

1-1 By: Taylor S.B. No. 27
 1-2 (In the Senate - Filed March 11, 2021; March 11, 2021, read
 1-3 first time and referred to Committee on Education; April 23, 2021,
 1-4 reported adversely, with favorable Committee Substitute by the
 1-5 following vote: Yeas 7, Nays 2, one present not voting;
 1-6 April 23, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Taylor	X			
1-9 Lucio	X			
1-10 Bettencourt	X			
1-11 Hall	X			
1-12 Hughes			X	
1-13 Menéndez		X		
1-14 Paxton	X			
1-15 Perry	X			
1-16 Powell	X			
1-17 Schwertner		X		
1-18 West				X

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 27 By: Taylor

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to the state online learning system; changing a fee.
 1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-25 SECTION 1. Section 1.001(b), Education Code, is amended to
 1-26 read as follows:
 1-27 (b) Except as provided by Chapter 18, Chapter 19, Subchapter
 1-28 A of Chapter 29, Subchapter E of Chapter 30, or Chapter 30B [30A],
 1-29 this code does not apply to students, facilities, or programs under
 1-30 the jurisdiction of [~~the Department of Aging and Disability~~
 1-31 ~~Services,~~] the Department of State Health Services, the Health and
 1-32 Human Services Commission, the Texas Juvenile Justice Department,
 1-33 the Texas Department of Criminal Justice, a Job Corps program
 1-34 operated by or under contract with the United States Department of
 1-35 Labor, or any juvenile probation agency.
 1-36 SECTION 2. Section 7.0561(f), Education Code, is amended to
 1-37 read as follows:
 1-38 (f) In consultation with interested school districts,
 1-39 [~~open-enrollment~~] charter schools, and other appropriate
 1-40 interested persons, the commissioner shall adopt rules applicable
 1-41 to the consortium, according to the following principles for a next
 1-42 generation of higher performing public schools:
 1-43 (1) engagement of students in digital learning,
 1-44 including engagement through the use of electronic textbooks and
 1-45 instructional materials adopted under Subchapters B and B-1,
 1-46 Chapter 31, and courses offered through the state online learning
 1-47 system [~~virtual school network~~] under Chapter 30B [Subchapter 30A];
 1-48 (2) emphasis on learning standards that focus on
 1-49 high-priority standards identified in coordination with districts
 1-50 and charter schools participating in the consortium;
 1-51 (3) use of multiple assessments of learning capable of
 1-52 being used to inform students, parents, districts, and charter
 1-53 schools on an ongoing basis concerning the extent to which learning
 1-54 is occurring and the actions consortium participants are taking to
 1-55 improve learning; and
 1-56 (4) reliance on local control that enables communities
 1-57 and parents to be involved in the important decisions regarding the
 1-58 education of their children.
 1-59 SECTION 3. Section 25.007(b), Education Code, is amended to
 1-60 read as follows:

2-1 (b) In recognition of the challenges faced by students who
 2-2 are homeless or in substitute care, the agency shall assist the
 2-3 transition of students who are homeless or in substitute care from
 2-4 one school to another by:

2-5 (1) ensuring that school records for a student who is
 2-6 homeless or in substitute care are transferred to the student's new
 2-7 school not later than the 10th working day after the date the
 2-8 student begins enrollment at the school;

2-9 (2) developing systems to ease transition of a student
 2-10 who is homeless or in substitute care during the first two weeks of
 2-11 enrollment at a new school;

2-12 (3) developing procedures for awarding credit,
 2-13 including partial credit if appropriate, for course work, including
 2-14 electives, completed by a student who is homeless or in substitute
 2-15 care while enrolled at another school;

2-16 (4) developing procedures to ensure that a new school
 2-17 relies on decisions made by the previous school regarding placement
 2-18 in courses or educational programs of a student who is homeless or
 2-19 in substitute care and places the student in comparable courses or
 2-20 educational programs at the new school, if those courses or
 2-21 programs are available;

2-22 (5) promoting practices that facilitate access by a
 2-23 student who is homeless or in substitute care to extracurricular
 2-24 programs, summer programs, credit transfer services, electronic
 2-25 courses provided under Chapter 30B [30A], and after-school tutoring
 2-26 programs at nominal or no cost;

2-27 (6) establishing procedures to lessen the adverse
 2-28 impact of the movement of a student who is homeless or in substitute
 2-29 care to a new school;

2-30 (7) entering into a memorandum of understanding with
 2-31 the Department of Family and Protective Services regarding the
 2-32 exchange of information as appropriate to facilitate the transition
 2-33 of students in substitute care from one school to another;

2-34 (8) encouraging school districts and open-enrollment
 2-35 charter schools to provide services for a student who is homeless or
 2-36 in substitute care in transition when applying for admission to
 2-37 postsecondary study and when seeking sources of funding for
 2-38 postsecondary study;

2-39 (9) requiring school districts, campuses, and
 2-40 open-enrollment charter schools to accept a referral for special
 2-41 education services made for a student who is homeless or in
 2-42 substitute care by a school previously attended by the student, and
 2-43 to provide comparable services to the student during the referral
 2-44 process or until the new school develops an individualized
 2-45 education program for the student;

2-46 (10) requiring school districts, campuses, and
 2-47 open-enrollment charter schools to provide notice to the child's
 2-48 educational decision-maker and caseworker regarding events that
 2-49 may significantly impact the education of a child, including:

2-50 (A) requests or referrals for an evaluation under
 2-51 Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or
 2-52 special education under Section 29.003;

2-53 (B) admission, review, and dismissal committee
 2-54 meetings;

2-55 (C) manifestation determination reviews required
 2-56 by Section 37.004(b);

2-57 (D) any disciplinary actions under Chapter 37 for
 2-58 which parental notice is required;

2-59 (E) citations issued for Class C misdemeanor
 2-60 offenses on school property or at school-sponsored activities;

2-61 (F) reports of restraint and seclusion required
 2-62 by Section 37.0021;

2-63 (G) use of corporal punishment as provided by
 2-64 Section 37.0011; and

2-65 (H) appointment of a surrogate parent for the
 2-66 child under Section 29.0151;

2-67 (11) developing procedures for allowing a student who
 2-68 is homeless or in substitute care who was previously enrolled in a
 2-69 course required for graduation the opportunity, to the extent

3-1 practicable, to complete the course, at no cost to the student,
 3-2 before the beginning of the next school year;
 3-3 (12) ensuring that a student who is homeless or in
 3-4 substitute care who is not likely to receive a high school diploma
 3-5 before the fifth school year following the student's enrollment in
 3-6 grade nine, as determined by the district, has the student's course
 3-7 credit accrual and personal graduation plan reviewed;
 3-8 (13) ensuring that a student in substitute care who is
 3-9 in grade 11 or 12 be provided information regarding tuition and fee
 3-10 exemptions under Section 54.366 for dual-credit or other courses
 3-11 provided by a public institution of higher education for which a
 3-12 high school student may earn joint high school and college credit;
 3-13 (14) designating at least one agency employee to act
 3-14 as a liaison officer regarding educational issues related to
 3-15 students in the conservatorship of the Department of Family and
 3-16 Protective Services; and
 3-17 (15) providing other assistance as identified by the
 3-18 agency.

3-19 SECTION 4. Section 26.0031, Education Code, is amended to
 3-20 read as follows:
 3-21 Sec. 26.0031. RIGHTS CONCERNING STATE ONLINE LEARNING
 3-22 SYSTEM STATEWIDE COURSE CATALOG [VIRTUAL SCHOOL NETWORK]. (a) At
 3-23 the time and in the manner that a school district or
 3-24 ~~[open-enrollment]~~ charter school informs students and parents
 3-25 about courses that are offered in the district's or school's
 3-26 traditional classroom setting, the district or school shall notify
 3-27 parents and students of the option to enroll in an electronic course
 3-28 offered through the state online learning system statewide course
 3-29 catalog [virtual school network] under Chapter 30B ~~[30A]~~.
 3-30 (b) Except as provided by Subsection (c), a school district
 3-31 or ~~[open-enrollment]~~ charter school in which a student is enrolled
 3-32 as a full-time student may not deny the request of a parent of a
 3-33 student to enroll the student in an electronic course offered
 3-34 through the state online learning system statewide course catalog
 3-35 [virtual school network] under Chapter 30B ~~[30A]~~.
 3-36 (c) A school district or ~~[open-enrollment]~~ charter school
 3-37 may deny a request to enroll a student in an electronic course if:
 3-38 (1) a high school student attempts to enroll in a
 3-39 course load that is inconsistent with the student's high school
 3-40 graduation plan or requirements for college admission or earning an
 3-41 industry certification; or
 3-42 (2) the student requests permission to enroll in an
 3-43 electronic course at a time that is not consistent with the
 3-44 enrollment period established by the school district or
 3-45 ~~[open-enrollment]~~ charter school providing the course~~, or~~
 3-46 ~~[(3) the district or school offers a substantially~~
 3-47 ~~similar course].~~
 3-48 ~~[(c-1) A school district or open-enrollment charter school~~
 3-49 ~~may decline to pay the cost for a student of more than three~~
 3-50 ~~yearlong electronic courses, or the equivalent, during any school~~
 3-51 ~~year. This subsection does not:~~
 3-52 ~~[(1) limit the ability of the student to enroll in~~
 3-53 ~~additional electronic courses at the student's cost; or~~
 3-54 ~~[(2) apply to a student enrolled in a full-time online~~
 3-55 ~~program that was operating on January 1, 2013.]~~
 3-56 (d) Notwithstanding Subsection (c)(2), a school district or
 3-57 ~~[open-enrollment]~~ charter school that provides an electronic
 3-58 course through the state online learning system statewide course
 3-59 catalog [virtual school network] under Chapter 30B ~~[30A]~~ shall make
 3-60 all reasonable efforts to accommodate the enrollment of a student
 3-61 in the course under special circumstances.
 3-62 (e) A parent may appeal to the commissioner a school
 3-63 district's or ~~[open-enrollment]~~ charter school's decision to deny a
 3-64 request to enroll a student in an electronic course offered through
 3-65 the state online learning system statewide course catalog [virtual
 3-66 school network]. The commissioner's decision under this subsection
 3-67 is final and may not be appealed.
 3-68 (f) A school district or ~~[open-enrollment]~~ charter school
 3-69 from which a parent of a student requests permission to enroll the

