

Amend **CSHB 3646** (Senate committee printing) as follows:

(1) Add the following appropriately numbered ARTICLE and renumber subsequent ARTICLES of the bill accordingly:

ARTICLE \_\_\_\_ . STATE VIRTUAL SCHOOL NETWORK

SECTION \_\_\_\_ .01. Subsection (b), Section 1.001, Education Code, is amended to read as follows:

(b) Except as provided by Chapter 18, Chapter 19, Subchapter A of~~[7]~~ Chapter 29, ~~[or]~~ Subchapter E of~~[7]~~ Chapter 30, or Chapter 30A, this code does not apply to students, facilities, or programs under the jurisdiction of the Department of Aging and Disability Services, the Department of State Health Services, the Health and Human Services Commission, the Texas Youth Commission, the Texas Department of Criminal Justice, a Job Corps program operated by or under contract with the United States Department of Labor, or any juvenile probation agency.

SECTION \_\_\_\_ .02. Section 30A.002, Education Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) A student is eligible to enroll full-time in courses provided through the state virtual school network only if~~[+]~~

~~[(1)]~~ the student was enrolled in a public school in this state in the preceding school year.

(c) Notwithstanding Subsection (a)(3) or (b), a student is eligible to enroll in one or more courses provided through the state virtual school network or enroll full-time in courses provided through the network if~~[+ or]~~

~~[(2)]~~ the student:

(1) ~~[(A)]~~ is a dependent of a member of the United States military;

(2) ~~[(B)]~~ was previously enrolled in high school in this state; and

(3) ~~[(C)]~~ does not reside in this state due to a military deployment or transfer.

SECTION \_\_\_\_ .03. Section 30A.004, Education Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) Requirements imposed by or under this chapter do not apply to a virtual course provided by a school district only to

district students if the course is not provided as part of the state virtual school network.

SECTION \_\_\_\_ .04. Subchapter A, Chapter 30A, Education Code, is amended by adding Section 30A.006 to read as follows:

Sec. 30A.006. AUTHORIZATION FOR CERTAIN ELECTRONIC COURSES AND PROGRAMS. (a) An electronic course or program that was offered or could have been offered during the 2008-2009 school year under Section 29.909, as that section existed on January 1, 2009, may be offered during a subsequent school year through the state virtual school network.

(b) The commissioner may by rule modify any provision of this chapter necessary to provide for the transition of an electronic course or program from the authority to operate under former Section 29.909 to the authority to operate under this chapter.

SECTION \_\_\_\_ .05. Subsection (b), Section 30A.101, Education Code, is amended to read as follows:

(b) An open-enrollment charter school campus is eligible to act as a provider school under this chapter only if the campus [~~school~~] is rated recognized or higher under Section 39.072, except that a campus may act as a provider school to students receiving educational services under the supervision of a juvenile probation department, the Texas Youth Commission, or the Texas Department of Criminal Justice if the campus is rated academically acceptable or higher. A campus [~~and~~] may serve as a provider school only:

(1) to a student within the school district in which the campus [~~school~~] is located or within its service area, whichever is smaller; or

(2) to another student in the state:

(A) through an agreement with the school district in which the student resides; or

(B) if the student receives educational services under the supervision of a juvenile probation department, the Texas Youth Commission, or the Texas Department of Criminal Justice, through an agreement with the applicable agency [~~administering authority under Section 30A.153~~].

