

By: Shelton

H.B. No. 1311

A BILL TO BE ENTITLED

AN ACT

relating to certain open-enrollment charter schools dedicated to serving certain students at risk of dropping out of school.

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

SECTION 1. Subchapter D, Chapter 12, Education Code, is amended by adding Section 12.135 to read as follows:

Sec. 12.135. OPEN-ENROLLMENT CHARTER SCHOOL DEDICATED TO STUDENTS AT RISK OF DROPPING OUT OF SCHOOL. (a) This section applies only to an open-enrollment charter school that:

(1) is an alternative education campus dedicated to serving a student population, the majority of whom are high school students and at least 75 percent of whom are students at risk of dropping out of school, as defined by Section 29.081; and

(2) is registered under the agency's alternative education accountability procedures for accountability evaluation purposes under Chapter 39.

(b) For purposes of evaluating an open-enrollment charter school to which this section applies for adequate yearly progress under the No Child Left Behind Act of 2001 (20 U.S.C. Section 6301 et seq.), for accountability under Chapter 39, notwithstanding Section 39.053(c)(2), and for performance under an agency performance-based monitoring analysis system:

(1) a student may not be considered a dropout from the charter school if the student:

1                   (A) is at least 17 years of age at the time the  
2 student enrolls in the school; or

3                   (B) is enrolled in the school for 45 or fewer  
4 school days; and

5                   (2) a student who graduates from the charter school  
6 before or during the student's sixth year of high school is  
7 considered a high school graduate.

8           (c) In monitoring compliance under an agency  
9 performance-based monitoring analysis system by an open-enrollment  
10 charter school to which this section applies, the agency may not  
11 consider the number of the charter school's students who are part of  
12 a special population, including a student eligible for a special  
13 education program under Section 29.003 or a bilingual education  
14 program under Section 29.056.

15           (d) The charter holder of an open-enrollment charter school  
16 to which this section applies may establish one or more new such  
17 open-enrollment charter school campuses under the charter without  
18 applying for authorization if:

19                   (1) 90 percent or more of the open-enrollment charter  
20 school campuses operating under the charter have been assigned an  
21 acceptable performance rating as provided by Subchapter C, Chapter  
22 39, for the two preceding school years;

23                   (2) the charter holder has been assigned a financial  
24 accountability rating under Subchapter D, Chapter 39, indicating  
25 financial performance that is satisfactory or better for the two  
26 preceding school years;

27                   (3) the charter holder provides written notice, in the

1 time, manner, and form provided by commissioner rule, to the State  
2 Board of Education and the commissioner of the establishment of any  
3 campus under this subsection; and

4 (4) not later than the 90th day after the date the  
5 charter holder provides written notice under Subdivision (3), the  
6 commissioner does not provide written notice to the charter holder  
7 disapproving a new campus under this section.

8 (e) For purposes of Subsection (d), an open-enrollment  
9 charter school campus to which this section applies that was rated  
10 as academically acceptable or higher under Subchapter D, Chapter  
11 39, as that subchapter existed January 1, 2009, for the 2009-2010 or  
12 2010-2011 school year is considered to have been assigned an  
13 acceptable performance rating for the applicable school year. This  
14 subsection expires January 1, 2015.

15 SECTION 2. This Act applies beginning with the 2011-2012  
16 school year.

17 SECTION 3. This Act takes effect immediately if it receives  
18 a vote of two-thirds of all the members elected to each house, as  
19 provided by Section 39, Article III, Texas Constitution. If this  
20 Act does not receive the vote necessary for immediate effect, this  
21 Act takes effect September 1, 2011.