

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:

18 (A) a school district or open-enrollment charter
19 school that provides an electronic course through the state virtual
20 school network to:

21 (i) students enrolled in that district or
22 school; or

23 (ii) students enrolled in another school
24 district or school; or

25 (B) a public or private institution of higher
26 education that provides a course through the state virtual school
27 network.

1 (8) "Public or private institution of higher
2 education" means:

3 (A) an institution of higher education, as
4 defined by Section 61.003; or

5 (B) a private or independent institution of
6 higher education, as defined by Section 61.003.

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

10 (1) is younger than 21 years of age on September 1 of
11 the school year;

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

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

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

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

19 (2) the student:

20 (A) is a dependent of a member of the United
21 States military;

22 (B) was previously enrolled in high school in
23 this state; and

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

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

1 (1) require a school district, an open-enrollment
2 charter school, a provider school district or school, or the state
3 to provide a student with home computer equipment or Internet
4 access for a course provided through the state virtual school
5 network; or

6 (2) prohibit a school district or open-enrollment
7 charter school from providing a student with home computer
8 equipment or Internet access for a course provided through the
9 state virtual school network.

10 Sec. 30A.004. APPLICABILITY OF CHAPTER. (a) Except as
11 provided by Subsection (c), this chapter does not affect the
12 provision of a course to a student while the student is located on
13 the physical premises of a school district or open-enrollment
14 charter school.

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

17 (c) A school district or open-enrollment charter school may
18 choose to participate in providing an electronic course or an
19 electronic diagnostic assessment under this chapter to a student
20 who is located on the physical premises of a school district or
21 open-enrollment charter school.

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

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

26 SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

27 Sec. 30A.051. GOVERNANCE OF NETWORK. (a) The commissioner

1 shall:

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

3 (2) ensure:

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

7 (B) equitable access by students to those
8 courses.

9 (b) The commissioner may adopt rules necessary to implement
10 this chapter.

11 (c) To the extent practicable, the commissioner shall
12 solicit advice from school districts concerning:

13 (1) administration of the state virtual school
14 network; and

15 (2) adoption of rules under Subsection (b).

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

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

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

23 (c) The commissioner shall:

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

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

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

5 Sec. 30A.054. REPORTS. (a) The commissioner shall prepare
6 a report for each fiscal year documenting activities of the state
7 virtual school network in accordance with this chapter. Not later
8 than January 31 of each year, the commissioner shall file the report
9 for the preceding fiscal year with the governor, the lieutenant
10 governor, and the speaker of the house of representatives.

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

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

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

20 (c) The commissioner shall investigate alternative models
21 for funding the operation of the state virtual school network and
22 for student attendance in electronic courses provided through the
23 network. Not later than December 1, 2008, the commissioner shall
24 submit a report to each member of the legislature that recommends:

25 (1) alternative funding models for the state virtual
26 school network to:

27 (A) ensure the quality of electronic courses

1 provided through the network;

2 (B) increase access through the network to more
3 courses;

4 (C) enable more students to take courses through
5 the network;

6 (D) sustain the network's operations; and

7 (E) increase the network's ability to
8 accommodate greater numbers of students and provide greater numbers
9 of courses; and

10 (2) a system of indicators that would allow for
11 comparison of the quality of different provider school districts'
12 and schools' electronic courses for the same course, including
13 comparison of:

14 (A) student performance in the electronic
15 courses;

16 (B) the success of the electronic courses in
17 preparing students for postsecondary education;

18 (C) student performance on applicable state
19 assessment instruments; and

20 (D) other indicators as determined by the
21 commissioner.

22 (d) Subsection (c) and this subsection expire January 15,
23 2009.

24 Sec. 30A.055. LIMITATIONS ON ADMINISTERING AUTHORITY
25 POWERS. The administering authority may not provide educational
26 services directly to a student.

