

By: Madden, Eissler, et al.

H.B. No. 277

Substitute the following for H.B. No. 277:

By: Mowery

C.S.H.B. No. 277

A BILL TO BE ENTITLED

AN ACT

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

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) "Administering authority" means the entity designated under Section 30A.053 to administer the state virtual school network.

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

(3) "Course" means a course of study that meets the requirements of Section 30A.104.

(4) "Electronic course" means a course in which:

(A) instruction and content are delivered primarily over the Internet;

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

(C) most instructional activities take place in an online environment;

(D) the online instructional activities are integral to the academic program;

1 (E) extensive communication between a student
2 and a teacher and among students is emphasized; and

3 (F) a student is not required to be located on the
4 physical premises of a school district or open-enrollment charter
5 school.

6 (5) "Electronic diagnostic assessment" means a
7 formative or instructional assessment used in conjunction with an
8 electronic course to ensure that:

9 (A) a teacher of an electronic course has
10 information related to a student's academic performance in that
11 course; and

12 (B) a student enrolled in an electronic course
13 makes documented progress in mastering the content of the course.

14 (6) "Electronic professional development course"
15 means a professional development course in which instruction and
16 content are delivered primarily over the Internet.

17 (7) "Provider school district or school" means a
18 school district or open-enrollment charter school that provides an
19 electronic course through the state virtual school network to:

20 (A) students enrolled in that district or school;
21 or

22 (B) students enrolled in another school district
23 or school.

24 Sec. 30A.002. STUDENT ELIGIBILITY. (a) A student is
25 eligible to enroll in a course provided through the state virtual
26 school network only if the student:

27 (1) is younger than 21 years of age on September 1 of

1 the school year;

2 (2) has not graduated from high school; and

3 (3) is otherwise eligible to enroll in a public school
4 in this state.

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

7 (1) the student was enrolled in a public school in this
8 state in the preceding school year; or

9 (2) the student:

10 (A) is a dependent of a member of the United
11 States military;

12 (B) was previously enrolled in high school in
13 this state; and

14 (C) does not reside in this state due to a
15 military deployment or transfer.

16 Sec. 30A.003. PROVISION OF COMPUTER EQUIPMENT OR INTERNET
17 SERVICE. This chapter does not:

18 (1) require a school district, an open-enrollment
19 charter school, a provider school district or school, or the state
20 to provide a student with home computer equipment or Internet
21 access for a course provided through the state virtual school
22 network; or

23 (2) prohibit a school district or open-enrollment
24 charter school from providing a student with home computer
25 equipment or Internet access for a course provided through the
26 state virtual school network.

27 Sec. 30A.004. APPLICABILITY OF CHAPTER. (a) Except as

1 provided by Subsection (c), this chapter does not affect the
2 provision of a course to a student while the student is located on
3 the physical premises of a school district or open-enrollment
4 charter school.

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

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

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

15 [Sections 30A.006-30A.050 reserved for expansion]

16 SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

17 Sec. 30A.051. GOVERNANCE OF NETWORK. (a) The commissioner
18 shall:

19 (1) administer the state virtual school network; and

20 (2) ensure:

21 (A) high-quality education for students in this
22 state who are being educated through electronic courses provided
23 through the state virtual school network; and

24 (B) equitable access by students to those
25 courses.

26 (b) The commissioner may adopt rules necessary to implement
27 this chapter.

1 Sec. 30A.052. GENERAL POWERS AND DUTIES OF COMMISSIONER.

2 (a) The commissioner shall prepare or provide for preparation of a
3 biennial budget request for the state virtual school network for
4 presentation to the legislature.

5 (b) The commissioner has exclusive jurisdiction over the
6 assets of the network and shall administer and spend appropriations
7 made for the benefit of the network.

8 (c) The commissioner shall:

9 (1) employ a limited number of administrative
10 employees in connection with the network; and

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

13 Sec. 30A.053. DESIGNATION OF ADMINISTERING AUTHORITY. The
14 commissioner shall designate an agency employee or a group of
15 agency employees to act as the administering authority for the
16 state virtual school network.

