

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) "Board" means the State Board of Education.

(2) "Course" means a one-semester course of study in a subject that is the equivalent of 90 days of study as determined under Section 30A.104.

(3) "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 required to be located on the physical premises of a school district or open-enrollment charter school.

1           (4) "Electronic diagnostic assessment" means a  
2 formative or instructional assessment used in conjunction with an  
3 electronic course or program to ensure that:

4           (A) a teacher of an electronic course or program  
5 has information related to a student's academic performance in that  
6 course or program; and

7           (B) a student enrolled in an electronic course or  
8 program makes documented progress in mastering the content of the  
9 course or program.

10          (5) "Electronic professional development course"  
11 means a professional development course that includes use of the  
12 Internet, computer software, online services, another electronic  
13 medium, or another means of conveying information.

14          (6) "Program" means a full load of courses.

15          (7) "Provider school district or school" means a  
16 school district or open-enrollment charter school that provides an  
17 electronic course or program to:

18           (A) students enrolled in that district or school;  
19 or

20           (B) students enrolled in another school district  
21 or school through an agreement with the other district or school.

22          Sec. 30A.002. MISSION. The board shall ensure high-quality  
23 education for students in this state who are being educated through  
24 electronic courses or programs.

25          Sec. 30A.003. APPLICABILITY OF CHAPTER. (a) Except as  
26 provided by Subsection (c), this chapter does not affect the  
27 provision of a course or program to a student while the student is

1 located on the physical premises of a school district or  
2 open-enrollment charter school.

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

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

10 Sec. 30A.004. TELECOMMUNICATIONS OR INFORMATION SERVICES  
11 NETWORK NOT CREATED. This chapter does not create or authorize the  
12 creation of a telecommunications or information services network.

13 [Sections 30A.005-30A.050 reserved for expansion]

14 SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

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

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

21 (b) The board has exclusive jurisdiction over the physical  
22 assets of the network and shall administer and spend appropriations  
23 made for the benefit of the network.

24 (c) The board shall:

25 (1) employ or contract with the agency to employ a  
26 limited number of administrative employees to operate the network;

27 or

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

3           Sec. 30A.053. REPORTS. (a) The board shall prepare a  
4 report for each fiscal year documenting activities of the state  
5 virtual school network in accordance with this chapter. Not later  
6 than January 31 of each year, the board shall file the report for  
7 the preceding fiscal year with the governor, the lieutenant  
8 governor, and the speaker of the house of representatives.

9           (b) The report shall include:

10           (1) an evaluation of the performance under Chapter 39  
11 of provider school districts and schools; and

12           (2) to the extent permitted under the Family  
13 Educational Rights and Privacy Act of 1974 (20 U.S.C. Section  
14 1232g), the results of assessments administered to students  
15 enrolled in electronic courses or programs under this chapter.

16           (c) To the extent permitted under the Family Educational  
17 Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), the  
18 commissioner shall make information relating to the performance of  
19 students enrolled in electronic courses or programs under this  
20 chapter available to school districts, open-enrollment charter  
21 schools, and the public.

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

24           (1) develop its own curriculum, courses, or programs;  
25 or

26           (2) provide educational services directly to a  
27 student.

1       Sec. 30A.055. CONTRACTS WITH VIRTUAL SCHOOL SERVICE  
2 PROVIDERS. (a) Each contract between a school district or  
3 open-enrollment charter school and a virtual school service  
4 provider must:

5           (1) provide that the district or school may cancel the  
6 contract without penalty if legislative authorization for the  
7 district or school to offer an electronic course or program through  
8 the state virtual school network is revoked; and

9           (2) be submitted to the commissioner.

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

12       [Sections 30A.056-30A.100 reserved for expansion]

13       SUBCHAPTER C. PROVISION OF ELECTRONIC COURSES AND PROGRAMS

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

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

22           (1) to a student within the school district in which  
23 the school is located or within its service area, whichever is  
24 smaller; or

25           (2) to another student in the state through an  
26 agreement with the enrolling school under Section 30A.153.