SECTION \_\_\_\_ .06. Section 30A.104, Education Code, is amended

to read as follows:

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

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

(2) be aligned with the essential knowledge and skills identified under Section 28.002(c) for a grade level at or above grade level three; and

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

(A) a semester of 90 instructional days; and

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

SECTION \_\_\_\_ .07. Subsections (c) and (d), Section 30A.105, Education Code, are amended to read as follows:

(c) The agency shall [~~A school district, open-enrollment charter school, or public or private institution of higher education that submits an electronic course to the administering authority for approval must~~] pay [~~a fee in an amount established by the commissioner as sufficient to recover~~] the reasonable costs of evaluating and approving electronic courses. If funds available to the agency for that purpose are insufficient to pay the costs of evaluating and approving all electronic courses submitted for evaluation and approval, the agency shall give priority to paying the costs of evaluating and approving the following courses:

(1) courses that satisfy high school graduation requirements;

(2) courses that would likely benefit a student in obtaining admission to a postsecondary institution;

(3) courses, including dual credit courses, that allow a student to earn college credit or other advanced credit;

(4) courses in subject areas most likely to be highly beneficial to students receiving educational services under the supervision of a juvenile probation department, the Texas Youth Commission, or the Texas Department of Criminal Justice; and

(5) courses in subject areas designated by the commissioner as commonly experiencing a shortage of teachers.

(d) If the agency determines that the costs of evaluating and approving a submitted electronic course will not be paid by the agency due to a shortage of funds available for that purpose, the [The administering authority shall waive the fee required by Subsection (c) if a] school district, open-enrollment charter school, or public or private institution of higher education that submitted the [applies for approval of an electronic] course for evaluation and approval may pay the costs in order to ensure that evaluation of the course occurs [that was developed independently by the district, school, or institution. For purposes of this subsection, an electronic course is developed independently by a district, school, or institution if a district, school, or institution employee is responsible for developing substantially each aspect of the course, including:

[~~(1) determining the curriculum elements to be included in the course,~~

[~~(2) selecting any instructional materials for the course,~~

[~~(3) determining the manner in which instruction is to be delivered,~~

[~~(4) creating a lesson plan or similar description of the instructional aspects of the course,~~

[~~(5) determining any special projects or assignments a student in the course must complete, and~~

[~~(6) determining the manner in which a student's progress in the course will be measured].~~

SECTION \_\_.08. Subchapter C, Chapter 30A, Education Code, is amended by adding Section 30A.1051 to read as follows:

Sec. 30A.1051. ELECTRONIC COURSE PORTABILITY. A student who transfers from one educational setting to another after beginning enrollment in an electronic course is entitled to continue enrollment in the course.

SECTION \_\_.09. Subsection (a), Section 30A.107, Education Code, is amended to read as follows:

(a) A provider school district or school may offer

electronic courses to:

- (1) students who reside in this state; and
- (2) students who reside outside this state and who meet the eligibility requirements under Section 30A.002(c) [~~30A.002(b)~~].

SECTION \_\_\_\_.10. Section 30A.109, Education Code, is amended to read as follows:

Sec. 30A.109. COMPULSORY ATTENDANCE. The commissioner by rule shall adopt procedures for reporting and verifying the attendance of a student enrolled in an electronic course provided through the state virtual school network. The rules may modify the application of Sections 25.085, 25.086, and 25.087 for a student enrolled in an electronic course but must require participation in an educational program equivalent to the requirements prescribed by those sections.

SECTION \_\_\_\_.11. Section 30A.111, Education Code, is amended to read as follows:

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

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

- (2) successfully complete the appropriate professional development course provided under Section 30A.112(a) or 30A.1121 before teaching an electronic course offered through the network.

(b) The commissioner by rule shall establish procedures for verifying successful completion by a teacher of the appropriate professional development course required by Subsection (a)(2).

(c) The commissioner by rule shall establish qualifications and professional development requirements applicable to college instructors providing instruction in dual credit courses through the state virtual school network that allow a student to earn high school credit and college credit or other credit.

SECTION \_\_\_\_.12. Subchapter C, Chapter 30A, Education Code, is amended by adding Section 30A.1121 to read as follows:

DEVELOPMENT. (a) Subject to Subsection (b), a school district or open-enrollment charter school may provide professional development courses to teachers seeking to become authorized to teach electronic courses provided through the state virtual school network. A district or school may provide a professional development course that is approved under Subsection (b) to any interested teacher, regardless of whether the teacher is employed by the district or school.