4-1 student in an electronic course offered through the state online
 4-2 learning system statewide course catalog [~~virtual school network~~]
 4-3 under Chapter 30B [~~30A~~] has discretion to select a course provider
 4-4 approved by the agency [~~network's administering authority~~] for the
 4-5 course in which the student will enroll based on factors including
 4-6 the informed choice report in Section 30B.112(b) [~~30A.108(b)~~].

4-7 SECTION 5. Subtitle F, Title 2, Education Code, is amended
 4-8 by adding Chapter 30B, and a heading is added to that chapter to
 4-9 read as follows:

4-10 CHAPTER 30B. STATE ONLINE LEARNING SYSTEM STATEWIDE COURSE CATALOG
 4-11 AND FULL-TIME VIRTUAL PROGRAMS

4-12 SECTION 6. Chapter 30B, Education Code, as added by this
 4-13 Act, is amended by adding Subchapter A, and a heading is added to
 4-14 that subchapter to read as follows:

4-15 SUBCHAPTER A. GENERAL PROVISIONS

4-16 SECTION 7. Sections 30A.001, 30A.002, 30A.003, 30A.004,
 4-17 30A.005, and 30A.007, Education Code, are transferred to Subchapter
 4-18 A, Chapter 30B, Education Code, as added by this Act, redesignated
 4-19 as Sections 30B.001, 30B.002, 30B.003, 30B.004, 30B.005, and
 4-20 30B.006, Education Code, and amended to read as follows:

4-21 Sec. 30B.001 [~~30A.001~~]. DEFINITIONS. In this chapter:

4-22 (1) [~~"Administering authority" means the entity~~
 4-23 ~~designated under Section 30A.053 to administer the state virtual~~
 4-24 ~~school network.~~

4-25 [(2)] "Board" means the State Board of Education.

4-26 (2) [(3)] "Course" means a course of study that meets
 4-27 the requirements of Section 30B.105 [~~30A.104~~].

4-28 (3) [(4)] "Electronic course" means a course in which:
 4-29 (A) instruction and content are delivered
 4-30 primarily over the Internet;

4-31 (B) a student and teacher are in different
 4-32 locations for a majority of the student's instructional period;

4-33 (C) most instructional activities take place in
 4-34 an online environment;

4-35 (D) the online instructional activities are
 4-36 integral to the academic program;

4-37 (E) extensive communication between a student
 4-38 and a teacher and among students is emphasized; and

4-39 (F) a student is not required to be located on the
 4-40 physical premises of a school district or [~~open-enrollment~~] charter
 4-41 school.

4-42 (4) [(5)] "~~Electronic diagnostic assessment" means a~~
 4-43 ~~formative or instructional assessment used in conjunction with an~~
 4-44 ~~electronic course to ensure that:~~

4-45 [(A)] ~~a teacher of an electronic course has~~
 4-46 ~~information related to a student's academic performance in that~~
 4-47 ~~course; and~~

4-48 [(B)] ~~a student enrolled in an electronic course~~
 4-49 ~~makes documented progress in mastering the content of the course.~~

4-50 [(6)] "Electronic professional development course"
 4-51 means a professional development course in which instruction and
 4-52 content are delivered primarily over the Internet.

4-53 (5) "Full-time virtual program" means a public school
 4-54 program provided to enrolled students primarily over the Internet
 4-55 that is authorized under Subchapter D.

4-56 (6) [(7)] "Course provider" means:

4-57 (A) a school district or [~~open-enrollment~~]
 4-58 charter school that provides an electronic course through the
 4-59 statewide course catalog [~~state virtual school network~~] to:

4-60 (i) students enrolled in that district or
 4-61 school; or

4-62 (ii) students enrolled in another [~~school~~]
 4-63 district or school;

4-64 (B) a public or private institution of higher
 4-65 education, nonprofit entity, or private entity that provides a
 4-66 course through the statewide course catalog [~~state virtual school~~
 4-67 ~~network~~]; or

4-68 (C) an entity that provides an electronic
 4-69 professional development course through the state online learning

5-1 system [~~virtual school network~~].

5-2 (7) [~~(8)~~] "Public or private institution of higher
5-3 education" means an institution of higher education or a private or
5-4 independent institution of higher education, as those terms are
5-5 defined by Section 61.003 [~~20 U.S.C. Section 1001~~].

5-6 (8) "Statewide course catalog" means a program of
5-7 supplemental courses offered by state-approved course providers
5-8 that is delivered through the state online learning system.

5-9 Sec. 30B.002 [~~30A.002~~]. STUDENT ELIGIBILITY. (a) A
5-10 student is eligible to enroll in a course provided through the
5-11 statewide course catalog or in a full-time [~~state~~] virtual program
5-12 [~~school network~~] only if [~~the student~~]:

5-13 (1) the student [~~on September 1 of the school year:~~
5-14 [~~(A) is younger than 21 years of age; or~~
5-15 [~~(B) is younger than 26 years of age and entitled~~
5-16 to the benefits of the Foundation School Program under Section
5-17 48.003;

5-18 [~~(2) has not graduated from high school; and~~
5-19 [~~(3)~~] is [~~otherwise~~] eligible to enroll in a public
5-20 school in this state; or

5-21 (2) the student does not qualify under Subdivision
5-22 (1), including a student who is an adult or who resides in another
5-23 state or country, and the student pays fees in accordance with this
5-24 chapter.

5-25 (b) [~~A student is eligible to enroll full-time in courses~~
5-26 provided through the state virtual school network only if the
5-27 student:

5-28 [~~(1) was enrolled in a public school in this state in~~
5-29 the preceding school year;

5-30 [~~(2) is a dependent of a member of the United States~~
5-31 military who has been deployed or transferred to this state and was
5-32 enrolled in a publicly funded school outside of this state in the
5-33 preceding school year; or

5-34 [~~(3) has been placed in substitute care in this state,~~
5-35 regardless of whether the student was enrolled in a public school in
5-36 this state in the preceding school year.

5-37 [~~(c)~~] Notwithstanding Subsection (a)(1) [~~(a)(3) or (b)~~], a
5-38 student who enrolled in a course [~~is eligible to enroll in one or~~
5-39 ~~more courses~~] provided through the statewide course catalog [~~state~~
5-40 ~~virtual school network~~] or in a [~~enroll~~] full-time virtual program
5-41 may remain enrolled in that course or program for the duration of
5-42 the course or school year, as applicable, [~~in courses provided~~
5-43 ~~through the network~~] if, during the course or school year, the
5-44 student becomes ineligible to enroll in a course or program under
5-45 Subsection (a)(1) because the student:

5-46 (1) is a dependent of a member of the United States
5-47 military; and

5-48 (2) no longer resides [~~was previously enrolled in high~~
5-49 ~~school in this state; and~~

5-50 [~~(3) does not reside~~] in this state due to a military
5-51 deployment or transfer.

5-52 Sec. 30B.003 [~~30A.003~~]. PROVISION OF COMPUTER EQUIPMENT OR
5-53 INTERNET SERVICE. This chapter does not:

5-54 (1) require a school district, a [~~an open-enrollment~~]
5-55 charter school, a course provider, a full-time virtual program, or
5-56 the state to provide a student with home computer equipment or
5-57 Internet access for a course provided through the state online
5-58 learning system [~~virtual school network~~]; or

5-59 (2) prohibit a school district, [~~or open-enrollment~~]
5-60 charter school, course provider, or full-time virtual program from
5-61 providing a student with home computer equipment or Internet access
5-62 for a course provided through the state online learning system
5-63 [~~virtual school network~~].

5-64 Sec. 30B.004 [~~30A.004~~]. APPLICABILITY OF CHAPTER. (a)
5-65 Except as provided by Subsection (c), this chapter does not affect
5-66 the provision of a course to a student while the student is located
5-67 on the physical premises of a school district or [~~open-enrollment~~]
5-68 charter school.