27 Sec. 30A.056. CONTRACTS WITH VIRTUAL SCHOOL SERVICE

1 PROVIDERS. (a) Each contract between a school district, an
2 open-enrollment charter school, or a public or private institution
3 of higher education and the administering authority must:

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

8 (2) be submitted to the commissioner.

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

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

12 SUBCHAPTER C. PROVISION OF ELECTRONIC COURSES

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

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

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

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

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

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

4 (2) using the criteria required by Section 30A.103,
5 evaluate electronic courses submitted by a provider school district
6 or school to be offered through the network;

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

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

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

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

20 (2) shall enter into agreements with school districts,
21 open-enrollment charter schools, and public or private
22 institutions of higher education for the purpose of offering the
23 courses through the state virtual school network; and

24 (3) may develop or authorize the development of
25 additional electronic courses that:

26 (A) are needed to complete high school graduation
27 requirements; and

1 (B) are not otherwise available through the state
2 virtual school network.

3 Sec. 30A.103. CRITERIA FOR ELECTRONIC COURSES. (a) The
4 board by rule shall establish an objective standard criteria for an
5 electronic course to ensure alignment with the essential knowledge
6 and skills requirements identified or content requirements
7 established under Subchapter A, Chapter 28. The criteria may not
8 permit the administering authority to prohibit provider school
9 districts or schools from applying for approval for an electronic
10 course for a course for which essential knowledge and skills have
11 been identified.

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

15 (c) The commissioner by rule may:

16 (1) establish additional quality-related criteria for
17 electronic courses; and

18 (2) provide for a period of public comment regarding
19 the criteria.

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

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

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

27 (2) be aligned with the essential knowledge and skills

1 identified under Section 28.002(c); and

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

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

6 (B) a school day that meets the minimum length of
7 a school day required under Section 25.082.

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

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

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

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

16 (A) meet the criteria established under Section
17 30A.103; and

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

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

24 (c) A school district, open-enrollment charter school, or
25 public or private institution of higher education that submits an
26 electronic course to the administering authority for approval must
27 pay a fee in an amount established by the commissioner as sufficient

1 to recover the reasonable costs to the administering authority in
2 evaluating and approving electronic courses.

3 (d) The administering authority shall waive the fee
4 required by Subsection (c) if a school district, open-enrollment
5 charter school, or public or private institution of higher
6 education applies for approval of an electronic course that was
7 developed independently by the district, school, or institution.
8 For purposes of this subsection, an electronic course is developed
9 independently by a district, school, or institution if a district,
10 school, or institution employee is responsible for developing
11 substantially each aspect of the course, including:

12 (1) determining the curriculum elements to be included
13 in the course;

14 (2) selecting any instructional materials for the
15 course;

16 (3) determining the manner in which instruction is to
17 be delivered;

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

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

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

24 Sec. 30A.106. APPEAL TO COMMISSIONER. (a) A provider
25 school district or school may appeal to the commissioner the
26 administering authority's refusal to approve an electronic course
27 under Section 30A.105.

1 (b) If the commissioner determines that the administering
2 authority's evaluation did not follow the criteria or was otherwise
3 irregular, the commissioner may overrule the administering
4 authority and place the course on a list of approved courses. The
5 commissioner's decision under this section is final and may not be
6 appealed.

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

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

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

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

21 (1) may not in any semester enroll in more than two
22 electronic courses offered through the state virtual school
23 network;

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

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

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

4 (5) is not entitled to any right, privilege,
5 activities, or services available to a student enrolled in a public
6 school, other than the right to receive the appropriate unit of
7 credit for completing an electronic course.

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

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

15 (b) Each report under this section must describe each
16 electronic course offered through the state virtual school network
17 and include information such as course requirements and the school
18 year calendar for the course, including any options for continued
19 participation outside of the standard school year calendar.

20 Sec. 30A.109. COMPULSORY ATTENDANCE. The commissioner by
21 rule shall adopt procedures for reporting and verifying the
22 attendance of a student enrolled in an electronic course provided
23 through the state virtual school network. The rules may modify the
24 application of Sections 25.085, 25.086, and 25.087 for a student
25 enrolled in an electronic course.

