

1-1 By: Shapiro S.B. No. 955  
1-2 (In the Senate - Filed February 19, 2009; March 9, 2009,  
1-3 read first time and referred to Committee on Education;  
1-4 April 7, 2009, reported favorably by the following vote: Yeas 8,  
1-5 Nays 0; April 7, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the state virtual school network.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Subsection (b), Section 1.001, Education Code,  
1-11 is amended to read as follows:

1-12 (b) Except as provided by Chapter 18, Chapter 19, Subchapter  
1-13 A of ~~[7]~~ Chapter 29, ~~[or]~~ Subchapter E of ~~[7]~~ Chapter 30, or Chapter  
1-14 30A, this code does not apply to students, facilities, or programs  
1-15 under the jurisdiction of the Department of Aging and Disability  
1-16 Services, the Department of State Health Services, the Health and  
1-17 Human Services Commission, the Texas Youth Commission, the Texas  
1-18 Department of Criminal Justice, a Job Corps program operated by or  
1-19 under contract with the United States Department of Labor, or any  
1-20 juvenile probation agency.

1-21 SECTION 2. Section 30A.002, Education Code, is amended by  
1-22 amending Subsection (b) and adding Subsection (c) to read as  
1-23 follows:

1-24 (b) A student is eligible to enroll full-time in courses  
1-25 provided through the state virtual school network only if ~~[+]~~  
1-26 ~~[(1)]~~ the student was enrolled in a public school in  
1-27 this state in the preceding school year.

1-28 (c) Notwithstanding Subsection (a)(3) or (b), a student is  
1-29 eligible to enroll in one or more courses provided through the state  
1-30 virtual school network or enroll full-time in courses provided  
1-31 through the network if ~~[+ or~~

1-32 ~~[(2)]~~ the student:

1-33 (1) ~~[(A)]~~ is a dependent of a member of the United  
1-34 States military;

1-35 (2) ~~[(B)]~~ was previously enrolled in high school in  
1-36 this state; and

1-37 (3) ~~[(C)]~~ does not reside in this state due to a  
1-38 military deployment or transfer.

1-39 SECTION 3. Section 30A.004, Education Code, is amended by  
1-40 adding Subsection (b-1) to read as follows:

1-41 (b-1) Requirements imposed by or under this chapter do not  
1-42 apply to a virtual course provided by a school district only to  
1-43 district students if the course is not provided as part of the state  
1-44 virtual school network.

1-45 SECTION 4. Subsection (b), Section 30A.101, Education Code,  
1-46 is amended to read as follows:

1-47 (b) An open-enrollment charter school is eligible to act as  
1-48 a provider school under this chapter only if the school is rated  
1-49 recognized or higher under Section 39.072, and may serve as a  
1-50 provider school only:

1-51 (1) to a student within the school district in which  
1-52 the school is located or within its service area, whichever is  
1-53 smaller; or

1-54 (2) to another student in the state:

1-55 (A) through an agreement with the school district  
1-56 in which the student resides; or

1-57 (B) if the student receives educational services  
1-58 under the supervision of a juvenile probation department, the Texas  
1-59 Youth Commission, or the Texas Department of Criminal Justice,  
1-60 through an agreement with the applicable agency ~~[administering~~  
1-61 authority under Section 30A.153].

1-62 SECTION 5. Subsections (c) and (d), Section 30A.105,  
1-63 Education Code, are amended to read as follows:

1-64 (c) The agency shall ~~[A school district, open-enrollment~~

2-1 ~~charter school, or public or private institution of higher~~  
 2-2 ~~education that submits an electronic course to the administering~~  
 2-3 ~~authority for approval must] pay [a fee in an amount established by~~  
 2-4 ~~the commissioner as sufficient to recover] the reasonable costs of~~  
 2-5 ~~[to the administering authority in] evaluating and approving~~  
 2-6 ~~electronic courses. If funds available to the agency for that~~  
 2-7 ~~purpose are insufficient to pay the costs of evaluating and~~  
 2-8 ~~approving all electronic courses submitted for evaluation and~~  
 2-9 ~~approval, the agency shall give priority to paying the costs of~~  
 2-10 ~~evaluating and approving the following courses:~~

