

By: Schoolcraft

H.B. No. 1278

A BILL TO BE ENTITLED

AN ACT

relating to creation and funding of professional charter academies which are owned and operated by highly qualified teaching professionals in Texas and authorizing the commissioner of education to adopt rules to administer and fund the professional charter academy program.

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. PROFESSIONAL TEACHER ACT

Sec. 12.201. PURPOSE. The purpose of this subchapter is to give education professionals the opportunity to function independently, with property rights similar to those afforded other professionals and the rewards inherent in those rights. Further, to allow highly qualified education professionals the opportunity to innovate and create educational programs suited for the specific needs of their student clientele.

Sec. 12.202. PROFESSIONAL CHARTER ACADEMY PROGRAM.

(a) The commissioner shall establish a professional charter academy program under which eligible education professionals are authorized to create and operate professional charter academy in accordance with this subchapter.

(b) The commissioner shall adopt rules to administer this subchapter. The rules shall be designed to prevent financial fraud

1 and abuse.

2 Sec. 12.203. ELIGIBLE EDUCATION PROFESSIONALS. (a) To be
3 eligible to operate a professional charter academy under this
4 subchapter, an education professional must:

5 (1) have at least five years of classroom teaching
6 experience; and

7 (2) have been rated as proficient or higher for at
8 least five years under the evaluation system used to evaluate the
9 professional; or

10 (3) have served as the principal of a school for at
11 least three years.

12 (b) A professional charter academy must be operated by at
13 least one eligible education professional and may be organized in
14 accordance with the Texas Business Organizations Code.

15 (c) A professional charter academy must be one hundred
16 percent beneficially owned by eligible education professionals who
17 operate or work at the academy.

18 Sec. 12.204. APPLICATION OF LAWS. A professional charter
19 academy is subject only to federal and state laws applicable to
20 schools accredited by the Texas Private School Accreditation
21 Commission. A professional charter academy is not subject to state
22 law applicable to charter schools authorized by law other than this
23 subchapter.

24 Sec. 12.205. INITIAL FUNDING. An eligible education
25 professional under Section 12.203 is responsible for securing
26 initial capital to fund the first full year of operations. State
27 funding for students enrolled in a professional academy will only

1 be available after completion of the first full school year. The
2 commissioner shall establish a schedule for funding students
3 enrolled in professional academies after completion of an academy's
4 first full school year.

5 Sec. 12.206. GRANTING OF CHARTER. The commissioner shall
6 grant a charter to operate a professional charter academy to
7 eligible professionals under Section 12.203 if the professional
8 provides to the commissioner:

9 (1) a viable business plan;

10 (2) proof of financial ability to fund the academy's
11 anticipated expenses for the first full school year, presented in
12 the form of a bank letter of credit, or other acceptable financial
13 guarantee; and

14 (3) demonstration of parental and community interest
15 in the establishment of a professional charter academy.

16 Sec. 12.207. PUBLIC FUNDING. Notwithstanding any provision
17 of this code to the contrary, a student participating in the program
18 under this subchapter is eligible for funding under Chapter 48 in
19 accordance with Section 48.310 and rules adopted by the
20 commissioner.

21 SECTION 2. Sec. 48.269 Education Code is amended to read as
22 follows:

23 Sec. 48.269. ESTIMATES REQUIRED. (a) Not later than
24 October 1 of each even-numbered year:

25 (1) the agency shall submit to the legislature an
26 estimate of:

27 (A) the tax rate and student enrollment of each

1 school district for the following biennium; and

2 (B) student enrollment that qualifies for an
3 allotment under Section 48.310; and

4 (2) the comptroller shall submit to the legislature an
5 estimate of the total taxable value of all property in the state as
6 determined under Subchapter M, Chapter 403, Government Code, for
7 the following biennium.

