

By: Hancock

H.B. No. 2697

A BILL TO BE ENTITLED

AN ACT

relating to the authority of public schools to operate distance learning schools.

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

SECTION 1. Chapter 32, Education Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. DISTANCE LEARNING SCHOOLS

Sec. 32.301. DEFINITIONS. In this subchapter:

(1) "Distance learning" means an interactive telecommunications system for learning that uses asynchronous Internet-based content and resources and information technology, audio, video, and similar technological elements to provide educational opportunities for public school students.

(2) "Distance learning school" means a performance-based public school that serves students in more than one school district or school by delivering synchronous or asynchronous instruction from a teacher to a student in a remote setting primarily through the use of technology involving the Internet.

(3) "Public school" includes an open-enrollment charter school.

Sec. 32.302. AUTHORITY TO OPERATE DISTANCE LEARNING SCHOOL.

A public school may obtain authorization from the commissioner to operate a distance learning school in accordance with this

1 subchapter and provide instruction through distance learning to
2 students inside or outside of the school's geographic enrollment
3 area if the public school:

4 (1) before seeking authorization to operate a distance
5 learning school under this subchapter, participates for at least
6 two years in the electronic course pilot program established by the
7 agency under Section 29.909;

8 (2) provides to the agency for approval:

9 (A) a plan for academic achievement that
10 addresses the manner in which the distance learning school will
11 improve student learning and meet state educational goals;

12 (B) a set of performance criteria that will be
13 used during the first five years of operation by the distance
14 learning school to measure the school's progress in meeting the
15 school's academic performance goals;

16 (C) a proposal for directly and significantly
17 involving parents and the school's professional employees in the
18 implementation of the proposed educational program;

19 (D) a plan for providing an annual report to the
20 agency, the State Board of Education, and parents of children
21 enrolled in the distance learning school that demonstrates the
22 progress made by the distance learning school during the preceding
23 school year in meeting the school's academic performance goals; and

24 (E) a proposed budget, business plan, and
25 governance plan for the operation of the distance learning school;
26 and

27 (3) agrees to:

1 (A) operate using a web-based interactive
2 technology platform that monitors and tracks student progress and
3 attendance in conjunction with performing other student assessment
4 functions;

5 (B) employ highly qualified teachers based in
6 this state;

7 (C) designate a central office of operations
8 where student records and school records, including financial
9 records, will be maintained;

10 (D) ensure equitable access for each student
11 enrolled in the distance learning school by providing one or more of
12 the following to each enrolled student:

13 (i) computer and printer equipment, when
14 necessary to ensure the student has access to the educational
15 program provided by the distance learning school; or

16 (ii) an Internet service cost reimbursement
17 arrangement under which the distance learning school reimburses the
18 student, at a rate set by the school, for the costs of obtaining
19 Internet service at the minimum connection speed required to
20 effectively access the educational program;

21 (E) notwithstanding Paragraph (D), provide both
22 the equipment described by Paragraph (D)(i) and the reimbursement
23 described by Paragraph (D)(ii) when necessary to each student who
24 qualifies for services under Title I of the Elementary and
25 Secondary Education Act of 1965 (20 U.S.C. Section 6301 et seq.);

26 (F) provide students with the materials required
27 to complete a lesson, including, as appropriate:

- 1 (i) textbooks;
- 2 (ii) manipulatives; and
- 3 (iii) instructional items;

4 (G) conduct school-sponsored optional
5 educational events at least six times each school year at one or
6 more locations selected to provide convenient access to all
7 students wishing to participate;

8 (H) conduct monthly in-person meetings between
9 teachers and students enrolled in the distance learning school;

10 (I) serve all students in compliance with state
11 and federal law, regardless of a student's race, income, or other
12 demographic category;

13 (J) not charge tuition or other fees; and

14 (K) provide special education services to
15 enrolled students eligible for those services in accordance with
16 state and federal law.

17 Sec. 32.303. REVOCATION OF AUTHORIZATION TO OPERATE
18 DISTANCE LEARNING SCHOOL. The commissioner may revoke the
19 authorization to operate a distance learning school under this
20 subchapter:

21 (1) after the fifth anniversary of the date on which
22 the school began operation under this subchapter, if:

23 (A) the school does not demonstrate value-added
24 gains in student academic performance, as determined under rules
25 adopted by the commissioner; or

26 (B) the performance of the school's students on
27 any assessment instruments administered to the students under

1 Section 32.304 is in the bottom quartile of statewide student
2 performance on those assessment instruments; or

3 (2) at any other time, if:

4 (A) the school does not comply with the agreement
5 required by Section 32.302(3); or

6 (B) the commissioner determines that revocation
7 is necessary for the best interests of students enrolled in the
8 school.