5-69 (b) [~~This chapter does not affect the provision of distance~~

6-1 ~~learning courses offered under other law.~~

6-2 [(b-1)] Requirements imposed by or under this chapter do not
6-3 apply to a virtual course provided by a school district only to
6-4 district students if the course is not provided as part of the state
6-5 online learning system [virtual school network].

6-6 (c) A school district or ~~[open-enrollment]~~ charter school
6-7 may choose to participate in providing an electronic course or an
6-8 electronic diagnostic assessment under this chapter to a student
6-9 who is located on the physical premises of a school district or
6-10 ~~[open-enrollment]~~ charter school.

6-11 Sec. 30B.005 [~~30A.005~~]. TELECOMMUNICATIONS OR INFORMATION
6-12 SERVICES NETWORK NOT CREATED. This chapter does not create or
6-13 authorize the creation of a telecommunications or information
6-14 services network.

6-15 Sec. 30B.006 [~~30A.007~~]. LOCAL POLICY ON ELECTRONIC
6-16 COURSES. (a) A school district or ~~[open-enrollment]~~ charter
6-17 school shall adopt a written policy that provides district or
6-18 school students with the opportunity to enroll in electronic
6-19 courses provided through the statewide course catalog [~~state~~
6-20 ~~virtual school network~~]. The policy must be consistent with the
6-21 requirements imposed by Section 26.0031.

6-22 (b) [~~(a-1)~~] A school district or ~~[open-enrollment]~~ charter
6-23 school shall, at least once per school year, send to a parent of
6-24 each district or school student enrolled at the middle or high
6-25 school level a copy of the policy adopted under Subsection (a). A
6-26 district or school may send the policy with any other information
6-27 that the district or school sends to a parent.

6-28 (c) [~~(b)~~] For purposes of a policy adopted under Subsection
6-29 (a), the determination of whether or not an electronic course will
6-30 meet the needs of a student with a disability shall be made by the
6-31 student's admission, review, and dismissal committee in a manner
6-32 consistent with state and federal law, including the Individuals
6-33 with Disabilities Education Act (20 U.S.C. Section 1400 et seq.)
6-34 and Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section
6-35 794).

6-36 SECTION 8. Subchapter A, Chapter 30B, Education Code, as
6-37 added by this Act, is amended by adding Section 30B.007 to read as
6-38 follows:

6-39 Sec. 30B.007. GRANTS AND FEDERAL FUNDS. (a) The
6-40 commissioner may solicit and accept a gift, grant, or donation from
6-41 any source for the implementation of the statewide course catalog
6-42 and full-time virtual programs.

6-43 (b) The commissioner may accept federal funds for purposes
6-44 of this chapter and shall use those funds in compliance with
6-45 applicable federal law, regulations, and guidelines.

6-46 SECTION 9. Chapter 30B, Education Code, as added by this
6-47 Act, is amended by adding Subchapter B, and a heading is added to
6-48 that subchapter to read as follows:

6-49 SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

6-50 SECTION 10. Sections 30A.051, 30A.052, and 30A.054,
6-51 Education Code, are transferred to Subchapter B, Chapter 30B,
6-52 Education Code, as added by this Act, redesignated as Sections
6-53 30B.051, 30B.052, and 30B.053, Education Code, and amended to read
6-54 as follows:

6-55 Sec. 30B.051 [~~30A.051~~]. GOVERNANCE [~~OF NETWORK~~]. (a) The
6-56 commissioner shall:

6-57 (1) administer the state online learning system
6-58 statewide course catalog and full-time virtual programs [~~school~~
6-59 ~~network~~]; and

6-60 (2) ensure:

6-61 (A) high-quality education for students in this
6-62 state who are being educated through electronic courses provided
6-63 through the statewide course catalog or a full-time virtual program
6-64 [~~state virtual school network~~]; and

6-65 (B) equitable access by students to those courses
6-66 and programs.

6-67 (b) The commissioner may adopt rules necessary to implement
6-68 this chapter.

6-69 [~~(c) To the extent practicable, the commissioner shall~~

7-1 ~~solicit advice from school districts concerning:~~

7-2 ~~[(1) administration of the state virtual school~~

7-3 ~~network; and~~

7-4 ~~[(2) adoption of rules under Subsection (b).]~~

7-5 Sec. 30B.052 [~~30A.052~~]. GENERAL POWERS AND DUTIES OF
7-6 COMMISSIONER. (a) The commissioner shall prepare or provide for
7-7 preparation of a biennial budget request for the state online
7-8 learning system statewide course catalog and full-time virtual
7-9 programs [~~school network~~] for presentation to the legislature.

7-10 (b) The commissioner has exclusive jurisdiction over the
7-11 assets of the state online learning system [~~network~~] and shall
7-12 administer and spend appropriations made for the benefit of the
7-13 system [~~network~~].

7-14 ~~[(c) The commissioner shall employ a limited number of~~

7-15 ~~administrative employees in connection with the network.]~~

7-16 Sec. 30B.053 [~~30A.054~~]. STUDENT PERFORMANCE INFORMATION.
7-17 To the extent permitted under the Family Educational Rights and
7-18 Privacy Act of 1974 (20 U.S.C. Section 1232g), the commissioner
7-19 shall make information relating to the performance of students
7-20 enrolled in electronic courses through the statewide course catalog
7-21 or a full-time virtual program under this chapter available to
7-22 school districts, [~~open-enrollment~~] charter schools, and the
7-23 public.

7-24 SECTION 11. Chapter 30B, Education Code, as added by this
7-25 Act, is amended by adding Subchapter C, and a heading is added to
7-26 that subchapter to read as follows:

7-27 SUBCHAPTER C. STATEWIDE COURSE CATALOG

7-28 SECTION 12. Sections 30A.101, 30A.102, 30A.1021, 30A.103,
7-29 30A.104, 30A.1041, 30A.105, 30A.1051, 30A.1052, 30A.106, 30A.107,
7-30 30A.108, 30A.109, 30A.110, 30A.111, 30A.112, 30A.1121, 30A.113,
7-31 30A.114, 30A.115, 30A.151, 30A.153, and 30A.155, Education Code,
7-32 are transferred to Subchapter C, Chapter 30B, Education Code, as
7-33 added by this Act, redesignated as Sections 30B.101, 30B.102,
7-34 30B.103, 30B.104, 30B.105, 30B.106, 30B.107, 30B.108, 30B.109,
7-35 30B.110, 30B.111, 30B.112, 30B.113, 30B.114, 30B.115, 30B.116,
7-36 30B.117, 30B.118, 30B.119, 30B.120, 30B.121, 30B.122, and 30B.123,
7-37 Education Code, and amended to read as follows:

7-38 Sec. 30B.101 [~~30A.101~~]. ELIGIBILITY TO ACT AS COURSE
7-39 PROVIDER. (a) A school district or [~~open-enrollment~~] charter
7-40 school is eligible to act as a course provider through the statewide
7-41 course catalog [~~under this chapter~~] only if the district or school
7-42 receives an overall performance rating of C or higher [~~is rated~~
7-43 ~~acceptable~~] under Section 39.054.

7-44 (b) [~~An open-enrollment charter school may serve as a course~~

7-45 ~~provider only:~~

7-46 ~~[(1) to a student within its service area; or~~

7-47 ~~[(2) to another student in the state:~~

7-48 ~~[(A) through an agreement with the school district~~

7-49 ~~in which the student resides; or~~

7-50 ~~[(B) if the student receives educational services~~

7-51 ~~under the supervision of a juvenile probation department, the Texas~~

7-52 ~~Juvenile Justice Department, or the Texas Department of Criminal~~

7-53 ~~Justice, through an agreement with the applicable agency.~~

7-54 ~~[(c)] A public or private institution of higher education,~~

7-55 ~~nonprofit entity, private entity, or corporation is eligible to act~~

7-56 ~~as a course provider~~ through the statewide course catalog [~~under~~
7-57 ~~this chapter~~] only if the institution, [~~nonprofit~~] entity, [~~private~~
7-58 ~~entity,~~] or corporation:

7-59 (1) complies with all applicable federal and state
7-60 laws prohibiting discrimination;

7-61 (2) demonstrates financial solvency; [~~and~~

7-62 (3) provides evidence of prior successful experience
7-63 offering online education [~~courses~~] to [~~middle or high school~~]
7-64 students, with demonstrated student success in course completion
7-65 and performance, as determined by the commissioner; and

7-66 (4) complies with any other criteria established by
7-67 the commissioner.

7-68 (c) [~~(a)~~] An entity other than a school district or
7-69 [~~open-enrollment~~] charter school is not authorized to award course

8-1 credit or a diploma for courses taken through the statewide course
 8-2 catalog [~~state virtual school network~~].

8-3 Sec. 30B.102 [~~30A.102~~]. LISTING OF ELECTRONIC COURSES.