8 SECTION 3. Sec. 48.310 of the Education Code is amended by
9 adding Sec. 48.310 as follows:

10 Sec. 48.310. (a) Notwithstanding Section 48.002, for each
11 student enrolled in the professional charter academy program, that
12 qualifies for an account balance, the agency, on behalf of the
13 student, is entitled each year to an amount equal to the lessor of:

14 (1) Average state funding, per student enrolled,
15 received by open-enrollment charter schools during the school year;
16 or,

17 (2) The average maintenance and operation cost per
18 student for the school district which the child is eligible to
19 attend.

20 (b) The commissioner may adjust the amount provided in
21 accordance with the student's actual time actively enrolled in the
22 program.

23 (c) The commissioner shall provide funding under Subsection
24 (a) to the benefit of the student's education account, not later
25 than the 90th day after the commissioner receives enrollment data
26 reports.

27 (d) Federal funds and money appropriated from the permanent

1 school fund or available school fund may not be used to make
2 payments under this section.

3 SECTION 4. Section 48.266, Education Code, is amended by
4 amending subsection (b) and adding subsection (b-1) to read as
5 follows:

6 (b) Except as provided by this subsection and Subsection
7 (b-1), the commissioner shall base the determinations under
8 Subsection (a) on the estimates provided to the legislature under
9 Section 48.269, or, if the General Appropriations Act provides
10 estimates for that purpose, on the estimates provided under that
11 Act, for each school district for each school year. The
12 commissioner shall reduce the entitlement of each district that has
13 a final taxable value of property for the second year of a state
14 fiscal biennium that is higher than the estimate under Section
15 48.269 or the General Appropriations Act, as applicable. A
16 reduction under this subsection may not reduce the district's
17 entitlement below the amount to which it is entitled at its actual
18 taxable value of property.

19 (b-1) The commissioner shall periodically, during the
20 school year, update entitlements for school districts to reflect
21 actual student counts determined by the agency.

22 SECTION 5. Section 45.105(c-1), Education Code is amended
23 to read as follows:

24 (c-1) Funds described by Subsection (c) and not otherwise
25 restricted federal funds may not be used to initiate or maintain any
26 action or proceeding against the state or an agency or officer of
27 the state [~~arising out of a decision, order, or determination that~~

1 ~~is final and unappealable under a provision of this code],~~ except
2 that funds may be used for an action or proceeding that is
3 specifically authorized by a provision of this code or an action
4 under Section 2001.038, Government Code [~~or a rule adopted under~~
5 ~~this code and that results in a final and unappealable decision,~~
6 ~~order, or determination)].~~

7 SECTION 6. Section 22A.001, Government Code, is amended by
8 amending Subsection (a) to read as follows:

9 Sec. 22A.001. ELIGIBLE PROCEEDINGS. (a) The attorney
10 general may petition the chief justice of the supreme court to
11 convene a special three-judge district court in any suit filed in a
12 district court in this state in which this state or a state officer
13 or agency is a defendant in a claim that:

14 (1) challenges the finances or operations of this
15 state's public school system, including a challenge to the
16 professional charter academy program; or

17 (2) involves the apportionment of districts for the
18 house of representatives, the senate, the State Board of Education,
19 or the United States Congress, or state judicial districts.

20 (b) A petition filed by the attorney general under this
21 section stays all proceedings in the district court in which the
22 original case was filed until the chief justice of the supreme court
23 acts on the petition.

24 (c) Within a reasonable time after receipt of a petition
25 from the attorney general under Subsection (a), the chief justice
26 of the supreme court shall grant the petition and issue an order
27 transferring the case to a special three-judge district court

1 convened as provided by Section [22A.002](#).

2 SECTION 7. As soon as possible but not later than the 45th
3 day after the effective date of this Act the commissioner of
4 education shall establish the professional charter academy program
5 as required under Subchapter F, Chapter [12](#), Education Code, as
6 added by this Act. The Commissioner shall adopt rules for the
7 financial implementation of the program.

8 SECTION 8. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section [39](#), Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2025.