17 Sec. 30A.054. REPORTS. (a) The commissioner shall prepare
18 a report for each fiscal year documenting activities of the state
19 virtual school network in accordance with this chapter. Not later
20 than January 31 of each year, the commissioner shall file the report
21 for the preceding fiscal year with the governor, the lieutenant
22 governor, and the speaker of the house of representatives.

23 (b) To the extent permitted under the Family Educational
24 Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g):

25 (1) the report under Subsection (a) must include the
26 results of assessment instruments administered to students
27 enrolled in electronic courses under this chapter; and

1 (2) the commissioner shall make information relating
2 to the performance of students enrolled in electronic courses under
3 this chapter available to school districts, open-enrollment
4 charter schools, and the public.

5 (c) The commissioner shall investigate alternative models
6 for funding the operation of the state virtual school network and
7 for student attendance in electronic courses provided through the
8 network. Not later than December 1, 2008, the commissioner shall
9 submit a report to each member of the legislature that recommends
10 alternative funding models for the state virtual school network to
11 ensure the quality of electronic courses provided through the
12 network, increase access through the network to more courses,
13 enable more students to take courses through the network, sustain
14 the network's operations, and increase the network's ability to
15 accommodate greater numbers of students and provide greater numbers
16 of courses. This subsection expires January 15, 2009.

17 Sec. 30A.055. LIMITATIONS ON ADMINISTERING AUTHORITY
18 POWERS. The administering authority may not provide educational
19 services directly to a student.

20 Sec. 30A.056. CONTRACTS WITH VIRTUAL SCHOOL SERVICE
21 PROVIDERS. (a) Each contract between a school district or
22 open-enrollment charter school and the administering authority
23 must:

24 (1) provide that the administering authority may
25 cancel the contract without penalty if legislative authorization
26 for the district or school to offer an electronic course through the
27 state virtual school network is revoked; and

1 (2) be submitted to the commissioner.

2 (b) A contract submitted under this section is public
3 information for purposes of Chapter 552, Government Code.

4 [Sections 30A.057-30A.100 reserved for expansion]

5 SUBCHAPTER C. PROVISION OF ELECTRONIC COURSES

6 Sec. 30A.101. ELIGIBILITY TO ACT AS PROVIDER SCHOOL
7 DISTRICT OR SCHOOL. (a) A school district is eligible to act as a
8 provider school district under this chapter only if the district is
9 rated academically acceptable or higher under Section 39.072.

10 (b) An open-enrollment charter school is eligible to act as
11 a provider school under this chapter only if the school is rated
12 recognized or higher under Section 39.072, and may serve as a
13 provider school only:

14 (1) to a student within the school district in which
15 the school is located or within its service area, whichever is
16 smaller; or

17 (2) to another student in the state through an
18 agreement with the administering authority under Section 30A.153.

19 Sec. 30A.102. LISTING OF ELECTRONIC COURSES. (a) The
20 administering authority shall:

21 (1) publish the criteria required by Section 30A.103
22 for electronic courses that may be offered through the state
23 virtual school network;

24 (2) using the criteria required by Section 30A.103,
25 evaluate electronic courses submitted by a provider school district
26 or school or another entity that owns the rights to an electronic
27 course to be offered through the network;

1 (3) create a list of electronic courses approved by
2 the administering authority; and

3 (4) provide public access to the list of approved
4 electronic courses offered through the network and a detailed
5 description of the courses that complies with Section 30A.108.

6 (b) To ensure that a full range of electronic courses,
7 including advanced placement courses, are offered to students in
8 this state, the administering authority:

9 (1) shall create a list of those subjects and courses
10 designated by the board under Subchapter A, Chapter 28, for which
11 the board has identified essential knowledge and skills or for
12 which the board has designated content requirements under
13 Subchapter A, Chapter 28;

14 (2) shall enter into agreements with entities that own
15 the rights to electronic courses to lease, obtain a license for, or
16 purchase the courses for the purpose of offering the courses
17 through the state virtual school network; and

18 (3) may develop or authorize the development of
19 additional electronic courses that:

20 (A) are needed to complete high school graduation
21 requirements; and

22 (B) are not otherwise available through the state
23 virtual school network.

