) The agency shall create  
3 and maintain on its Internet website a list of:

- 4 (1) each provider of a virtual campus;  
5 (2) each school district in which the virtual campus  
6 operates; and  
7 (3) the information contained in each report submitted  
8 under Subsection (b).

9 (b) The provider of a virtual campus shall annually, not  
10 later than a deadline established by the school district that  
11 granted the contract charter, submit to the district and the agency  
12 a report under this subsection. The report must include a  
13 description of:

- 14 (1) all contract charter information required under  
15 Section 12.207;  
16 (2) each course of instruction offered to students in  
17 the virtual campus program, including the number of lessons, the  
18 expected duration of each lesson, and a description of each lesson  
19 that requires use of a computer;  
20 (3) all materials required for each course offered in  
21 the program;  
22 (4) the process used to ensure that each course meets  
23 the essential knowledge and skills requirements under Subchapter A,  
24 Chapter 28, including any consultation with a state or district  
25 curriculum specialist;  
26 (5) the process used to place students in the  
27 appropriate academic levels of the program, including:

1                   (A) sample placement evaluations;

2                   (B) information related to each person  
3 responsible for placement of a student;

4                   (C) the circumstances in which a student may be  
5 placed in different academic levels for different course subjects  
6 during a school year;

7                   (D) the circumstances in which a student may  
8 complete more than one course level during a school year; and

9                   (E) any fees required for changing academic  
10 levels during a school year or completing more than one academic  
11 level during the year;

12                  (6) any technology provided by the program to each  
13 student enrolled in the program, including any computer, computer  
14 software, or Internet access;

15                  (7) the method used to report attendance in the  
16 program;

17                  (8) the method used to authenticate student course  
18 work;

19                  (9) the location and content of each scheduled meeting  
20 between parents or guardians of students enrolled in the program  
21 and teachers or other school officials, and the method used to  
22 notify parents and guardians of the time and location of each  
23 meeting;

24                  (10) the virtual campus policies relating to:

25                   (A) computer security and privacy; and

26                   (B) truancy, absences, discipline, withdrawal,  
27 and expulsion of students;

1           (11) any extracurricular activities provided by the  
2 virtual campus, including activities held on another campus in the  
3 school district;

4           (12) the teaching model used by the virtual campus,  
5 including:

6                   (A) each teacher's responsibilities;

7                   (B) minimum teacher qualifications;

8                   (C) minimum hours of training provided to  
9 teachers;

10                  (D) average and maximum student/teacher ratios;

11                  (E) hours of teacher availability; and

12                  (F) for each grade level, minimum and expected  
13 amounts of contact between teachers and parents and between  
14 teachers and students;

15           (13) any academic services that the virtual campus  
16 expects a student's parent or guardian to provide to the student;

17           (14) each standardized assessment instrument, in  
18 addition to any assessment instrument required under Chapter 39,  
19 that the student is required to complete during the school year and,  
20 if available, the location for administration of the instrument;

21           (15) a summary of the results of each assessment  
22 instrument administered to students in the program during the  
23 school year preceding the year the report is submitted; and

24           (16) the school year calendar for the program,  
25 including any options for continued participation outside of the  
26 standard school district calendar.

27           SECTION 2. Section 12.002, Education Code, is amended to



1 read as follows:

2           Sec. 12.002. CLASSES OF CHARTER. The classes of charter  
3 under this chapter are:

4                   (1) a home-rule school district charter as provided by  
5 Subchapter B;

6                   (2) a campus or campus program charter as provided by  
7 Subchapter C; ~~or~~

8                   (3) an open-enrollment charter as provided by  
9 Subchapter D;

10                   (4) a college or university charter as provided by  
11 Subchapter E; or

12                   (5) a school district virtual campus or program  
13 contract charter as provided by Subchapter F.

14           SECTION 3. This Act takes effect September 1, 2003.