2-11 ~~(1) courses that satisfy high school graduation~~  
 2-12 ~~requirements;~~

2-13 ~~(2) courses that would likely benefit a student in~~  
 2-14 ~~obtaining admission to a postsecondary institution;~~

2-15 ~~(3) courses that allow a student to earn college~~  
 2-16 ~~credit or other advanced credit;~~

2-17 ~~(4) courses in subject areas most likely to be highly~~  
 2-18 ~~beneficial to students receiving educational services under the~~  
 2-19 ~~supervision of a juvenile probation department, the Texas Youth~~  
 2-20 ~~Commission, or the Texas Department of Criminal Justice; and~~

2-21 ~~(5) courses in subject areas designated by the~~  
 2-22 ~~commissioner as commonly experiencing a shortage of teachers.~~

2-23 ~~(d) If the agency determines that the costs of evaluating~~  
 2-24 ~~and approving a submitted electronic course will not be paid by the~~  
 2-25 ~~agency due to a shortage of funds available for that purpose, the~~  
 2-26 ~~[The administering authority shall waive the fee required by~~  
 2-27 ~~Subsection (c) if a] school district, open-enrollment charter~~  
 2-28 ~~school, or public or private institution of higher education that~~  
 2-29 ~~submitted the [applies for approval of an electronic] course for~~  
 2-30 ~~evaluation and approval may pay the costs in order to ensure that~~  
 2-31 ~~evaluation of the course occurs [that was developed independently~~  
 2-32 ~~by the district, school, or institution. For purposes of this~~  
 2-33 ~~subsection, an electronic course is developed independently by a~~  
 2-34 ~~district, school, or institution if a district, school, or~~  
 2-35 ~~institution employee is responsible for developing substantially~~  
 2-36 ~~each aspect of the course, including:~~

2-37 ~~[(1) determining the curriculum elements to be~~  
 2-38 ~~included in the course;~~

2-39 ~~[(2) selecting any instructional materials for the~~  
 2-40 ~~course;~~

2-41 ~~[(3) determining the manner in which instruction is to~~  
 2-42 ~~be delivered;~~

2-43 ~~[(4) creating a lesson plan or similar description of~~  
 2-44 ~~the instructional aspects of the course;~~

2-45 ~~[(5) determining any special projects or assignments a~~  
 2-46 ~~student in the course must complete; and~~

2-47 ~~[(6) determining the manner in which a student's~~  
 2-48 ~~progress in the course will be measured].~~

2-49 SECTION 6. Subchapter C, Chapter 30A, Education Code, is  
 2-50 amended by adding Section 30A.1051 to read as follows:

2-51 Sec. 30A.1051. ELECTRONIC COURSE PORTABILITY. A student  
 2-52 who transfers from one educational setting to another after  
 2-53 beginning enrollment in an electronic course is entitled to  
 2-54 continue enrollment in the course.

2-55 SECTION 7. Subsection (a), Section 30A.107, Education Code,  
 2-56 is amended to read as follows:

2-57 (a) A provider school district or school may offer  
 2-58 electronic courses to:

2-59 (1) students who reside in this state; and

2-60 (2) students who reside outside this state and who  
 2-61 meet the eligibility requirements under Section 30A.002(c)  
 2-62 ~~[30A.002(b)].~~

2-63 SECTION 8. Section 30A.109, Education Code, is amended to  
 2-64 read as follows:

2-65 Sec. 30A.109. COMPULSORY ATTENDANCE. The commissioner by  
 2-66 rule shall adopt procedures for reporting and verifying the  
 2-67 attendance of a student enrolled in an electronic course provided  
 2-68 through the state virtual school network. The rules may modify the  
 2-69 application of Sections 25.085, 25.086, and 25.087 for a student

3-1 enrolled in an electronic course but must require participation in  
 3-2 an educational program equivalent to the requirements prescribed by  
 3-3 those sections.