24 Sec. 30A.103. CRITERIA FOR ELECTRONIC COURSES. (a) The
25 board by rule shall establish an objective standard criteria for an
26 electronic course to ensure alignment with the essential knowledge
27 and skills requirements identified or content requirements

1 established under Subchapter A, Chapter 28. The criteria may not
2 permit the administering authority to prohibit provider school
3 districts or schools from applying for approval for an electronic
4 course for a course for which essential knowledge and skills have
5 been identified.

6 (b) The criteria must be consistent with Section 30A.104 and
7 may not include any requirements that are developmentally
8 inappropriate for students.

9 (c) The commissioner by rule may:

10 (1) establish additional quality-related criteria for
11 electronic courses; and

12 (2) provide for a period of public comment regarding
13 the criteria.

14 (d) The criteria must be in place at least six months before
15 the administering authority uses the criteria in evaluating an
16 electronic course under Section 30A.105.

17 Sec. 30A.104. COURSE ELIGIBILITY IN GENERAL. A course
18 offered through the state virtual school network must:

19 (1) be in a specific subject that is part of the
20 required curriculum under Section 28.002(a);

21 (2) be aligned with the essential knowledge and skills
22 identified under Section 28.002(c); and

23 (3) be the equivalent in instructional rigor and scope
24 to a course that is provided in a traditional classroom setting
25 during:

26 (A) a semester of 90 instructional days; and

27 (B) a school day that meets the minimum length of

1 a school day required under Section 25.082.

2 Sec. 30A.105. APPROVAL OF ELECTRONIC COURSES. (a) The
3 administering authority shall:

4 (1) establish a schedule for an annual submission and
5 approval process for electronic courses;

6 (2) evaluate electronic courses to be offered through
7 the state virtual school network; and

8 (3) not later than August 1 of each year, approve
9 electronic courses that:

10 (A) meet the criteria established under Section
11 30A.103; and

12 (B) provide the minimum instructional rigor and
13 scope required under Section 30A.104.

14 (b) The administering authority shall establish the cost of
15 providing an electronic course approved under Subsection (a), which
16 may not exceed \$400 per student per course or \$4,800 per full-time
17 student.

18 (c) A school district, open-enrollment charter school, or
19 entity that owns the rights to an electronic course that submits an
20 electronic course to the administering authority for approval must
21 pay a fee in an amount established by the commissioner as sufficient
22 to recover the reasonable costs to the administering authority in
23 evaluating and approving electronic courses.

24 (d) The administering authority shall waive the fee
25 required by Subsection (c) if a school district or open-enrollment
26 charter school applies for approval of an electronic course that
27 was developed independently by the district or school. For

1 purposes of this subsection, an electronic course is developed
2 independently by a district or school if a district or school
3 employee is responsible for developing substantially each aspect of
4 the course, including:

5 (1) determining the curriculum elements to be included
6 in the course;

7 (2) selecting any instructional materials for the
8 course;

9 (3) determining the manner in which instruction is to
10 be delivered;

11 (4) creating a lesson plan or similar description of
12 the instructional aspects of the course;

13 (5) determining any special projects or assignments a
14 student in the course must complete; and

15 (6) determining the manner in which a student's
16 progress in the course will be measured.

17 Sec. 30A.106. APPEAL TO COMMISSIONER. (a) A provider
18 school district or school or an entity that owns the rights to an
19 electronic course may appeal to the commissioner the administering
20 authority's refusal to approve an electronic course under Section
21 30A.105.

22 (b) If the commissioner determines that the administering
23 authority's evaluation did not follow the criteria or was otherwise
24 irregular, the commissioner may overrule the administering
25 authority and place the course on a list of approved courses. The
26 commissioner's decision under this section is final and may not be
27 appealed.

1 Sec. 30A.107. OPTIONS FOR PROVIDERS AND STUDENTS. (a) A
2 provider school district or school may offer electronic courses to:

- 3 (1) students who reside in this state; and
4 (2) students who reside outside this state and who
5 meet the eligibility requirements under Section 30A.002(b).