9 Sec. 32.304. STUDENT ASSESSMENT AND SCHOOL ACCOUNTABILITY.

10 The commissioner shall adopt rules prescribing the manner in which
11 the assessment and accountability provisions established in
12 Chapter 39 shall apply to a distance learning school and students
13 enrolled in the school.

14 Sec. 32.305. ELIGIBLE STUDENTS; ENROLLMENT POLICY. (a) A
15 distance learning school may provide distance learning instruction
16 to any student entitled to the benefits of the Foundation School
17 Program under Section 42.003.

18 (b) Subject to Subsection (c), a distance learning school
19 may not discriminate in enrollment policy on the basis of sex, race,
20 national origin, ethnicity, religion, disability, or academic or
21 athletic ability.

22 (c) A distance learning school may, when there are more
23 applicants for enrollment than the school can accommodate, use a
24 weighted lottery process to select applicants for enrollment in
25 accordance with any applicable state or federal law or court order
26 regarding desegregation or equal protection.

27 (d) A distance learning school may:

1 (1) deny enrollment to a student who has been expelled
2 from a public school; or

3 (2) revoke the enrollment of a student who does not
4 regularly attend the distance learning classes provided by the
5 school.

6 Sec. 32.306. INSTRUCTIONAL SITES. A distance learning
7 school may operate one or more instructional sites throughout the
8 state where a student may receive in-person instruction, provided
9 that:

10 (1) the in-person instruction is provided by teachers
11 appropriately certified under Chapter 21; and

12 (2) a student does not receive in-person instruction
13 at a site for more than 12 hours each week.

14 Sec. 32.307. STATE FUNDING. (a) A distance learning school
15 is entitled to receive state funding for instruction provided to
16 students through distance learning.

17 (b) The commissioner shall adopt rules providing for
18 funding under this section. Subject to the availability of funds
19 for that purpose, the rules must provide that a distance learning
20 school is entitled to receive, for each full-time equivalent
21 student enrolled in the school, state funding in the amount equal to
22 the total amount of state and local funding per student available
23 during the preceding school year to the school district in this
24 state with the lowest total amount of state and local funding per
25 student in average daily attendance for that school year.

26 (c) Rules adopted under Subsection (b) must also:

27 (1) provide for funding on the basis of the number of

1 students in average daily attendance at the distance learning
2 school for the current year, subject to the alternatives described
3 by Subdivision (2);

4 (2) permit a distance learning school to elect to
5 receive alternative state funding on the basis of:

6 (A) the value added by the school to a student's
7 academic performance; or

8 (B) the number of courses completed by a student;
9 and

10 (3) provide for payment of state funding under this
11 section in 12 monthly installments.

12 Sec. 32.308. USE OF STATE FUNDING; DEBT. (a) A distance
13 learning school may not use state funding for a sectarian purpose or
14 as collateral for debt.

15 (b) A debt incurred or created by a distance learning school
16 is not a debt of the state or a political subdivision of the state,
17 and a debt of a distance learning school may not be secured by the
18 faith, credit, or taxing power of the state or a political
19 subdivision of the state.

20 (c) Any contract entered into by a distance learning school
21 must contain a statement acknowledging the substance of Subsection
22 (b).

23 Sec. 32.309. GIFTS AND GRANTS. A distance learning school
24 may accept and use public and private gifts and grants for purposes
25 of this subchapter.

26 Sec. 32.310. ANNUAL AUDIT. A distance learning school
27 shall prepare an annual certified audit of the financial condition

1 and transactions of the school as of June 30 of each year. The audit
2 must be conducted in accordance with generally accepted auditing
3 procedures and contain any information required by commissioner
4 rule.

5 Sec. 32.311. SCHOOL ASSETS. On dissolution of a distance
6 learning school, whether as a result of revocation of an
7 authorization under Section 32.303 or as a result of other action,
8 all school assets purchased with public funds are considered state
9 property.

10 Sec. 32.312. RULEMAKING AUTHORITY. The commissioner may
11 adopt rules necessary to implement this subchapter.

12 Sec. 32.313. EFFECT ON OTHER DISTANCE LEARNING PROGRAMS.
13 This subchapter does not affect the provision of distance learning
14 courses offered under other law.

15 SECTION 2. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2007.