

BILL ANALYSIS

S.B. 955
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Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The 80th Legislature, Regular Session, 2007, enacted provisions establishing the state virtual school network, a platform from which students from across the state may access course offerings from other districts. This platform can bring true equity to Texas students by providing access to quality teachers and courses that might not be available in a brick and mortar setting but was little used in its first years because the legislature failed to fund the course offerings, making districts hesitant to use the platform. Furthermore, as a new program, some of the original provisions need modifications to maximize the state virtual school network's usefulness.

S.B. 955 simplifies the funding mechanism for the state virtual school network, establishes a pool of funds to pay for credit recovery and additional courses beyond the courses that normally earn average daily attendance funding, and clarifies that institutions providing coursework in alternative settings such as the Texas Department of Criminal Justice, the Texas Probation Commission, and the Texas Youth Commission may access courses on the virtual network. The bill also increases course availability by having the state pay for course reviews of eligible courses, directs the Texas Education Agency to explore options to make language acquisition courses available statewide, and provides clarifications to ensure that electronic courses in the network are of the same quality as traditional courses and that the course restrictions for network electronic courses do not apply to non-network electronic courses.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTIONS 8, 9, and 12 of this bill.

ANALYSIS

S.B. 955 amends the Education Code to establish that a student is eligible to enroll full-time in courses provided through the state virtual school network only if the student was enrolled in a Texas public school in the preceding school year and that a student is eligible to enroll in one or more courses provided through the network if the student is a dependent of a member of the United States military; was previously enrolled in high school in Texas; and does not reside in Texas because of a military deployment or transfer.

S.B. 955 exempts a virtual course from requirements imposed by or under provisions relating to the state virtual school network if the course is provided by a school district only to district students and is not provided as part of the state virtual school network.

S.B. 955 authorizes an open-enrollment charter school to act as a provider school for the network to a student in the state through an agreement with the school district in which the student resides, or if the student receives educational services under the supervision of a juvenile probation department, the Texas Youth Commission (TYC), or the Texas Department of Criminal Justice (TDCJ), through an agreement with the applicable agency rather than through an agreement with the network administering authority designated by the commissioner of

education.

S.B. 955 requires the Texas Education Agency (TEA) to pay the reasonable costs of evaluating and approving electronic courses rather than requiring 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 to pay a fee in an amount established by the commissioner as sufficient to recover the reasonable costs to the administering authority in evaluating and approving electronic courses. The bill requires TEA, if funds available to the agency for the above purpose are insufficient to pay the costs of evaluating and approving all electronic courses submitted for evaluation and approval, to give priority to paying the costs of evaluating and approving courses that satisfy high school graduation requirements; courses that would likely benefit a student in obtaining admission to a postsecondary institution; courses that allow a student to earn college credit or other advanced credit; courses in subject areas most likely to be highly beneficial to students receiving educational services under the supervision of a juvenile probation department, TYC, or TDCJ; and courses in subject areas designated by the commissioner as commonly experiencing a shortage of teachers. The bill authorizes the school district, open-enrollment charter school, or public or private institution of higher education that submitted the course for evaluation and approval to pay the costs of evaluating and approving a submitted electronic course to ensure that evaluation of the course occurs if the agency determines that the costs will not be paid by TEA because of a shortage of funds available for that purpose. The bill removes the requirement that the administering authority waive the fee to recover the reasonable costs to the authority in evaluating and approving electronic courses if a school district, open-enrollment charter school, or public or private institution of higher education applies for approval of an electronic course that was developed independently by the district, school, or institution. The bill removes a description of the criteria used to determine whether an electronic course is developed independently by a district, school, or institution.

S.B. 955 entitles a student who transfers from one educational setting to another after beginning enrollment in an electronic course to continue enrollment in the course.

S.B. 955 requires rules adopted by the commissioner governing procedures for reporting and verifying the attendance of a student enrolled in an electronic course provided through the network that modify the application of the state's compulsory school attendance laws and related exemptions and excused absences to require participation in an educational program equivalent to the requirements prescribed by those statutory provisions.

S.B. 955 requires the commissioner by rule to establish procedures for verifying successful completion by a teacher of the appropriate professional development course required of a teacher of an electronic course offered by a school district or open-enrollment charter school through the state virtual network.

S.B. 955 authorizes a school district or open-enrollment charter school, subject to TEA review, to provide professional development courses to teachers seeking to become authorized to teach electronic courses provided through the state virtual school network. The bill authorizes a district or school to provide a TEA-approved professional development course to any interested teacher, regardless of whether the teacher is employed by the district or school. The bill requires TEA to review each such professional development course sought to be provided by a school district or open-enrollment charter school to determine whether the course meets established quality standards applicable to electronic professional development courses. The bill authorizes the district or school, if a course meets those standards, to provide the course for purposes of enabling a teacher to comply with the requirement to successfully complete an appropriate professional development course.