6 (b) A student who is enrolled in a school district or
7 open-enrollment charter school in this state as a full-time student
8 may take one or more electronic courses through the state virtual
9 school network.

10 (c) A student who resides in this state but who is not
11 enrolled in a school district or open-enrollment charter school in
12 this state as a full-time student may, subject to Section 30A.155,
13 enroll in electronic courses through the state virtual school
14 network. A student to whom this subsection applies:

15 (1) may not in any semester enroll in more than two
16 electronic courses offered through the state virtual school
17 network;

18 (2) is not considered to be a public school student;

19 (3) must obtain access to a course provided through
20 the network through the school district or open-enrollment charter
21 school attendance zone in which the student resides;

22 (4) is not entitled to enroll in a course offered by a
23 school district or open-enrollment charter school other than an
24 electronic course provided through the network; and

25 (5) is not entitled to any right, privilege,
26 activities, or services available to a student enrolled in a public
27 school, other than the right to receive the appropriate unit of

1 credit for completing an electronic course.

2 (d) A school district or open-enrollment charter school may
3 not require a student to enroll in an electronic course.

4 Sec. 30A.108. INFORMED CHOICE REPORTS. (a) Not later than
5 a date determined by the commissioner, the administering authority
6 shall create and maintain on the state virtual school network's
7 Internet website an "informed choice" report as provided by
8 commissioner rule.

9 (b) Each report under this section must describe each
10 electronic course offered through the state virtual school network
11 and include information such as course requirements and the school
12 year calendar for the course, including any options for continued
13 participation outside of the standard school year calendar.

14 Sec. 30A.109. COMPULSORY ATTENDANCE. The commissioner by
15 rule shall adopt procedures for reporting and verifying the
16 attendance of a student enrolled in an electronic course provided
17 through the state virtual school network. The rules may modify:

18 (1) the application of Sections 25.085, 25.086, and
19 25.087 for a student enrolled in an electronic course; and

20 (2) any other law inconsistent with the provision of
21 electronic courses.

22 Sec. 30A.110. APPLICABILITY OF ACCOUNTABILITY
23 REQUIREMENTS. (a) Chapter 39 applies to an electronic course
24 offered by a school district or open-enrollment charter school
25 through the state virtual school network in the same manner that
26 that chapter applies to any other course offered by the district or
27 school.

1 (b) Each student enrolled under this chapter in an
2 electronic course offered through the state virtual school network
3 must take any assessment instrument under Section 39.023 that is
4 administered to students who are provided instruction in the course
5 material in the traditional classroom setting. The administration
6 of the assessment instrument to the student enrolled in the
7 electronic course must be supervised by a proctor.

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

15 Sec. 30A.111. TEACHER QUALIFICATIONS. Each teacher of an
16 electronic course offered through the state virtual school network
17 must:

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

20 (2) successfully complete the appropriate
21 professional development course provided under Section 30A.112(a)
22 before teaching an electronic course offered through the network.

23 Sec. 30A.112. EDUCATOR PROFESSIONAL DEVELOPMENT. (a) The
24 state virtual school network shall provide or authorize providers
25 of electronic professional development courses or programs to
26 provide professional development for teachers who are teaching
27 electronic courses through the network.

1 (b) The state virtual school network may provide or
2 authorize providers of electronic professional development courses
3 to provide professional development for:

4 (1) teachers who are teaching subjects or grade levels
5 for which the teachers are not certified;

6 (2) teachers who must become highly qualified under
7 Section 1119, No Child Left Behind Act of 2001 (20 U.S.C. Section
8 6319); or

9 (3) teachers who must become qualified under the
10 Individuals with Disabilities Education Act (20 U.S.C. Section 1400
11 et seq.).

12 Sec. 30A.113. CRITERIA FOR ELECTRONIC PROFESSIONAL
13 DEVELOPMENT COURSES. The commissioner by rule shall establish
14 objective standard criteria for quality of an electronic
15 professional development course provided under Section 30A.112.

16 Sec. 30A.114. REGIONAL EDUCATION SERVICE CENTERS. The
17 commissioner by rule shall allow regional education service centers
18 to participate in the state virtual school network in the same
19 manner as provider school districts and schools.

