

By: Shapiro

S.B. No. 933

A BILL TO BE ENTITLED

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AN ACT

relating to a virtual charter school administered by a public senior college or university.

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

ARTICLE 1. AMENDMENTS EFFECTIVE THROUGH AUGUST 31, 2009

SECTION 1.01. Section 12.002, Education Code, is amended to read as follows:

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

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

(2) a campus or campus program charter as provided by Subchapter C; ~~[or]~~

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

(4) a college or university charter as provided by Subchapter E.

SECTION 1.02. Sections 12.151, 12.152, and 12.153, Education Code, are amended to read as follows:

Sec. 12.151. DEFINITIONS ~~[DEFINITION]~~. In this subchapter:

(1) "Educational activity" means an activity of a student enrolled in a virtual charter school that is considered for purposes of a student's minimum hours of instruction required by a charter granted under this subchapter or rules adopted under this

1 subchapter.

2 (2) "Public[~~, "public~~] senior college or university"  
3 has the meaning assigned by Section 61.003.

4 (3) "Virtual charter school" means a charter school  
5 authorized and operating under this subchapter that uses  
6 technology, including the Internet, to deliver a significant  
7 portion of the school's instruction outside of a central campus.

8 Sec. 12.152. AUTHORIZATION. (a) In accordance with this  
9 subchapter and Subchapter D, the State Board of Education may grant  
10 a charter on the application of a public senior college or  
11 university for:

12 (1) an open-enrollment charter school to operate on  
13 the campus of the public senior college or university or in the same  
14 county in which the campus of the public senior college or  
15 university is located; or

16 (2) a virtual charter school administered by a public  
17 senior college or university to operate from an administrative  
18 office in the same county in which the campus of the college or  
19 university is located.

20 (b) The State Board of Education may grant a total of not  
21 more than two charters for virtual charter schools and the combined  
22 enrollment for the two charter schools may not exceed 2,000  
23 students.

24 Sec. 12.153. RULES. (a) The commissioner may adopt rules  
25 to implement this subchapter.

26 (b) The commissioner shall adopt rules to administer  
27 virtual charter schools under this subchapter. For purposes of

1 charter school funding under Section 12.106, the commissioner shall  
2 determine the number of hours of virtual charter school educational  
3 activities that are the equivalent of one day of school attendance.

4 (c) The commissioner shall establish guidelines for the  
5 reporting of and verification of the enrollment of and  
6 instructional hours completed by each student enrolled in a virtual  
7 charter school.

8 SECTION 1.03. Section 12.156, Education Code, is amended by  
9 adding Subsection (c) to read as follows:

10 (c) The commissioner may not grant a virtual charter  
11 school's request for a waiver from compliance with a provision  
12 listed in Section 12.104. This subsection expires September 1,  
13 2009.

14 SECTION 1.04. Subchapter E, Chapter 12, Education Code, is  
15 amended by adding Sections 12.157, 12.158, and 12.159 to read as  
16 follows:

17 Sec. 12.157. VIRTUAL CHARTER SCHOOL. (a) To be eligible  
18 for funding under this subchapter, a virtual charter school must:

19 (1) provide each student enrolled in the school with  
20 access to a secular curriculum that meets or exceeds state academic  
21 standards;

22 (2) allow each student to work at a grade level other  
23 than the grade level in which the student is enrolled;

24 (3) an average of at least once each week during the  
25 school year, assess each student's performance in each subject in  
26 the foundation curriculum in which the student is enrolled;

27 (4) ensure that a parent or legal guardian of each

1 student verifies the number of hours of educational activities  
2 completed by the student each school year;

3 (5) make available to the parent or legal guardian of  
4 each student:

5 (A) a computer and printer;

6 (B) physical copies of any instructional  
7 materials related to the student's curriculum; and

8 (C) reimbursement for any fees related to  
9 accessing the Internet for educational activities;

10 (6) maintain a student/teacher ratio of not less than  
11 one teacher for each 60 students in average daily attendance;

12 (7) give preference in enrollment to students with  
13 educational or medical needs that require the student to receive  
14 educational services in a home setting, except that preferential  
15 enrollment status may not be given to a student who is in an  
16 alternative education setting because of the student's suspension  
17 or expulsion under Chapter 37 or other relevant law or rule;

18 (8) to the extent possible, provide that at least 25  
19 percent of the students enrolled in the school are educationally  
20 disadvantaged students;

21 (9) provide general special education services under  
22 Subchapter A, Chapter 29; and

23 (10) provide bilingual and special language program  
24 services under Subchapter B, Chapter 29.

25 (b) A student enrolled in a virtual charter school shall  
26 complete:

27 (1) at least 720 hours of educational activities each

1 school year if the student is enrolled in grade two or lower; and

2 (2) at least 900 hours of educational activities each  
3 school year if the student is enrolled in grade three or higher.