27       Sec. 30A.102. LISTING OF ELECTRONIC COURSES AND PROGRAMS.

1 (a) The board shall:

2 (1) establish criteria as provided by Section 30A.103  
3 for electronic courses and programs that a provider school district  
4 or school may offer through the state virtual school network;

5 (2) using the criteria established under Section  
6 30A.103, evaluate electronic courses and programs offered by a  
7 provider school district or school;

8 (3) place electronic courses and programs offered by a  
9 provider school district or school on an approved list; and

10 (4) provide public access to the list of approved  
11 electronic courses and programs offered by provider school  
12 districts and schools, and a detailed description of the courses  
13 and programs that complies with Section 30A.108.

14 (b) To ensure that a full range of electronic courses and  
15 programs, including advanced placement courses, are offered to  
16 students in this state, the board:

17 (1) shall create a list of those subjects and courses  
18 designated by the board under Subchapter A, Chapter 28, for which  
19 the board has identified essential knowledge and skills or for  
20 which the board has designated content requirements under  
21 Subchapter A, Chapter 28;

22 (2) shall note each course for which an electronic  
23 course is not available;

24 (3) shall determine the level of interest of students  
25 and parents in courses for which an electronic course is not  
26 available;

27 (4) shall make publicly available the interest level

1 for those courses; and

2 (5) if the board determines sufficient interest  
3 exists, may solicit provider school districts or schools to offer  
4 such a course.

5 Sec. 30A.103. CRITERIA FOR ELECTRONIC COURSES AND PROGRAMS.

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

8 (b) The criteria must include the essential knowledge and  
9 skills requirements identified or content requirements established  
10 under Subchapter A, Chapter 28. The criteria may not permit the  
11 board to prohibit provider school districts or schools from  
12 applying for approval for an electronic course for a course for  
13 which essential knowledge and skills have been identified.

14 (c) The criteria may not include:

15 (1) requirements for or prohibitions against use of  
16 particular kinds of technology; or

17 (2) any requirements that are developmentally  
18 inappropriate for students.

19 (d) The criteria must be in place at least six months before  
20 the board uses the criteria in evaluating an electronic course or  
21 program under Section 30A.105.

22 (e) In establishing criteria under this section, the board  
23 shall review and consider quality-related criteria established in  
24 this state for existing virtual or distance learning courses or  
25 programs.

26 Sec. 30A.104. MINIMUM NUMBER OF INSTRUCTIONAL HOURS. An  
27 electronic course offered through the state virtual school network

1 must provide for at least the same number of instructional hours as  
2 required for a course offered in a program that meets the required  
3 minimum number of instructional days under Section 25.081 and the  
4 required length of school day under Section 25.082.

5 Sec. 30A.105. APPROVAL OF ELECTRONIC COURSES AND PROGRAMS.

6 (a) The board shall:

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

9 (2) evaluate electronic courses or programs submitted  
10 by provider school districts and schools; and

11 (3) not later than August 1 of each year, approve  
12 electronic courses or programs that:

13 (A) meet the criteria established under Section  
14 30A.103; and

15 (B) provide the minimum number of instructional  
16 hours required under Section 30A.104.

17 (b) The board shall establish the cost of providing an  
18 electronic course or program approved under Subsection (a), which  
19 may not exceed \$400 per student per course or \$4,800 per full-time  
20 student.

21 (c) A school district or open-enrollment charter school  
22 that submits an electronic course or program to the board for  
23 approval must pay a fee in an amount established by the commissioner  
24 as sufficient to recover the reasonable costs to the board in  
25 evaluating and approving electronic courses and programs.

26 (d) The board shall waive the fee required by Subsection (c)  
27 if a school district or open-enrollment charter school applies for

1 approval of an electronic course or program that:

2 (1) was developed under:

3 (A) Section 29.909;

4 (B) Subchapter D, Chapter 32, as added by Chapter  
5 834, Acts of the 78th Legislature, Regular Session, 2003; or

6 (C) any other pilot project for the provision of  
7 electronic courses or programs established before January 1, 2007;

8 or

9 (2) was developed independently by the district or  
10 school.

11 (e) For purposes of Subsection (d)(2), an electronic course  
12 or program is developed independently by a school district or  
13 open-enrollment charter school if a district or school employee is  
14 responsible for developing substantially each aspect of the course  
15 or program, including:

16 (1) determining the curriculum elements to be included  
17 in the course or program;

18 (2) selecting any instructional materials for the  
19 course or program;

20 (3) determining the manner in which instruction is to  
21 be delivered;

22 (4) creating a lesson plan or similar description of  
23 the instructional aspects of the course or program;

24 (5) determining any special projects or assignments a  
25 student in the course or program must complete; and

26 (6) determining the manner in which a student's  
27 progress in the course or program will be measured.

