

By: Madden

H.B. No. 1445

A BILL TO BE ENTITLED

AN ACT

relating to the creation and operation of a state virtual school network to provide education through electronic means to public school students.

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

SECTION 1. Subtitle F, Title 2, Education Code, is amended by adding Chapter 30A to read as follows:

CHAPTER 30A. STATE VIRTUAL SCHOOL NETWORK

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 30A.001. DEFINITIONS. In this chapter:

(1) "Board" means the State Board of Education.

(2) "Electronic course or program" means an educational course or program:

(A) that includes use of the Internet, computer software, online services, another electronic medium, or another means of conveying information;

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

(C) in which a student is not located on the physical premises of a school district.

(3) "Local provider school district" means a school district that provides an electronic course or program to students enrolled in that school district or to students enrolled in another

1 school district through an agreement with the other school  
2 district.

3 (4) "Provider school district" means a local provider  
4 school district or a state provider school district.

5 (5) "State provider school district" means a school  
6 district that, through the state virtual school network, provides  
7 electronic courses or programs to students enrolled in the state  
8 virtual school network.

9 Sec. 30A.002. MISSION. The board shall ensure high-quality  
10 education for public school students in this state who are being  
11 educated through electronic courses or programs.

12 Sec. 30A.003. APPLICABILITY OF CHAPTER. (a) Except as  
13 provided by Subsection (c), this chapter does not affect the  
14 provision of a course or program to a student while the student is  
15 located on the physical premises of a school district.

16 (b) This chapter does not affect the provision of distance  
17 learning courses offered under other law.

18 (c) A school district may choose to participate in providing  
19 an electronic course or program under this chapter to a student who  
20 is located on the physical premises of a school district.

21 [Sections 30A.004-30A.050 reserved for expansion]

22 SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

23 Sec. 30A.051. GOVERNANCE OF NETWORK. The board shall govern  
24 the state virtual school network.

25 Sec. 30A.052. GENERAL POWERS AND DUTIES OF BOARD. (a) The  
26 board shall prepare or provide for preparation of a biennial budget  
27 request for the state virtual school network for presentation to

1 the legislature.

2 (b) The board has exclusive jurisdiction over the physical  
3 assets of the network and shall administer and spend appropriations  
4 made for the benefit of the network.

5 (c) The board shall:

6 (1) employ or contract with the agency to employ a  
7 limited number of administrative employees to operate the network;  
8 or

9 (2) contract with a regional education service center  
10 for the service center to operate the network.

11 Sec. 30A.053. REPORTS. (a) The board shall prepare a  
12 report for each fiscal year documenting activities of the state  
13 virtual school network in accordance with this chapter. Not later  
14 than January 31 of each year, the board shall file the report for  
15 the preceding fiscal year with the governor, the lieutenant  
16 governor, and the speaker of the house of representatives.

17 (b) The report shall include an evaluation of the  
18 performance under Chapter 39 of state provider school districts and  
19 local provider school districts.

20 Sec. 30A.054. LIMITATIONS ON NETWORK POWERS. The state  
21 virtual school network may not:

22 (1) develop its own curriculum, courses, or programs;  
23 or

24 (2) provide educational services directly to a  
25 student.

26 [Sections 30A.055-30A.100 reserved for expansion]

1           SUBCHAPTER C. PROVISION OF ELECTRONIC COURSES AND PROGRAMS

2           Sec. 30A.101. LISTING OF ELECTRONIC COURSES AND PROGRAMS.

3   (a) The board shall:

4           (1) establish quality-related criteria as provided by  
5   Section 30A.102 for electronic courses and programs that a provider  
6   school district may offer to students enrolled in public school  
7   districts in this state;

8           (2) using the criteria established under Section  
9   30A.102, evaluate electronic courses and programs offered by a  
10   provider school district;

11           (3) place electronic courses and programs offered by a  
12   state provider school district on an approved list for state use or  
13   for use within an area designated by the state provider school  
14   district;

15           (4) place electronic courses and programs offered by a  
16   local provider school district on an approved list for use by:

17           (A) students enrolled in the local provider  
18   school district; or

19           (B) students enrolled in another district  
20   through an agreement with the local provider school district; and

21           (5) provide public access to the list of courses and  
22   programs offered by provider school districts, and a detailed  
23   description of the courses and programs that comply with Section  
24   230A.30A030A(f).

25           (b) To ensure that a full range of courses and programs are  
26   offered to students in this state, including advanced placement  
27   courses, the board:

1           (1) shall create a list of those subjects and courses  
2 designated by the board under Subchapter A, Chapter 28, for which  
3 the board has identified essential knowledge and skills or for  
4 which the board has designated content requirements under  
5 Subchapter A, Chapter 28;

6           (2) shall note each course for which an electronic  
7 course or program is not available;

8           (3) shall determine the level of interest of students  
9 and parents in courses for which an electronic course or program is  
10 not available;

11           (4) shall make publicly available the interest level  
12 for those courses; and

13           (5) if the board determines sufficient interest  
14 exists, may solicit local provider school districts to offer such a  
15 course or program.