3-4 SECTION 9. Section 30A.111, Education Code, is amended to  
 3-5 read as follows:

3-6 Sec. 30A.111. TEACHER QUALIFICATIONS. (a) Each teacher of  
 3-7 an electronic course offered by a school district or  
 3-8 open-enrollment charter school through the state virtual school  
 3-9 network must:

3-10 (1) be certified under Subchapter B, Chapter 21, to  
 3-11 teach that course and grade level; and

3-12 (2) successfully complete the appropriate  
 3-13 professional development course provided under Section 30A.112(a)  
 3-14 or 30A.1121 before teaching an electronic course offered through  
 3-15 the network.

3-16 (b) The commissioner by rule shall establish procedures for  
 3-17 verifying successful completion by a teacher of the appropriate  
 3-18 professional development course required by Subsection (a)(2).

3-19 SECTION 10. Subchapter C, Chapter 30A, Education Code, is  
 3-20 amended by adding Section 30A.1121 to read as follows:

3-21 Sec. 30A.1121. ALTERNATIVE EDUCATOR PROFESSIONAL  
 3-22 DEVELOPMENT. (a) Subject to Subsection (b), a school district or  
 3-23 open-enrollment charter school may provide professional  
 3-24 development courses to teachers seeking to become authorized to  
 3-25 teach electronic courses provided through the state virtual school  
 3-26 network. A district or school may provide a professional  
 3-27 development course that is approved under Subsection (b) to any  
 3-28 interested teacher, regardless of whether the teacher is employed  
 3-29 by the district or school.

3-30 (b) The agency shall review each professional development  
 3-31 course sought to be provided by a school district or  
 3-32 open-enrollment charter school under Subsection (a) to determine if  
 3-33 the course meets the quality standards established under Section  
 3-34 30A.113. If a course meets those standards, the district or school  
 3-35 may provide the course for purposes of enabling a teacher to comply  
 3-36 with Section 30A.111(a)(2).

3-37 SECTION 11. Section 30A.155, Education Code, is amended by  
 3-38 amending Subsections (a), (c), and (d) and adding Subsections (a-1)  
 3-39 and (c-1) to read as follows:

3-40 (a) A school district or open-enrollment charter school may  
 3-41 charge a fee for enrollment in an electronic course provided  
 3-42 through the state virtual school network to a student who resides in  
 3-43 this state and:

3-44 (1) is enrolled in a school district or  
 3-45 open-enrollment charter school as a full-time student; and

3-46 (2) is enrolled in a course load greater than that  
 3-47 normally taken by students in the equivalent grade level in other  
 3-48 school districts or open-enrollment charter schools ~~and~~

3-49 ~~[(3) does not qualify for accelerated student funding~~  
 3-50 ~~under Section 30A.154].~~

3-51 (a-1) A school district or open-enrollment charter school  
 3-52 may charge a fee for enrollment in an electronic course provided  
 3-53 through the state virtual school network during the summer.

3-54 (c) The amount of a fee charged a student under Subsection  
 3-55 (a), (a-1), or (b) for each electronic course in which the student  
 3-56 enrolls through the state virtual school network may not exceed the  
 3-57 lesser of:

3-58 (1) the cost of providing the course; or

3-59 (2) \$400.

3-60 (c-1) A school district or open-enrollment charter school  
 3-61 that is not the provider school district or school may charge a  
 3-62 student enrolled in the district or school a nominal fee, not to  
 3-63 exceed the amount specified by the commissioner, if the student  
 3-64 enrolls in an electronic course provided through the state virtual  
 3-65 school network that exceeds the course load normally taken by  
 3-66 students in the equivalent grade level. A juvenile probation  
 3-67 department or state agency may charge a comparable fee to a student  
 3-68 under the supervision of the department or agency.

3-69 (d) Except as provided by this section ~~[Subsection (a) or~~

4-1 ~~(b)~~], the state virtual school network may not charge a fee to  
 4-2 students for electronic courses provided through the network.

4-3 SECTION 12. Subchapter C, Chapter 42, Education Code, is  
 4-4 amended by adding Section 42.159 to read as follows:

4-5 Sec. 42.159. STATE VIRTUAL SCHOOL NETWORK ALLOTMENTS.

4-6 (a) In this section:

4-7 (1) "Electronic course" means a course that is a  
 4-8 semester in length.

4-9 (2) "Normal course load" means the number of classes  
 4-10 or credit hours generally required to be taken by a student to  
 4-11 generate the full amount of funding provided under this chapter for  
 4-12 a student in average daily attendance, as determined by the  
 4-13 commissioner.

