

By: Shapiro

S.B. No. 933

Substitute the following for S.B. No. 933:

By: Grusendorf

C.S.S.B. No. 933

A BILL TO BE ENTITLED

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 8,000
23 students.

24 (c) A virtual charter school is part of the public school
25 system of this state and may not discriminate in admissions on the
26 basis of race, sex, national origin, ethnicity, religion, or
27 disability. To the extent consistent with Section 12.157, on

1 receipt of more acceptable applications for admission than
2 available positions in the school, the school shall fill the
3 available positions by lottery.

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

6 (b) The commissioner shall adopt rules to administer
7 virtual charter schools under this subchapter. For purposes of
8 charter school funding under Section 12.106, the commissioner shall
9 determine the number of hours of virtual charter school educational
10 activities that are the equivalent of one day of school attendance.

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

13 (c) The commissioner may not grant a virtual charter
14 school's request for a waiver from compliance with a provision
15 listed in Section 12.104. This subsection expires September 1,
16 2009.

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

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

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

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

27 (3) an average of at least once each week during the

1 school year, assess each student's performance in each subject in
2 the foundation curriculum in which the student is enrolled;

3 (4) ensure that a parent or legal guardian of each
4 student verifies the number of hours of educational activities
5 completed by the student each school year;

6 (5) make available to the parent or legal guardian of
7 each student:

8 (A) a computer and printer;

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

11 (C) reimbursement for any fees related to
12 accessing the Internet for educational activities;

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

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

21 (8) to the extent possible, provide that at least 25
22 percent of the students enrolled in the school are educationally
23 disadvantaged students;

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

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

1 (b) A student enrolled in a virtual charter school shall
2 complete:

3 (1) at least 720 hours of educational activities each
4 school year if the student is enrolled in grade two or lower; and

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

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

8 (1) must be appropriately certified under Subchapter
9 B, Chapter 21;

10 (2) shall, at least three times each school year, be
11 available to meet with the parent or legal guardian of each student
12 enrolled in the teacher's class; and

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

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

20 (1) any increase in student achievement, as measured
21 using state academic standards and standards described by the
22 charter;

23 (2) the academic, fiscal, and operational performance
24 of the school; and

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

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

1 Sec. 12.158. STATE FUNDING. (a) For each enrolled student
2 in average daily attendance, a virtual charter school is entitled
3 to funding at a level equal to the funding for each student in
4 average daily attendance in an open-enrollment charter school.

5 (b) A virtual charter school may not receive funding for a
6 student for the following school year if the student is not
7 administered an assessment instrument under Subchapter B, Chapter
8 39. The commissioner may grant a waiver from the requirements of
9 this subsection on a student-by-student basis.

10 (c) This section expires September 1, 2009.

11 Sec. 12.159. REPORT. (a) Not later than December 1 of each
12 even-numbered year, using funds available for the virtual charter
13 school program, the commissioner shall submit a report to the
14 governor, the lieutenant governor, and the speaker of the house of
15 representatives. To the extent information is available, the
16 report must include:

17 (1) recommendations regarding virtual charter school
18 funding mechanisms and mechanisms designed to monitor student
19 identification and participation;

20 (2) recommendations regarding quality assurance and
21 audit requirements for virtual charter schools;

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

25 (4) recommendations regarding any need to develop or
26 license specific electronic courses for statewide use to ensure a
27 cost-efficient increase in student access to the recommended high

1 school program;

2 (5) for each grade level, including kindergarten and
3 first and second grade, recommendations regarding the
4 effectiveness and any benefit to students, teachers,
5 administrators, or school districts of electronic courses;

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

10 (7) the impact of the virtual charter school program
11 on school districts and campuses;

12 (8) recommendations regarding any limit on the number
13 of:

14 (A) colleges and universities that may grant
15 virtual charter schools; and

16 (B) students that may enroll in virtual charter
17 schools; and

18 (9) information relating to the extent to which
19 virtual charter schools assist school districts and the state in
20 complying with the No Child Left Behind Act of 2001 (Pub. L. No.
21 107-110).

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

23 ARTICLE 2. AMENDMENTS EFFECTIVE ON SEPTEMBER 1, 2009

24 SECTION 2.01. Effective September 1, 2009, Sections 12.151,
25 12.152, and 12.153, Education Code, are amended to read as follows:

26 Sec. 12.151. DEFINITION. In this subchapter, "public
27 senior college or university" has the meaning assigned by Section

1 61.003.

2 Sec. 12.152. AUTHORIZATION. [~~(a)~~] In accordance with this
3 subchapter and Subchapter D, the State Board of Education may grant
4 a charter on the application of a public senior college or
5 university for an open-enrollment charter school to operate on the
6 campus of the public senior college or university or in the same
7 county in which the campus of the public senior college or
8 university is located.

9 Sec. 12.153. RULES. The commissioner may adopt rules to
10 implement this subchapter.

11 ARTICLE 3. TRANSITION PROVISIONS

12 SECTION 3.01. Not later than January 1, 2005, the
13 commissioner of education shall recommend to the legislature an
14 appropriate level of funding for virtual charter schools.

15 SECTION 3.02. Except as otherwise provided by this Act,
16 this Act takes effect immediately if it receives a vote of
17 two-thirds of all the members elected to each house, as provided by
18 Section 39, Article III, Texas Constitution. If this Act does not
19 receive the vote necessary for immediate effect, this Act takes
20 effect September 1, 2003, except as otherwise provided by this Act.