4 (c) A teacher employed by a virtual charter school:

5 (1) must be appropriately certified under Subchapter  
6 B, Chapter 21;

7 (2) shall, at least four times each school year, be  
8 available to meet with the parent or legal guardian of each student  
9 enrolled in the teacher's class; and

10 (3) shall, to the extent consistent with rules adopted  
11 by the commissioner, be reasonably available each school day by  
12 electronic communication or other means to respond to questions  
13 from a student, parent, or legal guardian.

14 (d) A public senior college or university that holds a  
15 charter for a virtual charter school shall annually conduct an  
16 evaluation of the school, including an analysis of:

17 (1) any increase in student achievement, as measured  
18 using state academic standards and standards described by the  
19 charter;

20 (2) the academic, fiscal, and operational performance  
21 of the school; and

22 (3) the performance of any students who are assessed  
23 using an assessment instrument adopted under Section 39.023.

24 (e) This section expires September 1, 2009.

25 Sec. 12.158. STATE FUNDING. (a) Except as otherwise  
26 determined by the commissioner under this section, for each  
27 enrolled student in average daily attendance, a virtual charter

1 school is entitled to funding at a level determined by the  
2 commissioner under this section, not to exceed a level equal to the  
3 funding for each student in average daily attendance in an  
4 open-enrollment charter school.

5 (b) For purposes of virtual charter school funding, the  
6 commissioner shall determine the number of hours of virtual charter  
7 school educational activities that are the equivalent of one day of  
8 school attendance.

9 (c) The commissioner shall determine the level of funding  
10 for a virtual charter school under this section. The level of  
11 funding must reflect the school's actual cost of efficiently  
12 providing a student with educational services, as determined by the  
13 commissioner. The commissioner shall provide different levels of  
14 funding as necessary to reflect the costs of different  
15 instructional arrangements.

16 (d) A virtual charter school may not receive funding for a  
17 student if the student is not administered an assessment instrument  
18 under Subchapter B, Chapter 39. The assessment instrument must be  
19 administered to the student in the presence of a qualified,  
20 independent person, as determined by the commissioner. The  
21 commissioner may not grant a waiver from the requirements of this  
22 subsection.

23 (e) This section expires September 1, 2009.

24 Sec. 12.159. REPORT. (a) Not later than December 1 of  
25 each even-numbered year, using funds available for the virtual  
26 charter school program, the commissioner shall submit a report to  
27 the governor, the lieutenant governor, and the speaker of the house

1 of representatives. To the extent information is available, the  
2 report must include:

3 (1) recommendations regarding virtual charter school  
4 funding mechanisms and mechanisms designed to monitor student  
5 identification and participation;

6 (2) recommendations regarding revenue sources,  
7 including any funding from general revenue or the agency, necessary  
8 to support quality assurance and audit requirements for virtual  
9 charter schools;

10 (3) information relating to the quality of electronic  
11 courses, as measured by student achievement on assessment  
12 instruments administered under Subchapter B, Chapter 39;

13 (4) recommendations regarding any need to develop or  
14 license specific electronic courses for statewide use to ensure a  
15 cost-efficient increase in student access to the recommended high  
16 school program, including any estimated costs and resources  
17 necessary to make the courses available statewide;

18 (5) for each grade level, including kindergarten and  
19 first and second grade, recommendations regarding the  
20 effectiveness and any benefit to students of electronic courses;

21 (6) the estimated number and cost to the state of  
22 private school and home school students who are expected to  
23 participate in the virtual charter school program during the two  
24 years following the date of the report;

25 (7) the impact of the virtual charter school program  
26 on school districts and campuses; and

27 (8) recommendations regarding any limit on the number

1 of:

2 (A) universities that may grant virtual charter  
3 schools; and

4 (B) students that may enroll in virtual charter  
5 schools.

6 (b) This section expires September 1, 2009.

7 ARTICLE 2. AMENDMENTS EFFECTIVE ON SEPTEMBER 1, 2009

8 SECTION 2.01. Effective September 1, 2009, Sections 12.151,  
9 12.152, and 12.153, Education Code, are amended to read as follows:

10 Sec. 12.151. DEFINITION. In this subchapter, "public  
11 senior college or university" has the meaning assigned by Section  
12 61.003.

13 Sec. 12.152. AUTHORIZATION. [~~(a)~~] In accordance with this  
14 subchapter and Subchapter D, the State Board of Education may grant  
15 a charter on the application of a public senior college or  
16 university for an open-enrollment charter school to operate on the  
17 campus of the public senior college or university or in the same  
18 county in which the campus of the public senior college or  
19 university is located.

20 Sec. 12.153. RULES. The commissioner may adopt rules to  
21 implement this subchapter.

22 ARTICLE 3. EFFECTIVE DATE

23 SECTION 3.01. Except as otherwise provided by this Act,  
24 this Act takes effect immediately if it receives a vote of  
25 two-thirds of all the members elected to each house, as provided by  
26 Section 39, Article III, Texas Constitution. If this Act does not  
27 receive the vote necessary for immediate effect, this Act takes



1 effect September 1, 2003, except as otherwise provided by this Act.