8-4 (a) The agency [~~administering authority~~] shall:

8-5 (1) publish the criteria required by Section 30B.104
 8-6 [~~30A.103~~] for electronic courses that may be offered through the
 8-7 statewide course catalog [~~state virtual school network~~];

8-8 (2) using the criteria required by Section 30B.104
 8-9 [~~30A.103~~], evaluate electronic courses submitted by a course
 8-10 provider to be offered through the statewide course catalog
 8-11 [~~network~~];

8-12 (3) create a list of electronic courses approved by
 8-13 the agency [~~administering authority~~]; and

8-14 (4) publish in a prominent location on the state
 8-15 online learning system's [~~network's~~] Internet website the list of
 8-16 approved electronic courses offered through the statewide course
 8-17 catalog [~~network~~] and a detailed description of the courses that
 8-18 complies with Section 30B.112 [~~30A.108~~].

8-19 (b) To ensure that a full range of electronic courses,
 8-20 including advanced placement courses, are offered to students in
 8-21 this state, the agency [~~administering authority~~]:

8-22 (1) shall create a list of those subjects and courses
 8-23 designated by the board under Subchapter A, Chapter 28, for which
 8-24 the board has identified essential knowledge and skills or for
 8-25 which the board has designated content requirements under
 8-26 Subchapter A, Chapter 28;

8-27 (2) shall enter into agreements with school districts,
 8-28 [~~open-enrollment~~] charter schools, public or private institutions
 8-29 of higher education, and other eligible entities for the purpose of
 8-30 offering the courses through the statewide course catalog [~~state~~
 8-31 ~~virtual school network~~]; [and]

8-32 (3) may develop or authorize the development of
 8-33 additional electronic courses that:

8-34 (A) are needed to complete high school graduation
 8-35 requirements; and

8-36 (B) are not otherwise available through the
 8-37 statewide course catalog; and

8-38 (4) may develop or authorize the development of an
 8-39 orientation course [~~state virtual school network~~].

8-40 (c) The agency [~~administering authority~~] shall develop a
 8-41 comprehensive course numbering system for all courses offered
 8-42 through the statewide course catalog [~~state virtual school network~~]
 8-43 to ensure, to the greatest extent possible, consistent numbering of
 8-44 similar courses offered across all course providers.

8-45 Sec. 30B.103 [~~30A.1021~~]. PUBLIC ACCESS TO USER COMMENTS
 8-46 REGARDING ELECTRONIC COURSES. (a) The agency [~~administering~~
 8-47 ~~authority~~] shall provide students who have completed or withdrawn
 8-48 from electronic courses offered through the statewide course
 8-49 catalog [~~virtual school network~~] and their parents with a mechanism
 8-50 for providing comments regarding the courses.

8-51 (b) The mechanism required by Subsection (a) must include a
 8-52 quantitative rating system and a list of verbal descriptors that a
 8-53 student or parent may select as appropriate.

8-54 (c) The agency [~~administering authority~~] shall provide
 8-55 public access to the comments submitted by students and parents
 8-56 under this section. The comments must be in a format that permits a
 8-57 person to sort the comments by teacher, electronic course, and
 8-58 course provider.

8-59 Sec. 30B.104 [~~30A.103~~]. CRITERIA FOR ELECTRONIC COURSES.

8-60 (a) The commissioner [~~board~~] by rule shall establish [~~an~~]
 8-61 objective standard criteria for an electronic course to ensure
 8-62 alignment with the essential knowledge and skills requirements
 8-63 identified or content requirements established under Subchapter A,
 8-64 Chapter 28. The criteria may not permit the agency [~~administering~~
 8-65 ~~authority~~] to prohibit a course provider from applying for approval
 8-66 for an electronic course for a course for which essential knowledge
 8-67 and skills have been identified.

8-68 (b) The criteria must be consistent with Section 30B.105
 8-69 [~~30A.104~~] and may not include any requirements that are

9-1 developmentally inappropriate for students.

9-2 (c) The commissioner by rule may:

9-3 (1) establish additional quality-related criteria for
9-4 electronic courses; and

9-5 (2) provide for a period of public comment regarding
9-6 the criteria.

9-7 (d) The criteria must be in place at least six months before
9-8 the agency [~~administering authority~~] uses the criteria in
9-9 evaluating an electronic course under Section 30B.107 [~~30A.105~~].

9-10 Sec. 30B.105 [~~30A.104~~]. COURSE ELIGIBILITY IN GENERAL.

9-11 (a) A course offered through the statewide course catalog [~~state~~
9-12 ~~virtual school network~~] must:

9-13 (1) be in a specific subject that is part of the
9-14 required curriculum under Section 28.002(a);

9-15 (2) be aligned with the essential knowledge and skills
9-16 identified under Section 28.002(c) for the [~~a~~] grade level [~~at or~~
9-17 ~~above grade level three~~]; and

9-18 (3) be the equivalent in instructional rigor and scope
9-19 to a course that is provided in a traditional classroom setting
9-20 during a semester of 90 instructional days.

9-21 (b) If the essential knowledge and skills with which an
9-22 approved course is aligned in accordance with Subsection (a)(2) are
9-23 modified, the course provider must be provided the same [~~time~~]
9-24 period to revise the course to achieve alignment with the modified
9-25 essential knowledge and skills as is provided for the modification
9-26 of a course provided in a traditional classroom setting.

9-27 Sec. 30B.106 [~~30A.1041~~]. DRIVER EDUCATION COURSES. (a) A
9-28 school district, [~~open-enrollment~~] charter school, public or
9-29 private institution of higher education, or other eligible entity
9-30 may seek approval to offer through the statewide course catalog
9-31 [~~state virtual school network~~] the classroom portion of a driver
9-32 education and traffic safety course that complies with the
9-33 requirements for the program developed under Section 29.902.

9-34 (b) A school district, [~~open-enrollment~~] charter school,
9-35 public or private institution of higher education, or other
9-36 eligible entity may not offer through the statewide course catalog
9-37 [~~state virtual school network~~] the laboratory portion of a driver
9-38 education and traffic safety course.

9-39 (c) A driver education and traffic safety course offered in
9-40 compliance with this section must be the equivalent in
9-41 instructional rigor and scope to a course that is provided in a
9-42 traditional classroom setting for a period of 56 hours.

9-43 Sec. 30B.107 [~~30A.105~~]. APPROVAL OF ELECTRONIC COURSES.

9-44 (a) The agency [~~administering authority~~] shall:

9-45 (1) establish a submission and approval process for
9-46 electronic courses that occurs on a rolling basis; and

9-47 (2) evaluate or provide for the evaluation by one or
9-48 more organizations designated by the agency of electronic courses
9-49 to be offered through the statewide course catalog or a full-time
9-50 [state] virtual school [network].

9-51 (b) [~~(a-1)~~] The agency [~~administering authority~~] shall
9-52 publish the submission and approval process for electronic courses
9-53 established under Subsection (a)(1), including any deadlines and
9-54 guidelines applicable to the process.

9-55 (c) [~~(a-2)~~] The evaluation required by Subsection (a)(2)
9-56 must include review of each electronic course component, including
9-57 off-line material proposed to be used in the course.

9-58 (d) [~~(b)~~] The agency [~~administering authority~~] shall
9-59 establish the cost of providing an electronic course approved under
9-60 Subsection (a) [~~, which may not exceed \$400 per student per course or~~
9-61 ~~\$4,800 per full-time student~~].

9-62 (e) The [~~(c)~~] ~~The agency shall pay the reasonable costs of~~
9-63 ~~evaluating and approving electronic courses. If funds available~~
9-64 ~~to the agency for that purpose are insufficient to pay the costs of~~
9-65 ~~evaluating and approving all electronic courses submitted for~~
9-66 ~~evaluation and approval, the agency shall give priority to paying~~
9-67 ~~the costs of evaluating and approving the following courses:~~

9-68 (1) ~~courses that satisfy high school graduation~~
9-69 ~~requirements;~~

10-1 ~~[(2) courses that would likely benefit a student in~~
 10-2 ~~obtaining admission to a postsecondary institution;~~

10-3 ~~[(3) courses, including dual credit courses, that~~
 10-4 ~~allow a student to earn college credit or other advanced credit;~~

10-5 ~~[(4) courses in subject areas most likely to be highly~~
 10-6 ~~beneficial to students receiving educational services under the~~
 10-7 ~~supervision of a juvenile probation department, the Texas Juvenile~~
 10-8 ~~Justice Department, or the Texas Department of Criminal Justice;~~
 10-9 ~~and~~

10-10 ~~[(5) courses in subject areas designated by the~~
 10-11 ~~commissioner as commonly experiencing a shortage of teachers.~~

10-12 ~~[(d) If the agency determines that the costs of evaluating~~
 10-13 ~~and approving a submitted electronic course will not be paid by the~~
 10-14 ~~agency due to a shortage of funds available for that purpose, the]~~
 10-15 ~~school district, [open-enrollment] charter school, public or~~
 10-16 ~~private institution of higher education, or other eligible entity~~
 10-17 ~~that submits a [submitted the] course for evaluation and approval~~
 10-18 ~~shall [may] pay a fee equal to the amount of the costs of evaluating~~
 10-19 ~~and approving the course in order to ensure that evaluation of the~~
 10-20 ~~course occurs. The agency shall establish and publish a fee~~
 10-21 ~~schedule for purposes of this subsection.~~

10-22 (f) ~~[(e)]~~ The agency ~~[administering authority]~~ shall
 10-23 require a course provider to apply for renewed approval of a
 10-24 previously approved course in accordance with a schedule designed
 10-25 to coincide with revisions to the required curriculum under Section
 10-26 28.002(a) but not later than the 10th anniversary of the previous
 10-27 approval.