4-14 (3) "State virtual school network" means the system  
 4-15 established under Chapter 30A.

4-16 (b) For each student who successfully completes an  
 4-17 electronic course provided through the state virtual school network  
 4-18 as part of a normal course load:

4-19 (1) the school district or open-enrollment charter  
 4-20 school that provided the course is entitled to an allotment of \$400;  
 4-21 and

4-22 (2) the school district or open-enrollment charter  
 4-23 school in which the student is enrolled is entitled to an allotment  
 4-24 of \$80 to reimburse the district or school for associated  
 4-25 administrative costs.

4-26 (c) A juvenile probation department or state agency is  
 4-27 entitled to receive state funding comparable to the funding  
 4-28 described by Subsection (b)(2) for students under the supervision  
 4-29 of the department or agency.

4-30 (d) For each student who successfully completes an  
 4-31 electronic course provided through the state virtual school network  
 4-32 that exceeds a normal course load, including an electronic course  
 4-33 offered during the summer, the school district or open-enrollment  
 4-34 charter school that provided the course may be entitled to an  
 4-35 allotment in an amount determined by the commissioner based on the  
 4-36 amount of funds appropriated for purposes of this subsection.

4-37 (e) The commissioner may set aside an amount not to exceed  
 4-38 50 percent of the total funds appropriated for allotments under  
 4-39 Subsection (d) and use that amount to pay the costs of providing  
 4-40 through the state virtual school network electronic courses through  
 4-41 which students may recover academic credit for courses in which the  
 4-42 students were previously unsuccessful. The commissioner may  
 4-43 reserve a portion of the set-aside amount for payment of the costs  
 4-44 of providing electronic courses described by this subsection to  
 4-45 students in alternative education settings. For purposes of this  
 4-46 subsection, students in alternative education settings include  
 4-47 students in disciplinary alternative education programs under  
 4-48 Section 37.008, students in juvenile justice alternative education  
 4-49 programs under Section 37.011, and students under the supervision  
 4-50 of a juvenile probation department, the Texas Youth Commission, or  
 4-51 the Texas Department of Criminal Justice.

4-52 (f) The commissioner may not provide partial funding under  
 4-53 this section to a school district or open-enrollment charter school  
 4-54 under Subsection (b) or (d) on the basis of a student who  
 4-55 successfully completes one or more modules of an electronic course  
 4-56 but does not successfully complete the entire course.

4-57 (g) Amounts received by a school district or  
 4-58 open-enrollment charter school under this section are in addition  
 4-59 to any amounts to which the district or school is entitled to  
 4-60 receive or retain under Chapter 12 or 41 or this chapter and are not  
 4-61 subject to reduction under any provision of those chapters.

4-62 (h) The commissioner shall adopt rules necessary to  
 4-63 implement this section. The rules must include provisions:

4-64 (1) requiring a school district or open-enrollment  
 4-65 charter school that receives funding for an electronic course under  
 4-66 Subsection (d) to reduce the amount of any fee charged for the  
 4-67 course in accordance with Section 30A.155 by an amount equal to the  
 4-68 amount of funding provided under Subsection (d);

4-69 (2) prohibiting a school district or open-enrollment

5-1 charter school that receives funding for an electronic course under  
 5-2 Subsection (d) from charging a fee for the course in accordance with  
 5-3 Section 30A.155 that is higher than would otherwise be charged; and  
 5-4 (3) addressing division and distribution of the  
 5-5 allotment described by Subsection (b)(2) in circumstances in which  
 5-6 a student transfers from one school district, school, or other  
 5-7 educational setting to another after beginning enrollment in an  
 5-8 electronic course.

