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West

S.B. No. 955

A BILL TO BE ENTITLED

AN ACT

relating to the state virtual school network.

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

SECTION 1. 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 Chapter 29, ~~or~~ Subchapter E of 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 2. 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

1 through the network if ~~[, or~~

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

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

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

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

9 SECTION 3. Section 30A.004, Education Code, is amended by  
10 adding Subsection (b-1) to read as follows:

11 (b-1) Requirements imposed by or under this chapter do not  
12 apply to a virtual course provided by a school district only to  
13 district students if the course is not provided as part of the state  
14 virtual school network.

15 SECTION 4. Subsection (b), Section 30A.101, Education Code,  
16 is amended to read as follows:

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:

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

27 (B) if the student receives educational services

1 under the supervision of a juvenile probation department, the Texas  
2 Youth Commission, or the Texas Department of Criminal Justice,  
3 through an agreement with the applicable agency [~~administering~~  
4 ~~authority under Section 30A.153~~].

5 SECTION 5. Subsections (c) and (d), Section 30A.105,  
6 Education Code, are amended to read as follows:

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

18 (1) courses that satisfy high school graduation  
19 requirements;

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

22 (3) courses that allow a student to earn college  
23 credit or other advanced credit;

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

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

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

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

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

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

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

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

27           ~~[(6) determining the manner in which a student's~~

1 ~~progress in the course will be measured]~~.

2 SECTION 6. Subchapter C, Chapter 30A, Education Code, is  
3 amended by adding Section 30A.1051 to read as follows:

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

8 SECTION 7. Subsection (a), Section 30A.107, Education Code,  
9 is amended to read as follows:

10 (a) A provider school district or school may offer  
11 electronic courses to:

- 12 (1) students who reside in this state; and  
13 (2) students who reside outside this state and who  
14 meet the eligibility requirements under Section 30A.002(c)  
15 [~~30A.002(b)~~].

16 SECTION 8. Section 30A.109, Education Code, is amended to  
17 read as follows:

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

26 SECTION 9. Section 30A.111, Education Code, is amended to  
27 read as follows:

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

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

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

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

14           SECTION 10. Subchapter C, Chapter 30A, Education Code, is  
15 amended by adding Section 30A.1121 to read as follows:

16           Sec. 30A.1121. ALTERNATIVE EDUCATOR PROFESSIONAL  
17 DEVELOPMENT. (a) Subject to Subsection (b), a school district or  
18 open-enrollment charter school may provide professional  
19 development courses to teachers seeking to become authorized to  
20 teach electronic courses provided through the state virtual school  
21 network. A district or school may provide a professional  
22 development course that is approved under Subsection (b) to any  
23 interested teacher, regardless of whether the teacher is employed  
24 by the district or school.

25           (b) The agency shall review each professional development  
26 course sought to be provided by a school district or  
27 open-enrollment charter school under Subsection (a) to determine if

1 the course meets the quality standards established under Section  
2 30A.113. If a course meets those standards, the district or school  
3 may provide the course for purposes of enabling a teacher to comply  
4 with Section 30A.111(a)(2).

5 SECTION 11. Section 30A.155, Education Code, is amended by  
6 amending Subsections (a), (c), and (d) and adding Subsections (a-1)  
7 and (c-1) to read as follows:

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

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

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

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

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

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

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

27 (2) \$400.

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

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

13        SECTION 12. Subchapter C, Chapter 42, Education Code, is  
14 amended by adding Section 42.159 to read as follows:

15        Sec. 42.159. STATE VIRTUAL SCHOOL NETWORK ALLOTMENTS.

16        (a) In this section:

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

19                (2) "Normal course load" means the number of classes  
20 or credit hours generally required to be taken by a student to  
21 generate the full amount of funding provided under this chapter for  
22 a student in average daily attendance, as determined by the  
23 commissioner.

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

26        (b) For each student who successfully completes an  
27 electronic course provided through the state virtual school network



1 as part of a normal course load:

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

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

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

13 (d) For each student who successfully completes an  
14 electronic course provided through the state virtual school network  
15 that exceeds a normal course load, including an electronic course  
16 offered during the summer, the school district or open-enrollment  
17 charter school that provided the course may be entitled to an  
18 allotment in an amount determined by the commissioner based on the  
19 amount of funds appropriated for purposes of this subsection.

20 (e) The commissioner may set aside an amount not to exceed  
21 50 percent of the total funds appropriated for allotments under  
22 Subsection (d) and use that amount to pay the costs of providing  
23 through the state virtual school network electronic courses through  
24 which students may recover academic credit for courses in which the  
25 students were previously unsuccessful. The commissioner may  
26 reserve a portion of the set-aside amount for payment of the costs  
27 of providing electronic courses described by this subsection to

1 students in alternative education settings. For purposes of this  
2 subsection, students in alternative education settings include  
3 students in disciplinary alternative education programs under  
4 Section 37.008, students in juvenile justice alternative education  
5 programs under Section 37.011, and students under the supervision  
6 of a juvenile probation department, the Texas Youth Commission, or  
7 the Texas Department of Criminal Justice.