10-28 Sec. 30B.108 ~~[30A.1051]~~. ELECTRONIC COURSE PORTABILITY. A
 10-29 student who transfers from one educational setting to another after
 10-30 beginning enrollment in an electronic course is entitled to
 10-31 continue enrollment in the course.

10-32 Sec. 30B.109 ~~[30A.1052]~~. INDUCEMENTS FOR ENROLLMENT
 10-33 PROHIBITED. (a) A course provider may not promise or provide
 10-34 equipment or any other thing of value to a student or a student's
 10-35 parent as an inducement for the student to enroll in an electronic
 10-36 course offered through the statewide course catalog ~~[state virtual~~
 10-37 ~~school network]~~.

10-38 (b) The commissioner shall revoke approval under this
 10-39 chapter of electronic courses offered by a course provider that
 10-40 violates this section.

10-41 (c) The commissioner's action under this section is final
 10-42 and may not be appealed.

10-43 Sec. 30B.110 ~~[30A.106]~~. APPEAL TO COMMISSIONER. (a) A
 10-44 course provider may appeal to the commissioner the agency's
 10-45 ~~[administering authority's]~~ refusal to approve an electronic
 10-46 course under Section 30B.107 ~~[30A.105]~~.

10-47 (b) If the commissioner determines that the agency's
 10-48 ~~[administering authority's]~~ evaluation did not follow the criteria
 10-49 or was otherwise irregular, the commissioner may overrule the
 10-50 agency ~~[administering authority]~~ and place the course on a list of
 10-51 approved courses. The commissioner's decision under this section is
 10-52 final and may not be appealed.

10-53 Sec. 30B.111 ~~[30A.107]~~. OPTIONS FOR PROVIDERS AND
 10-54 STUDENTS. (a) A student who does not qualify under Section
 10-55 30B.002(a)(1) may take one or more electronic courses through the
 10-56 statewide course catalog if the student pays the fees for the course
 10-57 in accordance with Section 30B.123 ~~[A course provider may offer~~
 10-58 ~~electronic courses to:~~

10-59 ~~[(1) students and adults who reside in this state; and~~
 10-60 ~~[(2) students who reside outside this state and who~~
 10-61 ~~meet the eligibility requirements under Section 30A.002(c)].~~

10-62 (b) A student who is enrolled in a school district or
 10-63 ~~[open-enrollment] charter school in this state [as a full-time~~
 10-64 ~~student] may not take [one or] more than three electronic courses in~~
 10-65 ~~any semester through the state online learning system [virtual~~
 10-66 ~~school network].~~

10-67 (c) A student who resides in this state but who is not
 10-68 enrolled in a school district or ~~[open-enrollment] charter school~~
 10-69 in this state ~~[as a full-time student]~~ may, subject to Section

11-1 30B.123 [~~30A.155~~], enroll in electronic courses through the
 11-2 statewide course catalog [~~state virtual school network~~]. A student
 11-3 to whom this subsection applies:

11-4 (1) may not in any semester enroll in more than three
 11-5 [~~two~~] electronic courses offered through the state online learning
 11-6 system [~~virtual school network~~];

11-7 (2) is not considered enrolled at the [~~to be a~~] public
 11-8 school campus but shall be considered for purposes of state funding
 11-9 as provided by Section 30B.122 [~~student~~];

11-10 (3) must obtain access to a course provided through
 11-11 the statewide course catalog either [~~network~~] through a [~~the~~]
 11-12 school district or [~~open-enrollment~~] charter school [~~attendance~~
 11-13 ~~zone in which the student resides~~];

11-14 (4) is not entitled to enroll in a course offered by a
 11-15 school district or [~~open-enrollment~~] charter school other than an
 11-16 electronic course provided through the statewide course catalog
 11-17 [~~network~~]; and

11-18 (5) is not entitled to any right, privilege,
 11-19 activities, or services available to a student enrolled in a public
 11-20 school, other than the right to receive the appropriate unit of
 11-21 credit for completing an electronic course.

11-22 (d) A school district or [~~open-enrollment~~] charter school
 11-23 may not require a student to enroll in an electronic course.

11-24 (e) A school district or charter school shall require
 11-25 students to take a student orientation course to access the
 11-26 statewide course catalog.

11-27 Sec. 30B.112 [~~30A.108~~]. INFORMED CHOICE REPORTS. (a) Not
 11-28 later than a date determined by the commissioner, the agency
 11-29 [~~administering authority~~] shall create and maintain on the state
 11-30 online learning system's [~~virtual school network's~~] Internet
 11-31 website an "informed choice" report as provided by commissioner
 11-32 rule.

11-33 (b) Each report under this section must describe each
 11-34 electronic course offered through the statewide course catalog
 11-35 [~~state virtual school network~~] and include the following
 11-36 information:

11-37 (1) course requirements;

11-38 (2) the school year calendar for the course, including
 11-39 any options for continued participation outside of the standard
 11-40 school year calendar;

11-41 (3) the entity that developed the course;

11-42 (4) the entity that provided the course;

11-43 (5) the course completion rate;

11-44 (6) aggregate student performance on an assessment
 11-45 instrument administered under Section 39.023 to students enrolled
 11-46 in the course;

11-47 (7) aggregate student performance on all assessment
 11-48 instruments administered under Section 39.023 to students who
 11-49 completed the course provider's courses; and

11-50 (8) other information determined by the commissioner.

11-51 Sec. 30B.113 [~~30A.109~~]. COMPULSORY ATTENDANCE. The
 11-52 commissioner by rule shall adopt procedures for reporting and
 11-53 verifying the attendance of a student enrolled in an electronic
 11-54 course provided through the statewide course catalog [~~state virtual~~
 11-55 ~~school network~~]. The rules may modify the application of Sections
 11-56 25.085, 25.086, and 25.087 for a student enrolled in an electronic
 11-57 course but must require participation in an educational program
 11-58 equivalent to the requirements prescribed by those sections.

11-59 Sec. 30B.114 [~~30A.110~~]. APPLICABILITY OF ACCOUNTABILITY
 11-60 REQUIREMENTS. (a) Chapter 39 applies to an electronic course
 11-61 offered through the statewide course catalog [~~state virtual school~~
 11-62 ~~network~~] in the same manner that that chapter applies to any other
 11-63 course offered by a school district or open-enrollment charter
 11-64 school.

11-65 (b) The performance of a student described by Section
 11-66 30B.111(c) may not be considered for purposes of accountability for
 11-67 a school district or charter school.

11-68 (c) Each student enrolled under this chapter in an
 11-69 electronic course offered through the statewide course catalog

12-1 [~~state virtual school network~~] must take any assessment instrument
 12-2 under Section 39.023 that is administered to students who are
 12-3 provided instruction in the course material in the traditional
 12-4 classroom setting. The administration of the assessment instrument
 12-5 to the student enrolled in the electronic course must be supervised
 12-6 by a proctor.

12-7 (d) [~~(c)~~] A school district or [~~open-enrollment~~] charter
 12-8 school shall report to the commissioner through the Public
 12-9 Education Information Management System (PEIMS) the results of
 12-10 assessment instruments administered to students enrolled in an
 12-11 electronic course offered through the statewide course catalog
 12-12 [~~state virtual school network~~] separately from the results of
 12-13 assessment instruments administered to other students.

12-14 Sec. 30B.115 [~~30A.111~~]. TEACHER AND INSTRUCTOR
 12-15 QUALIFICATIONS. (a) Each teacher of an electronic course offered
 12-16 by a school district or [~~open-enrollment~~] charter school through
 12-17 the statewide course catalog [~~state virtual school network~~] must:

12-18 (1) be certified under Subchapter B, Chapter 21, to
 12-19 teach that course and grade level; and

12-20 (2) successfully complete the appropriate
 12-21 professional development course provided under Section 30B.116(a)
 12-22 [~~30A.112(a)~~] or 30B.117 [~~30A.1121~~] before teaching an electronic
 12-23 course offered through the statewide course catalog [~~network~~].

12-24 (b) The commissioner by rule shall establish procedures for
 12-25 verifying successful completion by a teacher of the appropriate
 12-26 professional development course required by Subsection (a)(2).

12-27 (c) The commissioner by rule shall establish qualifications
 12-28 and professional development requirements applicable to college
 12-29 instructors providing instruction in dual credit courses through
 12-30 the statewide course catalog [~~state virtual school network~~] that
 12-31 allow a student to earn high school credit and college credit or
 12-32 other credit.