1       Sec. 30A.106. APPEAL TO COMMISSIONER. (a) Before an  
2 evaluation under Section 30A.105 begins, a provider school district  
3 or school may appeal to the commissioner on the grounds that the  
4 criteria is not objective or does not otherwise comply with this  
5 chapter.

6       (b) A provider school district or school may appeal to the  
7 commissioner the board's refusal to approve an electronic course or  
8 program.

9       (c) If the commissioner determines that the criteria is not  
10 objective or does not otherwise comply with this chapter or that the  
11 evaluation did not follow the criteria or was otherwise irregular,  
12 the commissioner may overrule the board and place the course or  
13 program on a list of approved courses or programs. The  
14 commissioner's decision under this section is final and may not be  
15 appealed.

16       Sec. 30A.107. OPTIONS FOR PROVIDERS AND STUDENTS. (a) A  
17 provider school district or school may offer electronic courses and  
18 programs to students in this state and outside this state.

19       (b) A student who is enrolled in a school district or  
20 open-enrollment charter school in this state as a full-time student  
21 and who wishes to take an electronic course or program through the  
22 state virtual school network may take one or more electronic  
23 courses from:

24           (1) the district or school in which the student is  
25 enrolled, if the district or school is a provider school district or  
26 school;

27           (2) a provider school district or school other than

1 the district or school in which the student is enrolled, under an  
2 agreement under Section 30A.153; or

3 (3) any combination of provider school districts and  
4 schools described by Subdivisions (1) and (2).

5 (c) A student who resides in this state but who is not  
6 enrolled in a school district or open-enrollment charter school in  
7 this state as a full-time student and who wishes to take an  
8 electronic course or program may, subject to Section 30A.156,  
9 enroll in electronic courses from one or more provider school  
10 districts or schools. A student to whom this subsection applies:

11 (1) may not in any semester enroll in more than two  
12 electronic courses offered through the state virtual school  
13 network; and

14 (2) is not considered to be a public school student.

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

17 Sec. 30A.108. INFORMED CHOICE REPORTS. (a) Not later than  
18 a date determined by the commissioner, each provider school  
19 district or school that offers an electronic course or program  
20 through the state virtual school network shall create and maintain  
21 on the district's or school's Internet website an "informed choice"  
22 report in a format determined by the commissioner. The agency shall  
23 maintain on its Internet website a link to each district or school  
24 report under this section.

25 (b) Each report by a provider school district or school  
26 under this section must include a description of:

27 (1) each electronic course the district or school

1 offers to students, including the number of lessons, the expected  
2 duration of each lesson, and a description of each lesson that  
3 requires use of a computer;

4 (2) all materials that a student is required to  
5 provide for an electronic course the district or school offers;

6 (3) the process used to ensure that each electronic  
7 course meets the essential knowledge and skills requirements under  
8 Subchapter A, Chapter 28, including any consultation with a  
9 district or school curriculum specialist;

10 (4) the process used to place students at the  
11 appropriate academic level, including:

12 (A) sample placement evaluations;

13 (B) information related to each person  
14 responsible for placement of a student;

15 (C) the circumstances in which a student may be  
16 placed in different academic levels for different course subjects  
17 during a school year; and

18 (D) the circumstances in which a student may  
19 complete more than one course level during a school year;

20 (5) any technology provided by the district or school  
21 to each student enrolled in the program, including any computer,  
22 computer software, or Internet access;

23 (6) the method used to report attendance in the  
24 electronic course;

25 (7) the method used to authenticate student course  
26 work and attendance;

27 (8) the location and content of each scheduled meeting

1 between parents or guardians of students enrolled in the electronic  
2 course and teachers or other district or school officials, and the  
3 method used to notify parents and guardians of the time and location  
4 of each meeting;

5 (9) the district or school policies relating to:

6 (A) computer security and privacy; and

7 (B) truancy, absences, discipline, withdrawal,  
8 and expulsion of students;