20 Sec. 30A.115. ADDITIONAL RESOURCES. The commissioner by
21 rule may establish procedures for providing additional resources,
22 such as an online library, to students and educators served through
23 the state virtual school network. The administering authority may
24 provide the additional resources only if the commissioner receives
25 an appropriation, gift, or grant sufficient to pay the costs of
26 providing those resources.

27 [Sections 30A.116-30A.150 reserved for expansion]

SUBCHAPTER D. FUNDING

1
2 Sec. 30A.151. COSTS TO BE BORNE BY STATE. (a) Except as
3 authorized by Section 30A.152 or this section, the state shall pay
4 the cost of operating the state virtual school network.

5 (b) The operating costs of the state virtual school network
6 may not be charged to a school district or open-enrollment charter
7 school.

8 (c) The costs of providing electronic professional
9 development courses may be paid by state funds appropriated by the
10 legislature or federal funds that may be used for that purpose.

11 (d) State funds received by a school district or
12 open-enrollment charter school under this chapter are in addition
13 to any amounts to which the district or school is entitled to
14 receive or retain under Chapter 12, 41, or 42 and are not subject to
15 reduction under any provision of those chapters.

16 (e) State funds provided in connection with the state
17 virtual school network may not be used in a manner that violates
18 Section 7, Article I, Texas Constitution.

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

24 (b) The commissioner may accept federal funds for purposes
25 of this chapter and shall use those funds in compliance with
26 applicable federal law, regulations, and guidelines.

27 Sec. 30A.153. ALLOCATION OF FUNDS FOR STUDENTS ENROLLED IN

1 SCHOOL DISTRICTS AND OPEN-ENROLLMENT CHARTER SCHOOLS. (a) A
2 school district or open-enrollment charter school in which a
3 student is enrolled is entitled to receive state and local funding
4 for a student enrolled in an electronic course offered through the
5 state virtual school network in an amount equal to the cost of
6 providing the electronic course, as established by commissioner
7 rule, plus 20 percent.

8 (b) As determined by the commissioner for each approved
9 course, a school district or open-enrollment charter school may
10 receive payment for a student enrolled in an electronic course
11 based on the student's:

12 (1) successful progress on or completion of modules of
13 the course; or

14 (2) successful completion of a course.

15 (c) A provider school district or school, the school
16 district or open-enrollment charter school in which a student is
17 enrolled, and the administering authority shall enter into an
18 agreement related to the payment of the cost of a student's
19 enrollment in an electronic course. The payment to a provider
20 school district or school under this subsection may not exceed the
21 cost of providing the electronic course, as established by
22 commissioner rule.

23 (d) The agreement under Subsection (c) must:

24 (1) permit the school district or open-enrollment
25 charter school in which the student is enrolled as a full-time
26 student to retain, for the district's or school's administrative
27 costs, an amount not to exceed 20 percent of the amount of funds the

1 district or school receives under Subsection (a) in connection with
2 the student; and

3 (2) identify the services each school district or
4 open-enrollment charter school is required to provide to the
5 student.

6 (e) The administering authority, with the approval of the
7 commissioner, shall adopt a standard agreement under Subsection (c)
8 that governs payment of funds and other matters relating to a
9 student's enrollment in an electronic course offered through the
10 state virtual school network. Each school district or
11 open-enrollment charter school participating in the state virtual
12 school network shall use the standard agreement as provided by
13 Subsection (c) unless:

14 (1) the district or school requests from the
15 commissioner permission to modify the standard agreement; and

16 (2) the commissioner authorizes the modification.

17 Sec. 30A.154. FUNDING FOR ACCELERATED STUDENTS. (a) A
18 school district or open-enrollment charter school may apply for
19 additional funding for an accelerated student who is enrolled in
20 more than the course load taken by a student in the equivalent grade
21 level in other school districts or open-enrollment charter schools.

22 (b) The commissioner by rule shall set a limit on the total
23 amount of funding for which an accelerated student is eligible.

24 (c) The legislature in the General Appropriations Act may
25 limit the amount of funding and the number of courses eligible for
26 funding under this section.

