

BILL ANALYSIS

C.S.H.B. 1311
By: Shelton
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties express concern that Texas schools are being penalized in the state public school accountability system for serving high school students at risk of dropping out of school. The parties contend that applying accountability measures designed to measure a traditional student population to a nontraditional population, such as dropout risks, is causing good schools to receive academically unacceptable ratings for what are essentially nonacademic reasons. C.S.H.B. 1311 seeks to create a separate designation for dropout reduction charter high schools and to streamline the process by which successful such charter schools may grow.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 1311 amends the Education Code to prohibit the commissioner of education from denying approval for a charter holder to add one or more additional open-enrollment charter schools under an existing open-enrollment charter granted to the charter holder if the following conditions apply:

- the charter holder meets all criteria established by rule for adding a charter school under an existing charter other than criteria for performance based on dropout and completion rates of one or more existing charter schools under the charter and those criteria would be met if a student enrolled at the charter school who is at least 17 years of age at the time of enrollment were not considered a dropout and a student who graduates from the charter school before or during the student's sixth year of high school were considered a high school graduate;
- the charter holder, at the time of submission of the application for approval to add one or more additional charter schools, has been assigned a financial accountability rating indicating financial performance that is satisfactory or better; and
- each additional charter school will serve only high school students, will have an enrollment of students of whom at least 50 percent did not graduate with a ninth grade cohort, and will be in the geographical area described for the charter.

C.S.H.B. 1311 authorizes the commissioner, in accordance with commissioner rule, to limit the number of additional charter schools approved under the bill's provisions or to limit the enrollment of an additional charter school as necessary to conform to the capacity limits of the charter holder or the demand for services in the geographical area, as determined by the commissioner, but prohibits the commissioner from limiting the enrollment of an additional charter school to less than the number of students currently enrolled at the high school level at a charter school operated by the charter holder that focuses on dropout recovery.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1311 omits provisions included in the original relating to the following:

- authorizing the charter holder of certain open-enrollment charter schools dedicated to dropout risks to establish one or more new open-enrollment charter school campuses under the charter without applying for authorization if certain conditions are met;
- establishing, for certain evaluation, accountability, and performance purposes, that a student who graduates from such a charter school before or during the student's sixth year of high school is considered a high school graduate;
- prohibiting a student from being considered a dropout from such a charter school if the student meets certain specified conditions;
- prohibiting the Texas Education Agency, in monitoring compliance of such a charter school, from considering the number of the school's students who are part of a special population;
- adding a temporary provision relating to a charter school campus's performance rating under certain circumstances; and
- making the original's provisions applicable beginning with the 2011-2012 school year.

C.S.H.B. 1311 contains a provision not included in the original prohibiting the commissioner of education from denying approval for a charter holder to add one or more additional open-enrollment charter schools under an existing open-enrollment charter granted to the charter holder if certain specified conditions are met.

C.S.H.B. 1311 contains a provision not included in the original authorizing the commissioner, in accordance with commissioner rule, to limit the number of additional charter schools approved under the substitute's provisions or to limit the enrollment of an additional charter school as necessary to conform to the capacity limits of the charter holder or the demand for services in the geographical area, as determined by the commissioner.

C.S.H.B. 1311 contains a provision not included in the original prohibiting the commissioner from limiting the enrollment of an additional charter school to less than the number of students currently enrolled at the high school level at a charter school operated by the charter holder that focuses on dropout recovery.