5-9 SECTION 13. Subsection (a), Section 42.302, Education Code,  
 5-10 is amended to read as follows:

5-11 (a) Each school district is guaranteed a specified amount  
 5-12 per weighted student in state and local funds for each cent of tax  
 5-13 effort over that required for the district's local fund assignment  
 5-14 up to the maximum level specified in this subchapter. The amount  
 5-15 of state support, subject only to the maximum amount under Section  
 5-16 42.303, is determined by the formula:

$$5-17 \text{GYA} = (\text{GL} \times \text{WADA} \times \text{DTR} \times 100) - \text{LR}$$

5-18 where:

5-19 "GYA" is the guaranteed yield amount of state funds to be  
 5-20 allocated to the district;

5-21 "GL" is the dollar amount guaranteed level of state and local  
 5-22 funds per weighted student per cent of tax effort, which is an  
 5-23 amount described by Subsection (a-1) or a greater amount for any  
 5-24 year provided by appropriation;

5-25 "WADA" is the number of students in weighted average daily  
 5-26 attendance, which is calculated by dividing the sum of the school  
 5-27 district's allotments under Subchapters B and C, less any allotment  
 5-28 to the district for transportation, any allotment under Section  
 5-29 42.158 or 42.159, and 50 percent of the adjustment under Section  
 5-30 42.102, by the basic allotment for the applicable year;

5-31 "DTR" is the district enrichment tax rate of the school  
 5-32 district, which is determined by subtracting the amounts specified  
 5-33 by Subsection (b) from the total amount of maintenance and  
 5-34 operations taxes collected by the school district for the  
 5-35 applicable school year and dividing the difference by the quotient  
 5-36 of the district's taxable value of property as determined under  
 5-37 Subchapter M, Chapter 403, Government Code, or, if applicable,  
 5-38 under Section 42.2521, divided by 100; and

5-39 "LR" is the local revenue, which is determined by multiplying  
 5-40 "DTR" by the quotient of the district's taxable value of property as  
 5-41 determined under Subchapter M, Chapter 403, Government Code, or, if  
 5-42 applicable, under Section 42.2521, divided by 100.

5-43 SECTION 14. Subsection (d), Section 30A.151, and Sections  
 5-44 30A.153 and 30A.154, Education Code, are repealed.

5-45 SECTION 15. The Texas Education Agency shall evaluate  
 5-46 whether providers of different types of electronic courses offered  
 5-47 through the state virtual school network established under Chapter  
 5-48 30A, Education Code, should receive varying amounts of state  
 5-49 funding based on the type of course provided. Not later than  
 5-50 January 1, 2011, the agency shall submit a report of its findings  
 5-51 and recommendations to the legislature.

5-52 SECTION 16. The Texas Education Agency shall investigate  
 5-53 the feasibility of making language acquisition courses available  
 5-54 through the state virtual school network by obtaining state  
 5-55 subscriptions or pursuing other possible means of access. Not  
 5-56 later than January 1, 2011, the agency shall submit a report of its  
 5-57 findings to the legislature. If the agency determines that it is  
 5-58 feasible to make language acquisition courses available through the  
 5-59 network, the report must include recommended mechanisms for  
 5-60 ensuring progress towards language proficiency of students  
 5-61 enrolled in those courses.

5-62 SECTION 17. (a) The Texas Education Agency shall  
 5-63 investigate the feasibility of creating one or more series of  
 5-64 courses to be provided through the state virtual school network  
 5-65 that focus on the educational needs of students in alternative  
 5-66 education settings, including students in disciplinary alternative  
 5-67 education programs under Section 37.008, Education Code, students  
 5-68 in juvenile justice alternative education programs under Section  
 5-69 37.011, Education Code, and students under the supervision of a

6-1 juvenile probation department, the Texas Youth Commission, or the  
6-2 Texas Department of Criminal Justice. The series of courses to be  
6-3 investigated must include a series that would constitute a  
6-4 full-time educational program, a series that would offer only  
6-5 supplemental courses, and a series that would offer courses through  
6-6 which students could recover academic credit for courses in which  
6-7 the students were previously unsuccessful.

6-8 (b) Not later than January 1, 2011, the agency shall submit  
6-9 a report of its findings to the legislature.

6-10 SECTION 18. This Act applies beginning with the 2009-2010  
6-11 school year.

6-12 SECTION 19. This Act takes effect immediately if it  
6-13 receives a vote of two-thirds of all the members elected to each  
6-14 house, as provided by Section 39, Article III, Texas Constitution.  
6-15 If this Act does not receive the vote necessary for immediate  
6-16 effect, this Act takes effect September 1, 2009.

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