12-33 Sec. 30B.116 [~~30A.112~~]. EDUCATOR PROFESSIONAL
 12-34 DEVELOPMENT. (a) The state online learning system [~~virtual school~~
 12-35 ~~network~~] shall provide or authorize providers of electronic
 12-36 professional development courses or programs to provide
 12-37 professional development for teachers who are teaching electronic
 12-38 courses through the statewide course catalog [~~network~~].

12-39 (b) The state online learning system [~~virtual school~~
 12-40 ~~network~~] may provide or authorize providers of electronic
 12-41 professional development courses to provide professional
 12-42 development for:

12-43 (1) teachers who are teaching subjects or grade levels
 12-44 for which the teachers are not certified; or

12-45 (2) teachers who must become qualified under the
 12-46 Individuals with Disabilities Education Act (20 U.S.C. Section 1400
 12-47 et seq.).

12-48 Sec. 30B.117 [~~30A.1121~~]. ALTERNATIVE EDUCATOR
 12-49 PROFESSIONAL DEVELOPMENT. (a) Subject to Subsection (b), a course
 12-50 provider may provide professional development courses to teachers
 12-51 seeking to become authorized to teach electronic courses provided
 12-52 through the statewide course catalog [~~state virtual school~~
 12-53 ~~network~~]. A course provider may provide a professional development
 12-54 course that is approved under Subsection (b) to any interested
 12-55 teacher, regardless of the teacher's employer.

12-56 (b) The agency shall review each professional development
 12-57 course sought to be provided by a course provider under Subsection
 12-58 (a) to determine if the course meets the quality standards
 12-59 established under Section 30B.118 [~~30A.113~~]. If a course meets
 12-60 those standards, the course provider may provide the course for
 12-61 purposes of enabling a teacher to comply with Section 30B.115(a)(2)
 12-62 [~~30A.111(a)(2)~~].

12-63 Sec. 30B.118 [~~30A.113~~]. CRITERIA FOR ELECTRONIC
 12-64 PROFESSIONAL DEVELOPMENT COURSES. The commissioner by rule shall
 12-65 establish objective standard criteria for quality of an electronic
 12-66 professional development course provided under Section 30B.116
 12-67 [~~30A.112~~].

12-68 Sec. 30B.119 [~~30A.114~~]. REGIONAL EDUCATION SERVICE
 12-69 CENTERS. The commissioner by rule shall allow regional education

13-1 service centers to participate in the statewide course catalog
 13-2 [~~state virtual school network~~] in the same manner as course
 13-3 providers.

13-4 Sec. 30B.120 [~~30A.115~~]. ADDITIONAL RESOURCES. The
 13-5 commissioner by rule may establish procedures for providing
 13-6 additional resources, such as an online library, to students and
 13-7 educators served through the statewide course catalog [~~state~~
 13-8 ~~virtual school network~~]. The agency [~~administering authority~~] may
 13-9 provide the additional resources only if the commissioner receives
 13-10 an appropriation, gift, or grant sufficient to pay the costs of
 13-11 providing those resources.

13-12 Sec. 30B.121 [~~30A.151~~]. COSTS TO BE BORNE BY STATE. (a)
 13-13 Except as authorized by Section 30B.007 or 30B.107 [~~Section~~
 13-14 ~~30A.152~~] or this section, the state shall pay the cost of operating
 13-15 the state online learning system [~~virtual school network~~].

13-16 (b) Except as provided by Section 30B.107, the [~~The~~]
 13-17 operating costs of the state online learning system [~~virtual school~~
 13-18 ~~network~~] may not be charged to a school district or
 13-19 [~~open-enrollment~~] charter school.

13-20 (c) The costs of providing electronic professional
 13-21 development courses may be paid by state funds appropriated by the
 13-22 legislature or federal funds that may be used for that purpose.

13-23 (d) [~~(e)~~] State funds provided in connection with the state
 13-24 online learning system [~~virtual school network~~] may not be used in a
 13-25 manner that violates Section 7, Article I, Texas Constitution.

13-26 [~~(f) For a full-time electronic course program offered~~
 13-27 ~~through the state virtual school network for a grade level at or~~
 13-28 ~~above grade level three but not above grade level eight, a school~~
 13-29 ~~district or open-enrollment charter school is entitled to receive~~
 13-30 ~~federal, state, and local funding for a student enrolled in the~~
 13-31 ~~program in an amount equal to the funding the district or school~~
 13-32 ~~would otherwise receive for a student enrolled in the district or~~
 13-33 ~~school. The district or school may calculate the average daily~~
 13-34 ~~attendance of a student enrolled in the program based on:~~

13-35 [~~(1) hours of contact with the student;~~

13-36 [~~(2) the student's successful completion of a course;~~

13-37 ~~or~~

13-38 [~~(3) a method approved by the commissioner.~~]

13-39 Sec. 30B.122 [~~30A.153~~]. FOUNDATION SCHOOL PROGRAM FUNDING.

13-40 (a) Subject to the limitation imposed under Subsection (b)
 13-41 [~~(a-1)~~], a school district or open-enrollment charter school in
 13-42 which a student is enrolled is entitled to funding under Chapter 48
 13-43 or in accordance with the terms of a charter granted under Section
 13-44 12.101 for the student's enrollment in an electronic course offered
 13-45 through the statewide course catalog [~~state virtual school network~~]
 13-46 in the same manner that the district or school is entitled to
 13-47 funding for the student's enrollment in courses provided in a
 13-48 traditional classroom setting, provided that the student
 13-49 successfully completes the electronic course.

13-50 (b) [~~(a-1)~~] For purposes of Subsection (a), a school
 13-51 district or open-enrollment charter school is limited to the
 13-52 funding described by that subsection for a student's enrollment in
 13-53 not more than three electronic courses during any school year [~~7~~
 13-54 ~~unless the student is enrolled in a full-time online program that~~
 13-55 ~~was operating on January 1, 2013].~~

13-56 (c) [~~(b)~~] The commissioner [~~, after considering comments~~
 13-57 ~~from school district and open-enrollment charter school~~
 13-58 ~~representatives,~~] shall adopt a standard agreement that governs the
 13-59 costs, payment of funds, and other matters relating to a student's
 13-60 enrollment in an electronic course offered through the statewide
 13-61 course catalog [~~state virtual school network~~]. The agreement may
 13-62 not require a school district or [~~open-enrollment~~] charter school
 13-63 to pay the provider the full amount until the student has
 13-64 successfully completed the electronic course [~~, and the full amount~~
 13-65 ~~may not exceed the limits specified by Section 30A.105(b)].~~

13-66 (d) [~~(e)~~] A school district or [~~open-enrollment~~] charter
 13-67 school shall use the standard agreement adopted under Subsection
 13-68 (c) [~~(b)~~] unless:

13-69 (1) the district or school requests from the

14-1 commissioner permission to modify the standard agreement; and
 14-2 (2) the commissioner authorizes the modification.
 14-3 (e) ~~[(d)]~~ The commissioner shall adopt rules necessary to
 14-4 implement this section, including rules regarding attendance
 14-5 accounting.

14-6 Sec. 30B.123 [30A.155]. FEES. (a) A school district or
 14-7 ~~[open-enrollment]~~ charter school may charge a fee for enrollment in
 14-8 an electronic course provided through the statewide course catalog
 14-9 ~~[state virtual school network]~~ to a student who resides in this
 14-10 state and~~+~~

14-11 ~~[(1)]~~ is enrolled in a school district or
 14-12 ~~[open-enrollment]~~ charter school as a full-time student with a
 14-13 course load greater than that normally taken by students in the
 14-14 equivalent grade level in other school districts or
 14-15 ~~[open-enrollment]~~ charter schools~~+, or~~

14-16 ~~[(2) elects to enroll in an electronic course provided~~
 14-17 ~~through the network for which the school district or~~
 14-18 ~~open-enrollment charter school in which the student is enrolled as~~
 14-19 ~~a full-time student declines to pay the cost, as authorized by~~
 14-20 ~~Section 26.0031(c-1)].~~

14-21 (b) ~~[(a-1)]~~ A school district or ~~[open-enrollment]~~ charter
 14-22 school may charge a fee for enrollment in an electronic course
 14-23 provided through the statewide course catalog ~~[state virtual school~~
 14-24 ~~network]~~ during the summer.

14-25 (c) ~~[(b)]~~ A school district or ~~[open-enrollment]~~ charter
 14-26 school shall charge a fee for enrollment in an electronic course
 14-27 provided through the statewide course catalog ~~[state virtual school~~
 14-28 ~~network]~~ to a student who:

14-29 (1) resides in this state and is not enrolled in a
 14-30 school district or ~~[open-enrollment]~~ charter school; or

14-31 (2) does not satisfy the criteria of Section
 14-32 30B.002(a)(1) [as a full-time student].

14-33 (d) ~~[(c)]~~ The amount of a fee charged a student under
 14-34 Subsection (a), ~~[(a-1), or]~~ (b), or (c) for each electronic course
 14-35 in which the student enrolls through the statewide course catalog
 14-36 ~~[state virtual school network]~~ may not exceed the lesser of:

14-37 (1) the cost of providing the course; or

14-38 (2) an amount set by the commissioner [~~\$400~~].

