

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**April 4, 2011**

**TO:** Honorable Rob Eissler, Chair, House Committee on Public Education

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB2843** by Madden (Relating to the provision of additional opportunities for instruction through the state virtual school network.), **As Introduced**

The fiscal implications of the bill cannot be determined at this time.
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The bill would require certain students eligible for special education services and pregnant students receiving pregnancy-related services (such as homebound instruction) to enroll in courses through the Texas Virtual School Network (VSN).

The provisions of the bill would violate federal requirements under the Individuals with Disabilities Education Act (IDEA), specifically provisions regulated under sections 300.17 and 300.320 through 300.324, Code of Federal Regulations related to the right to a free and appropriate public education and to the locus of responsibility for determining the educational needs of a student receiving special education students.

The provisions of the bill would violate federal regulations prohibiting recipients of federal Title IX funds from discriminating against or excluding from any educational program or activity students on the basis of pregnancy and related conditions unless the student voluntarily agrees to participate in a separate program.

Because major provisions of the bill conflict with federal law, adherence to requirements to enroll in VSN courses could not be compelled, and participation would be based on decisions by local Admissions, Review, and Dismissal (ARD) committees (in the case of students receiving special education services) and students receiving pregnancy-related services. The degree of participation cannot be determined.

**Local Government Impact**

The fiscal implications of the bill cannot be determined at this time.

**Source Agencies:** 701 Central Education Agency

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