

By: Madden

H.B. No. 2843

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the provision of additional opportunities for
3 instruction through the state virtual school network.

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

5 SECTION 1. Section 30A.103, Education Code, is amended by
6 adding Subsections (a-1) and (b-1) to read as follows:

7 (a-1) The commissioner shall study and implement strategies
8 that provide quality electronic courses to students with special
9 needs.

10 (b-1) In establishing criteria under Subsection (a), the
11 board shall consider measurable data showing past student success
12 in an electronic course.

13 SECTION 2. Section 30A.104, Education Code, is amended to
14 read as follows:

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

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

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

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

- 1 (A) a semester of 90 instructional days; and
2 (B) a school day that meets the minimum length of
3 a school day required under Section 25.082; and
4 (4) be designed to permit a student to complete the
5 course at the student's own pace.

6 SECTION 3. Section 30A.107, Education Code, is amended by
7 amending Subsections (b) and (c) and adding Subsection (b-1) to
8 read as follows:

9 (b) A student who is enrolled in a school district or
10 open-enrollment charter school in this state as a full-time student
11 may take one or more electronic courses through the state virtual
12 school network. The commissioner may not limit the number of
13 electronic courses a student to whom this subsection applies may
14 take through the state virtual school network.

15 (b-1) The commissioner may not limit the number of students
16 who may enroll in the state virtual school network.

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

22 (1) ~~[may not in any semester enroll in more than two~~
23 ~~electronic courses offered through the state virtual school~~
24 ~~network,~~

25 ~~[(2) is not considered to be a public school student,~~

26 ~~[(3)]~~ must obtain access to a course provided through
27 the network through the school district or open-enrollment charter

1 school attendance zone in which the student resides;

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

5 (3) [~~(5)~~] is not entitled to any right, privilege,
6 activities, or services available to a student enrolled in a public
7 school, other than the right to receive the appropriate unit of
8 credit for completing an electronic course.

9 SECTION 4. Section 30A.155(c), Education Code, is amended
10 to read as follows:

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

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

16 (2) \$350 [~~\$400~~].

17 SECTION 5. Section 42.151, Education Code, is amended by
18 amending Subsections (e) and (h) and adding Subsection (e-1) to
19 read as follows:

20 (e) The State Board of Education by rule shall prescribe the
21 qualifications an instructional arrangement must meet in order to
22 be funded as a particular instructional arrangement under this
23 section. In prescribing the qualifications that a mainstream
24 instructional arrangement must meet, the board shall establish
25 requirements that students with disabilities and their teachers
26 receive the direct, indirect, and support services that are
27 necessary to enrich the regular classroom and enable student

1 success. In prescribing the qualifications that a homebound
2 instructional arrangement must meet, the board shall require that
3 students enroll in a number of state virtual school network courses
4 under Chapter 30A the board determines appropriate.

5 (e-1) The State Board of Education by rule shall require
6 students for whom a district receives an allocation for special
7 transportation services under Section 42.155(g) to enroll in a
8 number of state virtual school network courses under Chapter 30A
9 the board determines appropriate.

10 (h) Funds allocated under this section, other than an
11 indirect cost allotment established under State Board of Education
12 rule, must be used in the special education program under
13 Subchapter A, Chapter 29, and for funding the enrollment in state
14 virtual school network courses under Chapter 30A of:

15 (1) students in homebound instructional arrangements;
16 and

17 (2) students using special transportation services
18 under Section 42.155(g).

19 SECTION 6. Section 42.152, Education Code, is amended by
20 adding Subsection (a-1) and amending Subsection (c) to read as
21 follows:

22 (a-1) The commissioner by rule shall require pregnant
23 students for which a school district receives an allotment under
24 Subsection (a) to enroll in state virtual school network courses
25 under Chapter 30A to satisfy a requirement for instruction under
26 Section 29.081.

27 (c) Funds allocated under this section shall be used to fund

1 supplemental programs and services designed to eliminate any
2 disparity in performance on assessment instruments administered
3 under Subchapter B, Chapter 39, or disparity in the rates of high
4 school completion between students at risk of dropping out of
5 school, as defined by Section 29.081, and all other students.
6 Specifically, the funds, other than an indirect cost allotment
7 established under State Board of Education rule, which may not
8 exceed 45 percent, may be used to meet the costs of providing a
9 compensatory, intensive, or accelerated instruction program under
10 Section 29.081 or an alternative education program established
11 under Section 37.008 or to support a program eligible under Title I
12 of the Elementary and Secondary Education Act of 1965, as provided
13 by Pub. L. No. 103-382 [~~and its subsequent amendments~~], and by
14 federal regulations implementing that Act, at a campus at which at
15 least 40 percent of the students are educationally disadvantaged.
16 In meeting the costs of providing a compensatory, intensive, or
17 accelerated instruction program under Section 29.081, a district's
18 compensatory education allotment shall be used for costs
19 supplementary to the regular education program, such as costs for
20 program and student evaluation, instructional materials and
21 equipment and other supplies required for quality instruction,
22 supplemental staff expenses, salary for teachers of at-risk
23 students, smaller class size, and individualized instruction. A
24 home-rule school district or an open-enrollment charter school must
25 use funds allocated under Subsection (a) for a purpose authorized
26 in this subsection but is not otherwise subject to Subchapter C,
27 Chapter 29. Notwithstanding any other provisions of this section:

1 (1) to ensure that a sufficient amount of the funds
2 allotted under this section are available to supplement
3 instructional programs and services, no more than 18 percent of the
4 funds allotted under this section may be used to fund disciplinary
5 alternative education programs established under Section 37.008;

6 (2) the commissioner may waive the limitations of
7 Subdivision (1) upon an annual petition, by a district's board and a
8 district's site-based decision making committee, presenting the
9 reason for the need to spend supplemental compensatory education
10 funds on disciplinary alternative education programs under Section
11 37.008, provided that:

12 (A) the district in its petition reports the
13 number of students in each grade level, by demographic subgroup,
14 not making satisfactory progress under the state's assessment
15 system; and

16 (B) the commissioner makes the waiver request
17 information available annually to the public on the agency's
18 website; ~~and~~

19 (3) for purposes of this subsection, a program
20 specifically designed to serve students at risk of dropping out of
21 school, as defined by Section 29.081, is considered to be a program
22 supplemental to the regular education program, and a district may
23 use its compensatory education allotment for such a program; and

24 (4) the enrollment of pregnant students in state
25 virtual school network courses under Chapter 30A is considered to
26 be a program supplemental to the regular education program, and a
27 district may use its compensatory education allotment for such

1 courses.

2 SECTION 7. The commissioner of education may adopt rules
3 necessary to implement this Act.

4 SECTION 8. This Act applies beginning with the 2011-2012
5 school year.

6 SECTION 9. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2011.