14-39 (e) ~~[(c-1)]~~ A school district or ~~[open-enrollment]~~ charter
 14-40 school that is not the course provider may charge a student enrolled
 14-41 in the district or school a nominal fee, not to exceed the amount
 14-42 specified by the commissioner, if the student enrolls in an
 14-43 electronic course provided through the statewide course catalog
 14-44 ~~[state virtual school network]~~ that exceeds the course load
 14-45 normally taken by students in the equivalent grade level. A
 14-46 juvenile probation department or state agency may charge a
 14-47 comparable fee to a student under the supervision of the department
 14-48 or agency.

14-49 (f) ~~[(d)]~~ Except as provided by this section, the state
 14-50 online learning system ~~[virtual school network]~~ may not charge a
 14-51 fee to students for electronic courses provided through the
 14-52 statewide course catalog ~~[network]~~.

14-53 ~~[(c) This chapter does not entitle a student who is not~~
 14-54 ~~enrolled on a full-time basis in a school district or~~
 14-55 ~~open-enrollment charter school to the benefits of the Foundation~~
 14-56 ~~School Program.]~~

14-57 SECTION 13. Chapter 30B, Education Code, as added by this
 14-58 Act, is amended by adding Subchapter D to read as follows:

14-59 SUBCHAPTER D. FULL-TIME VIRTUAL PROGRAM

14-60 Sec. 30B.201. ELIGIBILITY TO OPERATE FULL-TIME VIRTUAL
 14-61 PROGRAM. (a) A school district or charter school may operate one
 14-62 or more full-time virtual programs under this subchapter only if
 14-63 the district or school receives an overall performance rating of C
 14-64 or higher under Section 39.054.

14-65 (b) A public or private institution of higher education may
 14-66 operate one or more full-time virtual programs under this
 14-67 subchapter only if the institution:

14-68 (1) complies with all applicable federal and state
 14-69 laws prohibiting discrimination; and

15-1 (2) demonstrates financial solvency.
 15-2 (c) An entity may not operate more than one full-time
 15-3 virtual program at any elementary, middle school or junior high, or
 15-4 high school grade levels.

15-5 (d) An entity that operates a full-time virtual program must
 15-6 offer:

15-7 (1) at least one grade level in which an assessment
 15-8 instrument is required to be administered under Section 39.023(a),
 15-9 including each subject for which an assessment instrument is
 15-10 required; or

15-11 (2) a complete high school program, including each
 15-12 course for which an end-of-course assessment instrument is required
 15-13 to be administered under Section 39.023(c).

15-14 (e) Notwithstanding any other provision of this chapter, a
 15-15 school district or charter school that operated a full-time online
 15-16 program during the 2020-2021 school year under former Chapter 30A
 15-17 or with commissioner approval may continue to operate the program
 15-18 as a full-time virtual program under this subchapter.

15-19 Sec. 30B.202. FULL-TIME VIRTUAL PROGRAM ENROLLMENT AND
 15-20 ADMISSION. (a) If a full-time virtual program receives more
 15-21 acceptable applications for admission than available positions in
 15-22 the program for a school year, the program shall:

15-23 (1) fill the available positions by lottery;

15-24 (2) create a waitlist for any students not admitted
 15-25 under Subdivision (1); and

15-26 (3) provide to the agency the number of students on the
 15-27 program's waitlist under Subdivision (2), if applicable.

15-28 (b) A school district or charter school operating a
 15-29 full-time virtual program may elect to:

15-30 (1) by majority vote of the board of trustees of the
 15-31 district or governing body of the school, offer admission to the
 15-32 program only to students who reside in the district or the
 15-33 geographic area served by the school; or

15-34 (2) notwithstanding Subsection (a), admit the
 15-35 following students to the program before conducting a lottery to
 15-36 fill remaining available positions:

15-37 (A) for a district or school that does not elect
 15-38 to restrict admission to the program as provided by Subdivision
 15-39 (1), a student who resides in the district or the geographic area
 15-40 served by the school;

15-41 (B) a sibling of a student enrolled in the
 15-42 program;

15-43 (C) a child under the conservatorship of the
 15-44 Department of Family and Protective Services who resides with a
 15-45 student enrolled in the program; or

15-46 (D) a child of an employee of the district or
 15-47 school.

15-48 (c) A school district or charter school that elects to
 15-49 restrict admission to the district's or school's full-time virtual
 15-50 program as provided by Subsection (b)(1) shall post on the
 15-51 district's or school's Internet website a notice stating that the
 15-52 district or school restricts admission to the program as provided
 15-53 by that subdivision.

15-54 Sec. 30B.203. FULL-TIME VIRTUAL PROGRAM LIST. The agency
 15-55 shall:

15-56 (1) create a list of full-time virtual programs; and

15-57 (2) publish in a prominent location on the state
 15-58 online learning system's Internet website a list of and contact and
 15-59 waitlist information for all full-time virtual programs and include
 15-60 a statement for each listed program indicating whether the program
 15-61 restricts admission under Section 30B.202(b)(1).

15-62 Sec. 30B.204. INDUCEMENTS FOR ENROLLMENT PROHIBITED. An
 15-63 entity that operates a full-time virtual program may not promise or
 15-64 provide equipment or any other thing of value to a student or a
 15-65 student's parent as an inducement for the student to enroll in the
 15-66 full-time virtual program.

15-67 Sec. 30B.205. FULL-TIME VIRTUAL PROGRAM DASHBOARD. (a)
 15-68 The agency shall develop and maintain on the agency's Internet
 15-69 website a dashboard that provides to the public information

16-1 regarding the performance of full-time virtual programs.

16-2 (b) The State Board of Education, with the agency's
16-3 assistance, shall adopt a model achievement profile for use by the
16-4 agency for purposes of providing the information required under
16-5 Subsection (a). The model achievement profile must be developed to
16-6 include:

16-7 (1) the name of the entity that operates the program;
16-8 (2) the entity's experience with operating other
16-9 online educational programs;

16-10 (3) the program's mission;
16-11 (4) the accountability ratings of the program and each
16-12 other full-time virtual program operated by the entity;

16-13 (5) the entity's performance history in operating
16-14 full-time virtual programs for the preceding three years; and

16-15 (6) multiple measures of academic and educational
16-16 performance, including:

16-17 (A) the performance of students enrolled in the
16-18 program on:

16-19 (i) an assessment instrument in mathematics
16-20 or reading administered under Section 39.023(a);

16-21 (ii) an end-of-course assessment
16-22 instrument in Algebra I, English I, or English II administered
16-23 under Section 39.023(c); or

16-24 (iii) an assessment instrument in
16-25 mathematics or reading administered to students of limited English
16-26 proficiency under Section 39.023(l);

16-27 (B) if the program offers one or more high school
16-28 grade levels, student progress toward college and career readiness;
16-29 and

16-30 (C) measures of education performance or other
16-31 relevant indicators of program quality that assess the program's
16-32 educational impact, including graduation rates and attendance
16-33 rates.

16-34 (c) Not later than November 1 of each year, the agency shall
16-35 develop and post on the dashboard required by Subsection (a) an
16-36 achievement profile for each full-time virtual program, using the
16-37 model achievement profile adopted by the State Board of Education
16-38 under Subsection (b).

16-39 (d) For purposes of tracking academic mobility, a full-time
16-40 virtual program shall solicit from the parent or guardian of each
16-41 student enrolled in the program:

16-42 (1) the reasons for enrolling the student in the
16-43 program; and

16-44 (2) the reasons for withdrawing the student from the
16-45 program if the student has withdrawn from the program for a reason
16-46 other than completion of the program.

16-47 (e) Each full-time virtual program shall collect and report
16-48 to the agency the following information to be included in the
16-49 program's achievement profile:

16-50 (1) the academic mobility information collected under
16-51 Subsection (d);

16-52 (2) data demonstrating student progress toward
16-53 graduation, including measures of progress that account for the
16-54 characteristics of each enrolled student consistent with
16-55 evidence-based best practices, including a comparison of the
16-56 student's age and number of course credits before and after
16-57 enrolling in the program;

16-58 (3) for a program that offers grade 12, the high school
16-59 graduation rate of each student cohort; and

16-60 (4) data relating to academic achievement and growth,
16-61 including the duration of each student's enrollment in the program
16-62 to facilitate a comparison of academic achievement and growth
16-63 between student cohorts enrolled in the program for similar
16-64 durations.

16-65 Sec. 30B.206. INFORMATION REGARDING ENTITY CONTRACTED TO
16-66 OPERATE FULL-TIME VIRTUAL PROGRAM. A school district, charter
16-67 school, or public or private institution of higher education that
16-68 contracts with an entity to operate a full-time virtual program for
16-69 the district, school, or institution shall post on the district's,

17-1 school's, or institution's Internet website:

17-2 (1) the name of the entity that operates the program;

17-3 (2) the entity's experience with operating other

17-4 online educational programs;

17-5 (3) the program's mission;

17-6 (4) the accountability ratings of the program; and

17-7 (5) the entity's performance history in operating the

17-8 full-time virtual program for the preceding three years.

