

Professional Teacher Program Summary

Professional Teacher Program: (Purpose)

1. *“...to increase efficiency and effectiveness of classroom instruction by giving teachers the opportunity to function independently, with property rights like those afforded other professionals and the rewards inherent to those rights.”*
2. Allows the comptroller to establish a **Professional Charter Academy (PCA)** program for teachers to use to create their own academies.
3. Provision for accountability and fraud prevention rules.
4. **Teacher Eligibility:** at least three years of educational experience with “proficient or better” ratings or requiring three years or more of school principal experience to be eligible.
5. **Academy Eligibility:** For a private academy to be eligible it must be operated by at least one eligible educational professional and organized according to section 301 Business Organizations Code.

Application of Laws:

1. **PCA’s** are subject to only federal and state laws applicable to schools accredited by the Texas Private School Accreditation Commission (TPSAC). PCAs are not subject to state law applicable to regular charter schools except the laws referenced in the **PCA** subsection in the bill.
2. **PCA’s** (as identified in this bill) are responsible for securing initial funding for the first year of operations. Reimbursement will only be permitted after completion of the first school year.
3. The comptroller shall grant a charter to operate a **PCA** to a qualified educator (as previously defined in this bill) upon meeting eligibility requirements of: **1. A viable business plan, 2. Proof of financial ability to fund 12 months of the academy’s anticipated expenses, 3. Demonstration of parental and community interest**

Public Funding

In this section technical provision for the funding is included in the bill using existing tax monies and reiterating that no federal funding is to be used. It clarifies that the state comptroller shall provide to the eligible student (as previously outlined) an amount equal to the average state funding, per student enrolled, as received by open enrollment charter schools during the preceding school year.

SUBCHAPTER []. PROFESSIONAL TEACHER PROGRAM

Sec. []. PURPOSE. The purpose of this subchapter is to increase efficiency by giving 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. []. PROFESSIONAL CHARTER ACADEMY PROGRAM.

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

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

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

(1) have at least three years of classroom teaching experience; and

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

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

(b) A professional charter academy must be operated by at least one eligible education professional and be organized in accordance with Section 301 Business Organizations Code.

Sec. []. APPLICATION OF LAWS. A professional charter academy is subject only to federal and state laws applicable to schools accredited by the Texas Private School Accreditation Commission. A professional charter academy is not subject to state law applicable to charter schools authorized by law other than this subchapter.

Sec. []. INITIAL FUNDING. An eligible education professional under Section [] is responsible for securing initial capital to fund the first full year of operations. State funding for students enrolled in a professional academy will only be available after completion of the full school year.

Sec. []. GRANTING OF CHARTER. The comptroller shall grant a charter to operate a professional charter academy to eligible professionals under Section [] if the professional provides to the comptroller:

(1) a viable business plan;

(2) proof of financial ability to fund 12 months of the academy's anticipated expenses, presented in the form of a bank letter of credit or other acceptable financial guarantee; and

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

Sec. []. PUBLIC FUNDING. (a) For each school year, the comptroller shall provide to a student who will attend a professional charter academy an amount equal to the average state funding, per student enrolled, received by open-enrollment charter schools during the preceding school year. The student or the student's parent may assign the funding received under this section to the professional charter academy the student attends. The comptroller may adjust the amount provided in accordance with the student's actual time actively enrolled in the program.

(b) The comptroller shall provide Chapter 48, Education Code, funding to the benefit of the student's individualized education fund, or, if the funding has been assigned to the professional charter academy, to the professional charter academy not later than the 90th day after the comptroller receives enrollment data reports from the professional charter academy after the end of the school year to which funding is eligible.

(c) Federal funds and money from the available school fund may not be used to make payments under this subchapter.

Sec. [] Administrative Costs. The comptroller may deduct from the distribution of funds to participants of the program an amount sufficient to cover state administrative costs of the program. Any such administrative cost deduction shall be the lesser of, two percent of the scheduled distribution to the participant, or

the actual pro rata cost to the state. This subsection expires on September 1, 2033.

SECTION 3. As soon as practicable, but not later than the 45th day after the effective date of this Act, the comptroller, shall adopt rules to implement this Act, including rules to prevent fraud in financial transactions under the program. Such regulations shall reconcile payments for the Parental Empowerment Program grants within the same fiscal year, or one month after.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

SECTION 5. (a) The constitutionality and other validity under the state or federal constitution of all or any part of Chapters [] & [], Government Code, Subchapters [] and [] as added by this Act, may be determined in an action for declaratory judgment in a district court in Travis County under Chapter 37, Civil Practice and Remedies Code, except that this section does not authorize an award of attorney's fees against this state and Section 37.009, Civil Practice and Remedies Code, does not apply to an action filed under this section.

This section does not authorize a taxpayer suit to contest the denial of a tax credit by the comptroller of public accounts.

(b) An appeal of a declaratory judgment or order, however characterized, of a district court, including an appeal of the judgment of an appellate court, holding or otherwise determining that all or any part of Chapters [] & [], Government Code, Subchapters [] and [] as added by this Act, is constitutional or unconstitutional, or otherwise valid or invalid, under the state or federal constitution is an accelerated appeal.

(c) If the judgment or order is interlocutory, an interlocutory appeal may be taken from the judgment or order and is an accelerated appeal.

(d) A district court in Travis County may grant or deny a temporary or otherwise interlocutory injunction or a permanent injunction on the grounds of the constitutionality or unconstitutionality, or other validity or invalidity, under the state or federal constitution of all or any part of Chapters [] & [], Government Code, Subchapters [] and [] as added by this Act.

(e) There is a direct appeal to the Texas Supreme Court from an order, however characterized, of a trial court granting or denying a temporary or otherwise interlocutory injunction or a permanent injunction on the grounds of the constitutionality or unconstitutionality, or other validity or invalidity, under the state or federal constitution of all or any part of Chapters [] & [], Government Code, Subchapters [] and [] as added by this Act.

(f) The direct appeal is an accelerated appeal.

(g) This section exercises the authority granted by Section 3-b, Article V, Texas Constitution.

(h) The filing of a direct appeal under this section will automatically stay any temporary or otherwise interlocutory injunction or permanent injunction granted in accordance with this section pending final determination by the Texas Supreme Court, unless the supreme court makes specific findings that the applicant seeking such injunctive relief has pleaded and proved that:

(1) the applicant has a probable right to the relief it seeks on final hearing; and

(2) the applicant will suffer a probable injury that is imminent and irreparable, and that the applicant has no other adequate legal remedy.

(i) An appeal under this section, including an interlocutory, accelerated, or direct appeal, is governed, as applicable, by the Texas Rules of Appellate Procedure, including Rules 25.1(d)(6), 26.1(b), 28.1, 28.3, 32.1(g), 37.3(a)(1), 38.6(a) and (b), 40.1(b), and 49.4.