9 (10) any extracurricular activities provided,  
10 including activities held on a campus in the school district, if  
11 applicable;

12 (11) the teaching model used in the electronic course,  
13 including:

14 (A) each teacher's responsibilities;

15 (B) minimum teacher qualifications;

16 (C) minimum hours of training provided to  
17 teachers;

18 (D) average and maximum student/teacher ratios;

19 (E) hours of teacher availability; and

20 (F) for each grade level, minimum and expected  
21 amounts of contact between teachers and parents and between  
22 teachers and students;

23 (12) any academic services that the district or school  
24 expects a student's parent or guardian to provide to the student;

25 (13) each standardized assessment instrument, in  
26 addition to any assessment instrument required under Chapter 39,  
27 that the student is required to complete during the school year and,

1 if available, the location for administration of the instrument;

2 (14) a summary of the results of each assessment  
3 instrument administered to students in the electronic course during  
4 the school year preceding the year the report is submitted; and

5 (15) the school year calendar for the electronic  
6 course, including any options for continued participation outside  
7 of the standard school year calendar.

8 Sec. 30A.109. COMPULSORY ATTENDANCE. The board by rule  
9 shall adopt procedures for verifying the attendance of a student  
10 enrolled in an electronic course or program provided by a provider  
11 school district or school. The rules may modify:

12 (1) the application of Sections 25.085, 25.086, and  
13 25.087 for a student enrolled in an electronic course or program;  
14 and

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

17 Sec. 30A.110. APPLICABILITY OF ACCOUNTABILITY  
18 REQUIREMENTS. (a) Chapter 39 applies to an electronic course or  
19 program offered by a school district or open-enrollment charter  
20 school through the state virtual school network in the same manner  
21 that that chapter applies to any other course or program offered by  
22 the district or school.

23 (b) A school district or open-enrollment charter school  
24 shall report to the commissioner through the Public Education  
25 Information Management System (PEIMS) the results of assessments  
26 administered to students enrolled in an electronic course or  
27 program offered through the state virtual school network separately

1 from the results of assessments administered to other students.

2 Sec. 30A.111. TEACHER QUALIFICATIONS. Each teacher of an  
3 electronic course offered through the state virtual school network  
4 must be certified under Subchapter B, Chapter 21, to teach that  
5 course and grade level.

6 Sec. 30A.112. EDUCATOR PROFESSIONAL DEVELOPMENT. The state  
7 virtual school network may provide or authorize providers of  
8 electronic professional development courses or programs to provide  
9 professional development for:

10 (1) teachers who are teaching electronic courses or  
11 programs;

12 (2) teachers who are teaching subjects or grade levels  
13 for which the teachers are not certified;

14 (3) teachers who must become highly qualified under  
15 Section 1119, No Child Left Behind Act of 2001 (20 U.S.C. Section  
16 6319); or

17 (4) teachers who must become qualified under the  
18 Individuals with Disabilities Education Act (20 U.S.C. Section 1400  
19 et seq.).

20 Sec. 30A.113. CRITERIA FOR ELECTRONIC PROFESSIONAL  
21 DEVELOPMENT COURSES. The board by rule shall establish objective  
22 standard criteria for quality of an electronic professional  
23 development course provided under Section 30A.112.

24 Sec. 30A.114. REGIONAL EDUCATION SERVICE CENTERS. The  
25 board by rule shall allow regional education service centers to  
26 participate in the state virtual school network in the same manner  
27 as provider school districts and schools.

1       Sec. 30A.115. ADDITIONAL RESOURCES. The board by rule may  
2 establish procedures for providing additional resources, such as an  
3 online library, to students and educators served through the state  
4 virtual school network. The board may provide the additional  
5 resources only if the board receives an appropriation, gift, or  
6 grant sufficient to pay the costs of providing those resources.

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

8                     SUBCHAPTER D. FUNDING

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

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

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

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

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

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

1       Sec. 30A.153. ALLOCATION OF FUNDS FOR STUDENTS ENROLLED IN  
2 SCHOOL DISTRICTS AND OPEN-ENROLLMENT CHARTER SCHOOLS. (a) A  
3 school district or open-enrollment charter school in which a  
4 student is enrolled is entitled to receive state and local funding  
5 for a student enrolled in an electronic course or program offered  
6 through the state virtual school network in an amount equal to the  
7 cost of providing the electronic course or program, as established  
8 by the State Board of Education, plus 20 percent.