17-9 Sec. 30B.207. COMPULSORY ATTENDANCE. The commissioner by
 17-10 rule shall adopt procedures for reporting and verifying the
 17-11 attendance of a student enrolled in a full-time virtual program.
 17-12 The rules:

17-13 (1) must include procedures for reporting and
 17-14 verifying the attendance of a student during the periods the
 17-15 student receives synchronous instruction, asynchronous
 17-16 instruction, or both synchronous and asynchronous instruction; and

17-17 (2) may modify the application of Sections 25.085,
 17-18 25.086, and 25.087 for a student enrolled in a full-time virtual
 17-19 program but must require participation in an educational program
 17-20 equivalent to the requirements prescribed by those sections.

17-21 Sec. 30B.208. OPTION TO PROVIDE IN-PERSON INSTRUCTION. An
 17-22 entity operating a full-time virtual program may elect to offer a
 17-23 portion of a student's instruction in person.

17-24 Sec. 30B.209. COURSE ELIGIBILITY. (a) A course offered by
 17-25 a full-time virtual program must be aligned with the essential
 17-26 knowledge and skills identified under Section 28.002(c) for the
 17-27 grade level.

17-28 (b) If the essential knowledge and skills with which a
 17-29 course is aligned in accordance with Subsection (a) are modified,
 17-30 the entity operating the full-time virtual program must be provided
 17-31 the same period to revise the course to achieve alignment with the
 17-32 modified essential knowledge and skills as is provided for the
 17-33 modification of a course provided in a traditional classroom
 17-34 setting.

17-35 Sec. 30B.210. APPLICABILITY OF ACCOUNTABILITY
 17-36 REQUIREMENTS. (a) Chapter 39 applies to a full-time virtual
 17-37 program in the same manner that the chapter applies to a school
 17-38 district or open-enrollment charter school.

17-39 (b) Each student enrolled in a subject or course in a
 17-40 full-time virtual program must take each assessment instrument
 17-41 under Section 39.023 that is administered to students who are
 17-42 provided instruction in the subject or course material in the
 17-43 traditional classroom setting. The administration of the
 17-44 assessment instrument to the student enrolled in the full-time
 17-45 virtual program must be supervised by a proctor.

17-46 Sec. 30B.211. TEACHER AND INSTRUCTOR QUALIFICATIONS. (a)
 17-47 Each teacher at a full-time virtual program must:

17-48 (1) be certified under Subchapter B, Chapter 21, to
 17-49 teach that course and grade level, if that certification would be
 17-50 required to teach equivalent in-person courses at:

17-51 (A) a school district, if the teacher is employed
 17-52 by a school district; or

17-53 (B) an open-enrollment charter school, if the
 17-54 teacher is employed by a charter school or public or private
 17-55 institution of higher education; and

17-56 (2) successfully complete the appropriate
 17-57 professional development course provided under Section 30B.116(a)
 17-58 or 30B.117 before teaching at a full-time virtual program.

17-59 (b) The commissioner by rule shall establish procedures for
 17-60 verifying successful completion by a teacher of the appropriate
 17-61 professional development course required by Subsection (a)(2).

17-62 (c) The commissioner by rule shall establish qualifications
 17-63 and professional development requirements applicable to college
 17-64 instructors providing instruction in dual credit courses through a
 17-65 full-time virtual program that allow a student to earn high school
 17-66 credit and college credit or other credit.

17-67 (d) Each full-time virtual program shall establish clear
 17-68 requirements relating to teacher responsiveness.

17-69 Sec. 30B.212. FUNDING. (a) Except as provided by

18-1 Subsection (b), a full-time virtual program in which a student
 18-2 described by Section 30B.002(a)(1) is enrolled is entitled to
 18-3 funding under Chapter 48 or in accordance with the terms of a
 18-4 charter granted under Chapter 12 for the student's enrollment in
 18-5 electronic courses in a full-time virtual program in the same
 18-6 manner that a school district or charter school would be entitled to
 18-7 funding for the student's enrollment in courses provided in a
 18-8 traditional classroom setting.

18-9 (b) A student enrolled in a full-time virtual program
 18-10 operated by a school district or charter school who does not reside
 18-11 in the district or the geographic area served by the charter school
 18-12 may not be counted toward the district's or charter school's average
 18-13 daily attendance for purposes of an allotment under Section
 18-14 12.106(a-2), 48.101, or 48.111, as applicable.

18-15 (c) A full-time virtual program may charge a fee for a
 18-16 student who does not qualify under Section 30B.002(a)(1).

18-17 Sec. 30B.213. ENGAGEMENT POLICY. (a) Each full-time
 18-18 virtual program shall develop and adopt an engagement policy
 18-19 regarding the expectations for students enrolled in the program.
 18-20 The engagement policy must include:

- 18-21 (1) academic and behavioral expectations;
- 18-22 (2) intervention strategies, including a timeline for
 18-23 implementing the intervention strategies; and
- 18-24 (3) the circumstances in which a student may be
 18-25 unenrolled from the program.

18-26 (b) Before enrolling a student, a full-time virtual program
 18-27 shall provide a copy of the engagement policy adopted under
 18-28 Subsection (a) to the parent or guardian of the student.

18-29 Sec. 30B.214. ORIENTATION COURSE. Each full-time virtual
 18-30 program shall require a student to take an orientation course
 18-31 before enrolling in the program. The agency shall provide guidance
 18-32 regarding the development and delivery of an orientation course.

18-33 Sec. 30B.215. PARENT-TEACHER CONFERENCE. (a) Each
 18-34 full-time virtual program, on a periodic basis throughout each
 18-35 school year, shall communicate with each parent of or person
 18-36 standing in parental relation to an enrolled student regarding the
 18-37 performance and progress of the student. The program shall:

- 18-38 (1) provide opportunities for parent-teacher
 18-39 conferences;
- 18-40 (2) document any requests for parent-teacher
 18-41 conferences; and
- 18-42 (3) permit students to participate in the
 18-43 parent-teacher conferences.

18-44 (b) Parent-teacher conferences may be conducted in person
 18-45 or through electronic means.

18-46 SECTION 14. Section 33.009(d), Education Code, is amended
 18-47 to read as follows:

18-48 (d) An academy developed under this section must provide
 18-49 counselors and other postsecondary advisors with knowledge and
 18-50 skills to provide counseling to students regarding postsecondary
 18-51 success and productive career planning and must include information
 18-52 relating to:

18-53 (1) each endorsement described by Section
 18-54 28.025(c-1), including:

18-55 (A) the course requirements for each
 18-56 endorsement; and

18-57 (B) the postsecondary educational and career
 18-58 opportunities associated with each endorsement;

18-59 (2) available methods for a student to earn credit for
 18-60 a course not offered at the school in which the student is enrolled,
 18-61 including enrollment in an electronic course provided through the
 18-62 state online learning system [~~virtual school network~~]
 18-63 under Chapter 30B [30A];

18-64 (3) general academic performance requirements for
 18-65 admission to an institution of higher education, including the
 18-66 requirements for automatic admission to a general academic teaching
 18-67 institution under Section 51.803;

18-68 (4) regional workforce needs, including information
 18-69 about the required education and the average wage or salary for

19-1 careers that meet those workforce needs; and
19-2 (5) effective strategies for engaging students and
19-3 parents in planning for postsecondary education and potential
19-4 careers, including participation in mentorships and business
19-5 partnerships.

19-6 SECTION 15. Section 48.104(f), Education Code, is amended
19-7 to read as follows:

19-8 (f) A student receiving a full-time virtual education under
19-9 Chapter 30B [~~through the state virtual school network~~] may be
19-10 included in determining the number of students who are
19-11 educationally disadvantaged and reside in an economically
19-12 disadvantaged census block group under Subsection (b) or (e), as
19-13 applicable, if the school district or full-time virtual program
19-14 submits to the commissioner a plan detailing the enhanced services
19-15 that will be provided to the student and the commissioner approves
19-16 the plan.

19-17 SECTION 16. The following provisions of the Education Code
19-18 are repealed:

- 19-19 (1) the heading to Chapter 30A;
- 19-20 (2) the heading to Subchapter A, Chapter 30A;
- 19-21 (3) Section 30A.006;
- 19-22 (4) the heading to Subchapter B, Chapter 30A;
- 19-23 (5) Section 30A.053;
- 19-24 (6) Section 30A.055;
- 19-25 (7) Section 30A.056;
- 19-26 (8) the heading to Subchapter C, Chapter 30A;
- 19-27 (9) Section 30A.1042;
- 19-28 (10) the heading to Subchapter D, Chapter 30A; and
- 19-29 (11) Section 30A.152.

19-30 SECTION 17. This Act applies beginning with the 2021-2022
19-31 school year.

19-32 SECTION 18. This Act takes effect immediately if it
19-33 receives a vote of two-thirds of all the members elected to each
19-34 house, as provided by Section 39, Article III, Texas Constitution.
19-35 If this Act does not receive the vote necessary for immediate
19-36 effect, this Act takes effect September 1, 2021.

19-37 * * * * *