

Model Professional Teacher Charter Legislation

This Act shall be known as the “Professional Teacher Act.”

SECTION 1. PURPOSE

A. The purpose of the Professional Teacher Act is to provide

1. Improve student learning;
2. Increase learning opportunities for students;
3. Allow experienced public school teachers to establish themselves as independent education practitioners;
4. Encourage the use of different and innovative teaching methods;
5. Provide additional academic choices for parents and students;
6. Increase parental knowledge and control of student curriculum;
7. Reduce administrative interference in classroom teaching; and
8. Increase transparency of student performance outcomes.

B. It is hereby declared to be the public policy of the State of [State] to facilitate the opening of new charter schools. All provisions of law in this Act shall be liberally construed to effectuate this public policy.

SECTION 2. CHARTER; FUNDING

A. Any eligible teacher may apply for a Professional Teacher Charter (PTC) and become the Teacher-Sponsor.

B. Upon receipt of an application, and certification that the conditions listed in sections 3 and 4 of this chapter have been satisfied, the State Department of Education shall issue a Professional Teacher Charter to the Teacher-Sponsor(s). The State Board of Education does not have discretion to reject a PTC applicant, except if the applicant fails to meet one or more of the conditions listed in sections 3 and 4 of this chapter.

C. Once issued, the Professional Teacher Charter shall be funded in the same manner, and to the same extent, as schools established under the State Charter Schools Act.

SECTION 3. ELIGIBILITY

- A. Any individual or consortium, each of whom is duly certified to teach in the State, and who has at least five years teaching experience, may be the Teacher-Sponsor(s) of a Professional Teacher Charter School (PTC), pursuant to the requirements below.
- B. The Teacher-Sponsor(s) shall post a surety bond or irrevocable letter of credit of \$2,000 per student, with the total bond value to be not less than \$25,000.
- C. In the event a school permanently ceases operations before the end of the scheduled school year, the bond shall be paid to the 'PTC Student Fund' to be administered by the State Board of Education as established by rule. The funds shall be distributed, immediately upon enrollment, on a pro-rata basis to the school districts where the students from the closed PTC finish the school year. The State Board of Education shall have power to make rules to carry out this subsection.
- D. Any school formed under the State Charter School Act, which meets every requirement of this Act, may convert to a PTC.

SECTION 4. APPLICATION

- A. An applicant seeking to establish a Professional Teacher Charter school shall submit a written application to the state Board of Education. The application shall include:
1. The name of the applicant or applicants, accompanied by proof of State teaching credentials and five years teaching experience for each applicant;
 2. Proof that a surety bond or irrevocable letter of credit has been posted, as prescribed in subsection 3 (B);
 3. A designated point of contact between the PTC and the State Board of Education.
- B. If an applicant meets the requirements of this Section and the State Board of Education fails to issue a charter within thirty (30) days of receipt of the application, the applicant shall have a cause of action in district court. Prevailing applicants shall be awarded by the district court their reasonable litigation costs and attorneys' fees.
- C. The State Board of Education shall make the application electronically available and shall accept applications electronically.
- D. The State Board shall not charge a fee for application or issuance of charter.

SECTION 5. ORGANIZATIONAL STRUCTURE

- A. Professional Teacher Charters may be a sole proprietorship or any form of business entity authorized under [State] law to operate as a professional services organization.
- B. The PTC shall be governed by the Teacher-Sponsor(s).
- C. Teacher-Sponsors shall have exclusive control over curriculum selection, development, and delivery.
- D. A PTC may have a non-teacher advisory board, but the Teacher-Sponsor(s) must have final accountability and control over all matters affecting student learning.
- E. A PTC may enter into contracts, sue, and be sued.

SECTION 6. RESTRICTIONS, REQUIREMENTS, AND TRANSPARENCY

- A. A PTC shall ensure that each student takes a nationally norm-referenced test once per school year.
- B. Any of the following tests shall be accepted: California Achievement Test, Iowa Test of Basic Skills, Stanford Achievement Test, TerraNova, or any other nationally norm-referenced test the state board of education allows by rule.
- C. Individual test results shall be delivered to parents, including a percentile score for their child, and aggregated school scores.
- D. The aggregate data shall be remitted to the State Department of Education and published on the PTC's website.
- E. The PTC shall publish on its website a statement describing the extent to which the school's curriculum complies with, or departs from, the State's minimum curriculum requirements.
- F. The PTC shall publish on its website information regarding curriculum and supplemental materials to be used.
- G. The governing body of a PTC may not levy taxes or issue public bonds.

SECTION 7. BYLAWS

A. The PTC may provide a comprehensive program of instruction for any grade that is publicly funded by the State. Instruction may be provided to all persons eligible to attend State public schools.

B. A PTC shall adopt bylaws which will ensure compliance with the following:

1. A PTC shall comply with all federal regulations and state and local rules and statutes relating to health, safety, civil rights and insurance;
2. A PTC shall be as equally free and open to all students as traditional public schools.

SECTION 8. CONTINUITY OF CHARTER

A. If the Teacher-Sponsor of a PTC is no longer willing or able to operate the school, any certified teacher with five years of experience, or consortium of qualified teachers, may take over the sponsorship.

B. When a Professional Teacher Charter that has organized as a nonprofit, and has taken public funding for facilities, permanently ceases operations, any real and personal property owned by the charter shall be turned over to the state board of education for dispersal to other schools in the district. Priority shall be given to other charter schools operating in the same district.

SECTION 9. EXEMPTIONS

A. A Professional Teacher Charter shall not be required to participate in the state's testing or accountability systems, but may do so voluntarily.

B. A PTC is not subject to public school certification hiring, or minimum salary requirements.

C. A PTC shall have independent control over curriculum and personnel decisions.

D. A PTC shall be exempt from all statutes and rules relating to schools, boards of education, and school districts.

E. The PTC shall not be subject to any requirement of the State Charter Schools Act, except as provided in this Act.

F. The PTC shall not be required to comply with the collective bargaining provisions of this title.

G. The PTC shall not be required to comply with state minimum number of days or hours for student attendance.

SECTION 10. REPRISALS

A board of education of a school district or an employee of the district who has control over personnel actions shall not take unlawful reprisal action against an employee of the school district for the reason that the employee is directly or indirectly involved in an application to establish a PTC. As used in this section, “unlawful reprisal” means an adverse action taken by a board of education or a school district employee as a direct result of a lawful application to establish a Professional Teacher Charter School.

SECTION 11. CHARTER SCHOOLS INCENTIVE FUND

Professional Teacher Charters operating as nonprofit enterprises shall have access to the Charter Schools Incentive Fund on the same basis, and under the same requirements, as schools formed under the State Charter Schools Act.

SECTION 12. STUDENT ELIGIBILITY

- A. Professional Teacher Charters are not limited by the geographic location of their students. Any school-aged child living in any State school district may apply to any Professional Teacher Charter.
- B. PTCs may, but are not required to, provide student transportation.
- C. The State Board of Education shall not restrict the number of students a PTC may enroll. The capacity of the PTC shall be determined annually by the Teacher-Sponsor(s).
- D. Discrimination according to race, sex, or religion is prohibited.
- E. A PTC may determine admission criteria in line with objective academic standards and educational emphasis.

SECTION 13. SEVERABILITY

Any portion of this act which may be declared illegal or unconstitutional, shall be severable. The remainder of the act shall continue to have the full force of law. If any group or subgroup, of teacher-sponsors, parents, or students, is deemed ineligible to participate in a PTC, such ruling shall not prevent or encumber participation by any other group or subgroup.