(b) The agency shall review each professional development course sought to be provided by a school district or open-enrollment charter school under Subsection (a) to determine if the course meets the quality standards established under Section 30A.113. If a course meets those standards, the district or school may provide the course for purposes of enabling a teacher to comply with Section 30A.111(a)(2).

SECTION \_\_\_\_ .13. Section 30A.151, Education Code, is amended by adding Subsection (f) to read as follows:

(f) For an electronic course program offered through the state virtual school network for a grade level at or above grade level three but not above grade level eight, a school district or open-enrollment charter school is entitled to receive federal, state, and local funding for a student enrolled in the program in an amount equal to the funding the district or school would otherwise receive for a student enrolled in the district or school. The district or school may calculate the average daily attendance of a student enrolled in the program based on:

- (1) hours of contact with the student;
- (2) the student's successful completion of a course;

or

- (3) a method approved by the commissioner.

SECTION \_\_\_\_ .14. Section 30A.155, Education Code, is amended by amending Subsections (a), (c), and (d) and adding Subsections (a-1) and (c-1) to read as follows:

(a) A school district or open-enrollment charter school may charge a fee for enrollment in an electronic course provided through the state virtual school network to a student who resides in

this state and:

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

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

~~[(3) does not qualify for accelerated student funding under Section 30A.154].~~

(a-1) A school district or open-enrollment charter school may charge a fee for enrollment in an electronic course provided through the state virtual school network during the summer.

(c) The amount of a fee charged a student under Subsection (a), (a-1), or (b) for each electronic course in which the student enrolls through the state virtual school network may not exceed the lesser of:

- (1) the cost of providing the course; or
- (2) \$400.

(c-1) A school district or open-enrollment charter school that is not the provider school district or school may charge a student enrolled in the district or school a nominal fee, not to exceed the amount specified by the commissioner, if the student enrolls in an electronic course provided through the state virtual school network that exceeds the course load normally taken by students in the equivalent grade level. A juvenile probation department or state agency may charge a comparable fee to a student under the supervision of the department or agency.

(d) Except as provided by this section [~~Subsection (a) or (b)~~], the state virtual school network may not charge a fee to students for electronic courses provided through the network.

SECTION \_\_\_\_.15. The Texas Education Agency shall evaluate whether providers of different types of electronic courses offered through the state virtual school network established under Chapter 30A, Education Code, should receive varying amounts of state funding based on the type of course provided. Not later than January 1, 2011, the agency shall submit a report of its findings and recommendations to the legislature.

SECTION \_\_\_\_.16. The Texas Education Agency shall

investigate the feasibility of making language acquisition courses available through the state virtual school network by obtaining state subscriptions or pursuing other possible means of access. Not later than January 1, 2011, the agency shall submit a report of its findings to the legislature. If the agency determines that it is feasible to make language acquisition courses available through the network, the report must include recommended mechanisms for ensuring progress towards language proficiency of students enrolled in those courses.

SECTION \_\_\_\_ .17. (a) The Texas Education Agency shall investigate the feasibility of creating one or more series of courses to be provided through the state virtual school network that focus on the educational needs of students in alternative education settings, including students in disciplinary alternative education programs under Section 37.008, Education Code, students in juvenile justice alternative education programs under Section 37.011, Education Code, and students under the supervision of a juvenile probation department, the Texas Youth Commission, or the Texas Department of Criminal Justice. The series of courses to be investigated must include a series that would constitute a full-time educational program, a series that would offer only supplemental courses, and a series that would offer courses through which students could recover academic credit for courses in which the students were previously unsuccessful.

(b) Not later than January 1, 2011, the agency shall submit a report of its findings to the legislature.

(2) In SECTION 1.18 of the bill, in the introductory language (page 7, line 12), strike "Section 42.160" and substitute "Sections 42.159 and 42.160".