S.B. 955 authorizes a school district or open-enrollment charter school to charge a fee for enrollment in an electronic course provided through the state virtual school network during the summer. The bill removes from the set of conditions under which a school district or open-

enrollment charter school may charge a fee for enrollment in an electronic course provided through the network to a Texas resident student the condition that the student does not qualify for accelerated student funding for students taking an above average course load. The bill authorizes a school district or open-enrollment charter school that is not the provider school district or school to 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. The bill authorizes a juvenile probation department or state agency to charge a comparable fee to a student under the supervision of the department or agency.

S.B. 955 entitles the school district or open-enrollment charter school that provides an electronic course through the state virtual school network an allotment of \$400 for each student who successfully completes the electronic course as part of a normal course load, and entitles the school district or open-enrollment charter school in which the student is enrolled to an allotment of \$80 to reimburse the district or school for associated administrative costs. The bill entitles a juvenile probation department or state agency to receive state funding comparable to the above funding for reimbursing the providing district's or school's administrative costs for students under the supervision of the department or agency. The bill potentially entitles a school district or open-enrollment charter school that provides a course through the state virtual school network to an allotment for each student who successfully completes an electronic course provided by the district or school that exceeds a normal course load, including an electronic course offered during the summer, in an amount determined by the commissioner based on the amount of funds appropriated for such purposes. The bill authorizes the commissioner to set aside an amount not to exceed 50 percent of the total funds appropriated for such allotments and to use that amount to pay the costs of providing electronic courses through the state virtual school network through which students may recover academic credit for courses in which the students were previously unsuccessful. The bill authorizes the commissioner to reserve a portion of the set-aside amount for payment of the costs of providing these courses to students in alternative education settings. The bill establishes that, for purposes of these provisions, students in alternative education settings include students in disciplinary alternative education programs (DAEPs), students in juvenile justice alternative education programs (JJAEPs), and students under the supervision of a juvenile probation department, TYC, or TDCJ. The bill prohibits the commissioner from providing partial funding to a school district or open-enrollment charter school participating in the network 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. The bill establishes that amounts received by a school district or open-enrollment charter school for participation in the state virtual school network are in addition to any amounts to which the district or school is entitled to receive or retain under provisions relating to charter schools, the equalized wealth level, or the state virtual school network and are not subject to reduction under any of those provisions.

S.B. 955 requires the commissioner to adopt rules necessary to implement the provisions for the state virtual school network allotments. The bill requires the rules to include provisions requiring a school district or open-enrollment charter school that receives funding for an electronic course completed by a student that exceeds a normal course load to reduce the amount of any fee charged for the course by an amount equal to the amount of funding provided to a school district or open-enrollment charter school for such a course; provisions prohibiting a school district or open-enrollment charter school that receives funding for an electronic course completed by a student in excess of a normal course load from charging a fee for the course that is higher than would otherwise be charged; and provisions addressing division and distribution of the allotment for a school district or open-enrollment charter school in which a student taking a network course is enrolled 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. The bill defines "electronic course," "normal course load," and "state virtual school network."

S.B. 955 includes state virtual school network allotments in the calculation of the number of students in weighted average daily attendance, for purposes of determining a school district's allotment under the guaranteed yield program.

S.B. 955 requires TEA to evaluate whether providers of different types of electronic courses offered through the state virtual school network should receive varying amounts of state funding based on the type of course provided. The bill requires TEA to submit a report of its findings and recommendations to the legislature not later than January 1, 2011.

S.B. 955 requires TEA to 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. The bill requires TEA to submit a report of its findings to the legislature not later than January 1, 2011. The bill requires the report to include recommended mechanisms for ensuring progress towards language proficiency of students enrolled in those courses, if TEA determines that it is feasible to make language acquisition courses available through the network.

S.B. 955 requires TEA to 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 DAEPs, students in JJAEPs, and students under the supervision of a juvenile probation department, TYC, or TDCJ. The bill requires the series of courses to be investigated to 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. The bill requires TEA to submit a report of its findings to the legislature not later than January 1, 2011.

S.B. 955 makes its provisions applicable beginning with the 2009-2010 school year.

S.B. 955 establishes that its provisions do not make an appropriation and that these provisions take effect only if a specific appropriation for the implementation of such provisions is provided in a general appropriations act of the 81st Legislature.

S.B. 955 repeals the following sections of the Education Code:

- 30A.151(d)
- 30A.153
- 30A.154

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.