27 Sec. 30A.155. FEES. (a) A school district or

1 open-enrollment charter school may charge a fee for enrollment in
2 an electronic course provided through the state virtual school
3 network to a student who resides in this state and:

4 (1) is enrolled in a school district or
5 open-enrollment charter school as a full-time student;

6 (2) is enrolled in a course load greater than that
7 normally taken by students in the equivalent grade level in other
8 school districts or open-enrollment charter schools; and

9 (3) does not qualify for accelerated student funding
10 under Section 30A.154.

11 (b) A school district or open-enrollment charter school
12 shall charge a fee for enrollment in an electronic course provided
13 through the state virtual school network to a student who resides in
14 this state and is not enrolled in a school district or
15 open-enrollment charter school as a full-time student.

16 (c) The amount of a fee charged a student under Subsection
17 (a) or (b) for each electronic course in which the student enrolls
18 through the state virtual school network may not exceed the lesser
19 of:

20 (1) the cost of providing the course; or

21 (2) \$400.

22 (d) Except as provided by Subsection (a) or (b), the state
23 virtual school network may not charge a fee to students for
24 electronic courses provided through the network.

25 SECTION 2. Chapter 26, Education Code, is amended by adding
26 Section 26.0031 to read as follows:

27 Sec. 26.0031. RIGHTS CONCERNING STATE VIRTUAL SCHOOL

1 NETWORK. (a) At the time and in the manner that a school district
2 or open-enrollment charter school informs students and parents
3 about courses that are offered in the district's or school's
4 traditional classroom setting, the district or school shall notify
5 parents and students of the option to enroll in an electronic course
6 offered through the state virtual school network under Chapter 30A.

7 (b) A school district or open-enrollment charter school in
8 which a student is enrolled as a full-time student may not
9 unreasonably deny the request of a parent of a student to enroll the
10 student in an electronic course offered through the state virtual
11 school network under Chapter 30A.

12 (c) For purposes of Subsection (b), a school district or
13 open-enrollment charter school is not considered to have
14 unreasonably denied a request to enroll a student in an electronic
15 course if:

16 (1) the district or school can demonstrate that the
17 course does not meet state standards or standards of the district or
18 school that are of equivalent rigor as the district's or school's
19 standards for the same course provided in a traditional classroom
20 setting;

21 (2) a student attempts to enroll in a course load that:

22 (A) is inconsistent with the student's high
23 school graduation plan; or

24 (B) could reasonably be expected to negatively
25 affect the student's performance on an assessment instrument
26 administered under Section 39.023; or

27 (3) the student requests permission to enroll in an

1 electronic course at a time that is not consistent with the
2 enrollment period established by the school district or
3 open-enrollment charter school providing the course.

4 (d) Notwithstanding Subsection (c)(3), a school district or
5 open-enrollment charter school that provides an electronic course
6 through the state virtual school network under Chapter 30A shall
7 make all reasonable efforts to accommodate the enrollment of a
8 student in the course under special circumstances.

9 (e) A parent may appeal to the commissioner a school
10 district's or open-enrollment charter school's decision to deny a
11 request to enroll a student in an electronic course offered through
12 the state virtual school network. The commissioner's decision
13 under this subsection is final and may not be appealed.

14 SECTION 3. (a) Subject to Subsection (b) of this section,
15 the commissioner of education shall ensure that the state virtual
16 school network under Chapter 30A, Education Code, as added by this
17 Act, begins operations in a manner that allows students to enroll in
18 electronic courses offered through the network beginning with the
19 2008-2009 school year.

20 (b) The state virtual school network under Chapter 30A,
21 Education Code, as added by this Act, shall provide electronic
22 courses as follows:

23 (1) for the 2008-2009 school year, the network shall
24 provide electronic courses for grades 9, 10, 11, and 12 only;

25 (2) for the 2009-2010 school year, the network shall
26 provide electronic courses for the grades identified in Subdivision
27 (1) of this subsection and grades six, seven, and eight only; and

1 (3) for the 2010-2011 and subsequent school years, the
2 network shall provide electronic courses for all grades.

3 SECTION 4. This Act takes effect September 1, 2007.