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

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

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

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

25 (2) prohibiting a school district or open-enrollment  
26 charter school that receives funding for an electronic course under  
27 Subsection (d) from charging a fee for the course in accordance with

1 Section 30A.155 that is higher than would otherwise be charged; and  
2 (3) addressing division and distribution of the  
3 allotment described by Subsection (b)(2) in circumstances in which  
4 a student transfers from one school district, school, or other  
5 educational setting to another after beginning enrollment in an  
6 electronic course.

7 SECTION 13. Subsection (a), Section 42.302, Education Code,  
8 is amended to read as follows:

9 (a) Each school district is guaranteed a specified amount  
10 per weighted student in state and local funds for each cent of tax  
11 effort over that required for the district's local fund assignment  
12 up to the maximum level specified in this subchapter. The amount  
13 of state support, subject only to the maximum amount under Section  
14 42.303, is determined by the formula:

15 
$$\text{GYA} = (\text{GL} \times \text{WADA} \times \text{DTR} \times 100) - \text{LR}$$

16 where:

17 "GYA" is the guaranteed yield amount of state funds to be  
18 allocated to the district;

19 "GL" is the dollar amount guaranteed level of state and local  
20 funds per weighted student per cent of tax effort, which is an  
21 amount described by Subsection (a-1) or a greater amount for any  
22 year provided by appropriation;

23 "WADA" is the number of students in weighted average daily  
24 attendance, which is calculated by dividing the sum of the school  
25 district's allotments under Subchapters B and C, less any allotment  
26 to the district for transportation, any allotment under Section  
27 42.158 or 42.159, and 50 percent of the adjustment under Section

1 42.102, by the basic allotment for the applicable year;

2 "DTR" is the district enrichment tax rate of the school  
3 district, which is determined by subtracting the amounts specified  
4 by Subsection (b) from the total amount of maintenance and  
5 operations taxes collected by the school district for the  
6 applicable school year and dividing the difference by the quotient  
7 of the district's taxable value of property as determined under  
8 Subchapter M, Chapter 403, Government Code, or, if applicable,  
9 under Section 42.2521, divided by 100; and

10 "LR" is the local revenue, which is determined by multiplying  
11 "DTR" by the quotient of the district's taxable value of property as  
12 determined under Subchapter M, Chapter 403, Government Code, or, if  
13 applicable, under Section 42.2521, divided by 100.

14 SECTION 14. Subsection (d), Section 30A.151, and Sections  
15 30A.153 and 30A.154, Education Code, are repealed.

16 SECTION 15. The Texas Education Agency shall evaluate  
17 whether providers of different types of electronic courses offered  
18 through the state virtual school network established under Chapter  
19 30A, Education Code, should receive varying amounts of state  
20 funding based on the type of course provided. Not later than  
21 January 1, 2011, the agency shall submit a report of its findings  
22 and recommendations to the legislature.

23 SECTION 16. The Texas Education Agency shall investigate  
24 the feasibility of making language acquisition courses available  
25 through the state virtual school network by obtaining state  
26 subscriptions or pursuing other possible means of access. Not  
27 later than January 1, 2011, the agency shall submit a report of its

1 findings to the legislature. If the agency determines that it is  
2 feasible to make language acquisition courses available through the  
3 network, the report must include recommended mechanisms for  
4 ensuring progress towards language proficiency of students  
5 enrolled in those courses.

6 SECTION 17. (a) The Texas Education Agency shall  
7 investigate the feasibility of creating one or more series of  
8 courses to be provided through the state virtual school network  
9 that focus on the educational needs of students in alternative  
10 education settings, including students in disciplinary alternative  
11 education programs under Section 37.008, Education Code, students  
12 in juvenile justice alternative education programs under Section  
13 37.011, Education Code, and students under the supervision of a  
14 juvenile probation department, the Texas Youth Commission, or the  
15 Texas Department of Criminal Justice. The series of courses to be  
16 investigated must include a series that would constitute a  
17 full-time educational program, a series that would offer only  
18 supplemental courses, and a series that would offer courses through  
19 which students could recover academic credit for courses in which  
20 the students were previously unsuccessful.

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

23 SECTION 18. This Act applies beginning with the 2009-2010  
24 school year.

25 SECTION 19. This Act does not make an appropriation. This  
26 Act takes effect only if a specific appropriation for the  
27 implementation of the Act is provided in a general appropriations

1 act of the 81st Legislature.

2           SECTION 20. This Act takes effect immediately if it  
3 receives a vote of two-thirds of all the members elected to each  
4 house, as provided by Section 39, Article III, Texas Constitution.  
5 If this Act does not receive the vote necessary for immediate  
6 effect, this Act takes effect September 1, 2009.