(3) In SECTION 1.18 of the bill, immediately preceding added Section 42.160, Education Code (page 7, between lines 12 and 13), insert the following:

Sec. 42.159. STATE VIRTUAL SCHOOL NETWORK ALLOTMENTS. (a)

In this section:

(1) "Electronic course" means a course that is a semester in length.

(2) "Normal course load" means the number of classes



or credit hours generally required to be taken by a student to generate the full amount of funding provided under this chapter for a student in average daily attendance, as determined by the commissioner.

(3) "State virtual school network" means the system established under Chapter 30A.

(b) For each student who successfully completes an electronic course that satisfies a curriculum requirement for graduation adopted under Section 28.025 and is provided through the state virtual school network as part of a normal course load:

(1) the school district or open-enrollment charter school that provided the course is entitled to an allotment of \$400; and

(2) the school district or open-enrollment charter school in which the student is enrolled is entitled to an allotment of \$80 to reimburse the district or school for associated administrative costs.

(c) A juvenile probation department or state agency is entitled to receive state funding comparable to the funding described by Subsection (b)(2) for students under the supervision of the department or agency.

(d) For each student who successfully completes an electronic course that satisfies a curriculum requirement for graduation adopted under Section 28.025, is provided through the state virtual school network, and exceeds a normal course load, including an electronic course offered during the summer, the school district or open-enrollment charter school that provided the course may be entitled to an allotment in an amount determined by the commissioner based on the amount of funds appropriated for purposes of this subsection.

(e) The commissioner may set aside an amount not to exceed 50 percent of the total funds appropriated for allotments under Subsection (d) and use that amount to pay the costs of providing through the state virtual school network electronic courses through which students may recover academic credit for courses in which the students were previously unsuccessful. The commissioner may reserve a portion of the set-aside amount for payment of the costs

of providing electronic courses described by this subsection to students in alternative education settings. For purposes of this subsection, students in alternative education settings include students in disciplinary alternative education programs under Section 37.008, students in juvenile justice alternative education programs under Section 37.011, and students under the supervision of a juvenile probation department, the Texas Youth Commission, or the Texas Department of Criminal Justice.

(f) The commissioner may not provide partial funding under this section to a school district or open-enrollment charter school under Subsection (b) or (d) on the basis of a student who successfully completes one or more modules of an electronic course but does not successfully complete the entire course.

(g) Amounts received by a school district or open-enrollment charter school under this section are in addition to any amounts to which the district or school is entitled to receive or retain under Chapter 12 or 41 or this chapter and are not subject to reduction under any provision of those chapters.

(h) The commissioner shall adopt rules necessary to implement this section. The rules must include provisions:

(1) requiring a school district or open-enrollment charter school that receives funding for an electronic course under Subsection (d) to reduce the amount of any fee charged for the course in accordance with Section 30A.155 by an amount equal to the amount of funding provided under Subsection (d);

(2) prohibiting a school district or open-enrollment charter school that receives funding for an electronic course under Subsection (d) from charging a fee for the course in accordance with Section 30A.155 that is higher than would otherwise be charged; and

(3) addressing division and distribution of the allotment described by Subsection (b)(2) in circumstances in which a student transfers from one school district, school, or other educational setting to another after beginning enrollment in an electronic course.

(4) In SECTION 1.23 of the bill, in amended Section 42.302(a), Education Code (page 13, line 4), between "42.158" and "or 42.160", insert ", 42.159,".

(5) In SECTION 3.01(a) of the bill (page 19, lines 14-20), add the following appropriately numbered subdivisions and renumber subsequent subdivisions accordingly:

- ( ) Section 29.909;
- ( ) Subsection (d), Section 30A.151;
- ( ) Section 30A.153;
- ( ) Section 30A.154;

(6) In SECTION 3.01 of the bill (page 19, between lines 24 and 25), add the following:

(d) Section 3, Chapter 1337 (S.B. 1788), Acts of the 80th Legislature, Regular Session, 2007, is repealed.