16           Sec. 30A.102. CRITERIA FOR ELECTRONIC COURSES AND PROGRAMS.

17           (a) The board by rule shall establish an objective standard  
18 criteria for quality of an electronic course or program.

19           (b) The criteria must include the essential knowledge and  
20 skills requirements identified under Subchapter A, Chapter 28. The  
21 criteria may not permit the board to prohibit provider school  
22 districts from applying for approval for an electronic course or  
23 program for a course for which essential knowledge and skills have  
24 been identified.

25           (c) The criteria may not include:

26           (1) distinctions between state provider school  
27 districts and local provider school districts;

1           (2) requirements for or prohibitions on particular  
2 kinds of technology; or

3           (3) any requirements that are developmentally  
4 inappropriate for students.

5           (d) The criteria must be in place at least six months before  
6 the board uses the criteria in evaluating an electronic course or  
7 program under Section 30A.103.

8           Sec. 30A.103. APPROVAL OF ELECTRONIC COURSES AND PROGRAMS.

9 The board shall:

10           (1) establish a schedule for an annual submission and  
11 approval process for electronic courses and programs;

12           (2) evaluate electronic courses or programs submitted  
13 by provider school districts; and

14           (3) approve courses or programs that meet the criteria  
15 established under Section 30A.102.

16           Sec. 30A.104. APPEAL TO COMMISSIONER. (a) Before an  
17 evaluation under Section 30A.103 begins, a provider school district  
18 may appeal to the commissioner on the grounds that the criteria is  
19 not objective or does not otherwise comply with this chapter.

20           (b) A provider school district may appeal to the  
21 commissioner the board's refusal to approve an electronic course or  
22 program.

23           (c) If the commissioner determines that the criteria is not  
24 objective or does not otherwise comply with this chapter or that the  
25 evaluation did not follow the criteria or was otherwise irregular,  
26 the commissioner may overrule the board and place the course or  
27 program on a list of approved courses or programs. The

1 commissioner's decision under this section is final and may not be  
2 appealed.

3 Sec. 30A.105. OPTIONS FOR PROVIDERS AND STUDENTS. (a) A  
4 provider school district may offer electronic courses and programs  
5 as a state provider school district, a local provider school  
6 district, or both, with courses and programs on one or both lists.

7 (b) A student who wishes to take an electronic course or  
8 program may:

9 (1) apply to the state virtual school network to take a  
10 course or program full-time from one or more state provider school  
11 districts, subject to:

12 (A) an agreement between the state virtual school  
13 network and a state provider school district designating the  
14 district as the responsible entity; and

15 (B) if the student applies to take courses or  
16 parts of a program from more than one state provider school  
17 district, an inter-district agreement between or among the  
18 districts under Section 30A.154 designating one of the districts as  
19 the responsible entity;

20 (2) enroll in the school district in which the student  
21 resides and take one or more electronic courses or programs from one  
22 or more local provider school districts either directly or through  
23 an inter-district agreement under Section 30A.154; or

24 (3) with the agreement of the school district in which  
25 the student resides, enroll in that district and take one or more  
26 electronic courses or programs from both one or more state provider  
27 school districts and one or more local provider school districts.

1       (c) A district may not require a student to enroll in an  
2 electronic course or program.

3       (d) For purposes of this section, "responsible entity"  
4 means the local education agency that has control of funds, is  
5 accountable under Chapter 39, and is responsible for providing  
6 programs such as special education and bilingual education and for  
7 diplomas, course credits, transcripts, grades, and other  
8 educational matters for a student. For a student enrolled as  
9 provided by Subsection (b)(1), the designated state provider school  
10 district is the responsible entity. For a student enrolled as  
11 provided by Subsection (b)(2), the school district in which the  
12 student resides is the responsible entity. For a student enrolled  
13 as provided by Subsection (b)(3), the responsible entity is  
14 determined by agreement between the district in which the student  
15 resides and the provider district or districts.

16       Sec. 30A.106. COMPULSORY ATTENDANCE. The board by rule  
17 shall adopt procedures for verifying the attendance of a student  
18 enrolled in an electronic course or program provided by a provider  
19 school district. The rules may modify:

20               (1) the application of Sections 25.085, 25.086, and  
21 25.087 for a student enrolled in an electronic course or program;  
22 and

23               (2) any other law inconsistent with the provision of  
24 electronic courses or programs.