26 Sec. 30A.110. APPLICABILITY OF ACCOUNTABILITY
27 REQUIREMENTS. (a) Chapter 39 applies to an electronic course

1 offered through the state virtual school network in the same manner
2 that that chapter applies to any other course offered by a school
3 district or open-enrollment charter school.

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

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

18 Sec. 30A.111. TEACHER QUALIFICATIONS. Each teacher of an
19 electronic course offered by a school district or open-enrollment
20 charter school through the state virtual school network must:

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

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

26 Sec. 30A.112. EDUCATOR PROFESSIONAL DEVELOPMENT. (a) The
27 state virtual school network shall provide or authorize providers

1 of electronic professional development courses or programs to
2 provide professional development for teachers who are teaching
3 electronic courses through the network.

4 (b) The state virtual school network may provide or
5 authorize providers of electronic professional development courses
6 to provide professional development for:

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

9 (2) teachers who must become highly qualified under
10 Section 1119, No Child Left Behind Act of 2001 (20 U.S.C. Section
11 6319); or

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

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

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

23 Sec. 30A.115. ADDITIONAL RESOURCES. The commissioner by
24 rule may establish procedures for providing additional resources,
25 such as an online library, to students and educators served through
26 the state virtual school network. The administering authority may
27 provide the additional resources only if the commissioner receives

1 an appropriation, gift, or grant sufficient to pay the costs of
2 providing those resources.

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

4 SUBCHAPTER D. FUNDING

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

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

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

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

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

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

27 (b) The commissioner may accept federal funds for purposes

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

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

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

15 (1) successful progress on or completion of modules of
16 the course; or

17 (2) successful completion of a course.

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

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

27 (1) permit the school district or open-enrollment

1 charter school in which the student is enrolled as a full-time
2 student to retain, for the district's or school's administrative
3 costs, an amount not to exceed 20 percent of the amount of funds the
4 district or school receives under Subsection (a) in connection with
5 the student; and

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

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

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

19 (2) the commissioner authorizes the modification.

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

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

27 (c) The legislature in the General Appropriations Act may

1 limit the amount of funding and the number of courses eligible for
2 funding under this section.

3 Sec. 30A.155. FEES. (a) A school district or
4 open-enrollment charter school may charge a fee for enrollment in
5 an electronic course provided through the state virtual school
6 network to a student who resides in this state and:

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

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

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

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

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

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

24 (2) \$400.

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

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

3 Sec. 26.0031. RIGHTS CONCERNING STATE VIRTUAL SCHOOL
4 NETWORK. (a) At the time and in the manner that a school district
5 or open-enrollment charter school informs students and parents
6 about courses that are offered in the district's or school's
7 traditional classroom setting, the district or school shall notify
8 parents and students of the option to enroll in an electronic course
9 offered through the state virtual school network under Chapter 30A.

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

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

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

24 (2) a student attempts to enroll in a course load that:
25 (A) is inconsistent with the student's high
26 school graduation plan; or

27 (B) could reasonably be expected to negatively

1 affect the student's performance on an assessment instrument
2 administered under Section 39.023; or

3 (3) the student requests permission to enroll in an
4 electronic course at a time that is not consistent with the
5 enrollment period established by the school district or
6 open-enrollment charter school providing the course.

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

12 (e) A parent may appeal to the commissioner 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 offered through
15 the state virtual school network. The commissioner's decision
16 under this subsection is final and may not be appealed.

17 SECTION 3. (a) Subject to Subsection (b) of this section,
18 the commissioner of education shall ensure that the state virtual
19 school network under Chapter 30A, Education Code, as added by this
20 Act, begins operations in a manner that allows students to enroll in
21 electronic courses offered through the network beginning with the
22 2008-2009 school year.

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

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

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

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

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