9       (b) As determined by the State Board of Education for each  
10 approved course, a school district or open-enrollment charter  
11 school may receive payment for a student enrolled in an electronic  
12 course or program based on:

13           (1) hours of contact with the student, based on  
14 successful progress on or completion of modules of the course or  
15 program; or

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

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

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

25           (1) permit the school district or open-enrollment  
26 charter school in which the student is enrolled as a full-time  
27 student to retain, for the district's or school's administrative

1 costs, an amount not to exceed 20 percent of the amount of funds the  
2 district or school receives under Subsection (a) in connection with  
3 the student; and

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

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

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

17 (2) the board authorizes the modification.

18 Sec. 30A.154. ALLOCATION OF FUNDS FOR STUDENTS NOT ENROLLED  
19 IN SCHOOL DISTRICT OR OPEN-ENROLLMENT CHARTER SCHOOL. (a) For a  
20 student enrolled in an electronic course or program under Section  
21 30A.107(c), the commissioner by rule shall allocate to the school  
22 district or open-enrollment charter school funds from the  
23 foundation school fund based on an amount established by the board  
24 for that course or program. The amount established by the board may  
25 not exceed \$350 for any electronic course.

26 (b) For the 2008-2009 school year, the commissioner may not  
27 provide funding for more than 6,000 electronic courses offered

1 through the state virtual school network to students to whom this  
2 section applies. For the 2009-2010 school year, the commissioner  
3 may not provide funding for more than 15,000 electronic courses  
4 offered through the state virtual school network to students to  
5 whom this section applies. This subsection expires August 1, 2010.

6 Sec. 30A.155. FUNDING FOR ACCELERATED STUDENTS. (a) A  
7 provider school district or school may apply for additional funding  
8 for an accelerated student who is enrolled in more than the course  
9 load taken by a student in the equivalent grade level in other  
10 school districts or open-enrollment charter schools.

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

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

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

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

20 (2) a student who resides in this state and:

21 (A) is enrolled in a school district or  
22 open-enrollment charter school as a full-time student;

23 (B) is enrolled in a course load greater than  
24 that normally taken by students in the equivalent grade level in  
25 other school districts or open-enrollment charter schools; and

26 (C) does not qualify for accelerated funding  
27 under Section 30A.155; or

1           (3) a student who resides in this state and is not  
2 enrolled in a school district or open-enrollment charter school as  
3 a full-time student.

4           (b) The amount of a fee charged a student under Subsection  
5 (a)(3) may not exceed \$50 for each electronic course in which the  
6 student enrolls through the state virtual school network.

7           (c) Except as provided by Subsection (a), the state virtual  
8 school network may not charge a fee to students for electronic  
9 courses or programs provided by a provider school district or  
10 school.

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

13           Sec. 26.0031. RIGHTS CONCERNING STATE VIRTUAL SCHOOL  
14 NETWORK. (a) A school district or open-enrollment charter school  
15 in which a student is enrolled as a full-time student may not  
16 unreasonably deny the request of a parent of a student to enroll the  
17 student in an electronic course or program offered through the  
18 state virtual school network under Chapter 30A.

19           (b) For purposes of Subsection (a), a school district or  
20 open-enrollment charter school is not considered to have  
21 unreasonably denied a request to enroll a student in an electronic  
22 course or program if:

23           (1) the district or school determines that the course  
24 or program does not meet state standards or the standards of the  
25 district or school;

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

27                   (A) is inconsistent with the student's high

1 school graduation plan; or

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

5 (3) the student requests permission to enroll in an  
6 electronic course or program at a time that is not consistent with  
7 the enrollment period established by the school district or  
8 open-enrollment charter school providing the course or program,  
9 provided that school districts or open-enrollment charter schools  
10 shall make all reasonable efforts to accommodate the enrollment of  
11 a student under special circumstances.

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

18 SECTION 3. The State Board of Education shall ensure that  
19 the state virtual school network under Chapter 30A, Education Code,  
20 as added by this Act, begins operations in a manner that allows  
21 students to enroll in electronic courses and programs offered  
22 through the network beginning with the 2008-2009 school year.

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