25       Sec. 30A.107. TEACHER TRAINING. The state virtual school  
26 network may provide or provide for training for teachers who are  
27 teaching electronic courses or programs.



1       Sec. 30A.108. REGIONAL EDUCATION SERVICE CENTERS AND OTHER  
2 RESOURCES. (a) The board by rule shall allow regional education  
3 service centers to participate in the state virtual school network.

4       (b) The board by rule may establish procedures for providing  
5 additional resources, such as an online library, to students served  
6 through the state virtual school network. The board may provide the  
7 additional resources only if the board receives an appropriation,  
8 gift, or grant sufficient to pay the costs of providing those  
9 resources.

10       [Sections 30A.109-30A.150 reserved for expansion]

11                   SUBCHAPTER D. FUNDING

12       Sec. 30A.151. COSTS TO BE BORNE BY STATE. (a) Except as  
13 authorized by Section 30A.152 or this section, the state shall pay  
14 the cost of operating the state virtual school network.

15       (b) The costs for students enrolled in a state provider  
16 school district shall be paid from the foundation school fund and  
17 from appropriated funds. The legislature in the General  
18 Appropriations Act may limit the number of students who may be  
19 enrolled in state provider school districts through the state  
20 virtual school network.

21       (c) The operating costs of the state virtual school network  
22 may not be charged to a school district.

23       Sec. 30A.152. GRANTS AND FEDERAL FUNDS. (a) The board may  
24 accept a grant for purposes of this chapter from a public or private  
25 person and shall use those funds in accordance with the board's  
26 duties regarding the state virtual school network.

27       (b) The board may accept federal funds for purposes of this

1 chapter and shall use those funds in compliance with applicable  
2 federal law, regulations, and guidelines.

3 Sec. 30A.153. ALLOCATION OF FUNDS FOR STATE PROVIDER SCHOOL  
4 DISTRICTS. For a student enrolled in a state provider school  
5 district through the state virtual school network, the commissioner  
6 by rule shall allocate to the district funds from the foundation  
7 school fund based on an amount, established in the General  
8 Appropriations Act, for contact hours or the student's successful  
9 completion of a course. The amount established in the General  
10 Appropriations Act must be based on the equivalent of the same  
11 number of school years, days, and hours applicable to other school  
12 districts.

13 Sec. 30A.154. ALLOCATION OF FUNDS FOR COURSES OR PROGRAMS  
14 OFFERED BY LOCAL PROVIDER SCHOOL DISTRICTS. (a) A local provider  
15 school district is entitled to receive federal, state, and local  
16 funding for a student enrolled in an electronic course or program  
17 offered by the district in an amount equal to the funding the  
18 district is otherwise entitled to receive for a student enrolled in  
19 the district. A school district may compute the average daily  
20 attendance of a student enrolled in an electronic course or program  
21 based on:

22 (1) hours of contact with the student, based on  
23 successful progress on or completion of modules of the course or  
24 program; or

25 (2) the student's successful completion of a course.

26 (b) A local provider school district and the school district  
27 in which a student resides shall enter into an agreement related to

1 the payment of the local share of the cost of the student's  
2 enrollment in an electronic course or program.

3 Sec. 30A.155. FUNDING FOR ACCELERATED STUDENTS. (a) A state  
4 provider school district may apply for additional funding for an  
5 accelerated student who is enrolled in more than the course load  
6 taken by a student in the equivalent grade level in other school  
7 districts.

8 (b) The board by rule shall set a limit on the total amount  
9 of funding for which an accelerated student is eligible, with  
10 appropriate flexibility for students seeking to graduate early or  
11 recover course credits.

12 (c) The legislature in the General Appropriations Act may  
13 limit the amount of funding and the number of hours or courses  
14 eligible for funding under this section.

15 Sec. 30A.156. FEES. (a) A state provider school district  
16 may charge a fee for enrollment in an electronic course or program  
17 provided by the district to:

18 (1) a student who does not reside in this state; or

19 (2) a student who:

20 (A) resides in this state;

21 (B) is enrolled in a course load greater than  
22 that normally taken by students in the equivalent grade level in  
23 other school districts; and

24 (C) does not qualify for accelerated funding  
25 under Section 30A.155.

26 (b) Except as provided by Subsection (a), the state virtual  
27 school network may not charge a fee to students for electronic

1 courses or programs provided by a state or local provider school  
2 district.

3 SECTION 2. The State Board of Education shall ensure that  
4 the state virtual school network under Chapter 30A, Education Code,  
5 as added by this Act, begins operations in a manner that allows  
6 students to enroll in electronic courses and programs offered  
7 through the network beginning with the 2006-2007 school year.

8 SECTION 3. This Act takes effect September 1, 2005.