

BILL ANALYSIS

C.S.H.B. 1926
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Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties raise concerns that many four-year universities currently have admissions requirements that exceed requirements for high school graduation. For example, some high schools do not offer four years of foreign language instruction because of financial constraints and a shortage of demand, but many top-tier schools require or recommend that a student has studied a language other than English in school for that amount of time.

C.S.H.B. 1926 seeks to address this issue and encourage expansion of the use of the state virtual school network so that students can obtain the education that best suits them, regardless of the school district they attend.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTION 2 of this bill.

ANALYSIS

C.S.H.B. 1926 amends the Education Code to remove language conditioning the prohibition against a school district or open-enrollment charter school denying a request to enroll a student in an electronic course offered through the state virtual school network on the denial being unreasonable; to remove as conditions under which a school district or charter school may deny such a request the district's or charter school's demonstration that the course does not meet certain standards and the student's attempt to enroll in a course load that could reasonably be expected to negatively affect the student's performance on a statewide standardized test; and to add as conditions under which a school district or charter school may deny such a request the student's attempt to enroll in a course load that is inconsistent with requirements for college admission or earning an industry certification or the district or school offering a substantially similar course. The bill authorizes a district or charter school to decline to pay the cost for a student of more than three yearlong electronic courses, or the equivalent, during any school year, but establishes that this authority does not limit the ability of the student to enroll in additional electronic courses at the student's cost.

C.S.H.B. 1926 authorizes a school district that provides a course through distance learning and seeks to inform other school districts of the availability of the course to submit to the Texas Education Agency (TEA) information regarding the course, including the number of positions available for student enrollment. The bill authorizes the district to submit updated information at the beginning of each semester and requires TEA to make the submitted information available on TEA's Internet website. The bill authorizes the commissioner of education to adopt rules necessary to implement these provisions, including rules governing student enrollment, but prohibits the commissioner from adopting rules governing course pricing. The bill requires the price for a course to be determined by the school districts involved.

C.S.H.B. 1926 replaces the term "provider school district or school" as it relates to the state

virtual school network with the term "course provider" and expands the definition of that term to include a nonprofit entity and a private entity that provides an electronic course through the network or a corporation that provides an electronic professional development course through the network.

C.S.H.B. 1926 revises the condition under which a school district is eligible to act as a course provider, repeals provisions relating to the conditions under which an open-enrollment charter school and an open-enrollment charter school campus are eligible to act as a course provider, and sets out new but similar conditions under which a charter school is so eligible. The bill makes a nonprofit entity, private entity, or corporation eligible to act as a course provider only if the nonprofit entity, private entity, or corporation complies with all applicable federal and state laws prohibiting discrimination; possesses prior successful experience offering online courses to elementary, middle, or high school students, as determined by the commissioner; and demonstrates financial solvency.

C.S.H.B. 1926 authorizes the entity designated to administer the state virtual school network to enter into a reciprocity agreement with one or more other states to facilitate expedited course approval. The bill requires such an agreement to ensure that any course approved in accordance with the agreement meets certain requirements of electronic course eligibility in general and is evaluated to ensure compliance with the state foundation and enrichment curricula and essential knowledge and skills of each subject before being offered through the state virtual school network. The bill requires the administering authority to require a course provider to apply for renewed approval of a previously approved electronic course in accordance with a schedule designed to coincide with revisions to the required state curriculum but not later than the 10th anniversary of the previous course approval.

C.S.H.B. 1926 prohibits a course provider from promising or providing equipment or any other thing of value to a student or a student's parent as an inducement for the student to enroll in an electronic course offered through the state virtual school network. The bill requires the commissioner to revoke approval of electronic courses offered by a course provider that violates this prohibition and establishes that the commissioner's revocation is final and may not be appealed.

C.S.H.B. 1926 expands the information required to be included in an "informed choice" report that describes each electronic course offered through the state virtual school network. The bill removes a requirement that the commissioner adopt a standard agreement governing matters relating to a student's enrollment in an electronic course offered through the state virtual school network after considering comments from district and charter school representatives and instead requires the commissioner to negotiate an agreement with each course provider that governs such matters. The bill includes the costs of a student's enrollment in an electronic course offered through the virtual school network among such matters. The bill prohibits the full amount paid to a course provider by a district or charter school once a student has successfully completed an electronic course from exceeding the course cost limits set by the administering authority.

C.S.H.B. 1926 authorizes a school district or charter school to charge a fee for enrollment in an electronic course provided through the state virtual school network to a student who resides in Texas and elects to enroll in a course provided through the network for which the district or charter school in which the student is enrolled as a full-time student declines to pay the cost, as authorized by the bill. The bill's provisions apply beginning with the 2013-2014 school year.

C.S.H.B. 1926 repeals Section 30A.101(b), Education Code, as amended by Chapters 895 (H.B. 3) and 1328 (H.B. 3646), Acts of the 81st Legislature, Regular Session, 2009.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1926 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
<p>SECTION 1. Subsections (7) and (8), Section 30A.001, Education Code, is amended to read as follows:</p> <p>(7) ["Provider school district or school"] "<u>Course provider</u>" means:</p> <p>(A) a school district or open-enrollment charter school that provides an electronic course through the state virtual school network to:</p> <p>(i) students enrolled in that district or school; or</p> <p>(ii) students enrolled in another school district or school; [øø]</p> <p>(B) a public or private institution of higher education that provides a course through the state virtual school network;</p> <p><u>(C) a nonprofit entity that provides an electronic course through the state virtual school network;</u></p> <p><u>(D) a private entity that provides an electronic course through the virtual school network; or</u></p> <p><u>(E) a corporation that provides an electronic professional development course through the virtual school network.</u></p> <p>(8) "Public or private institution of higher education" means a public or private institution of higher education as defined by 20 U.S.C.A. § 1001[; [REDACTED]</p> <p>(A) an institution of higher education, as defined by Section 61.003; or [REDACTED]</p> <p>(B) a private or independent institution of higher education, as defined by Section 61.003.]</p>	<p>SECTION 3. Section 30A.001(7), Education Code, is amended to read as follows:</p> <p>(7) "<u>Course provider</u> [Provider school district or school]" means:</p> <p>(A) a school district or open-enrollment charter school that provides an electronic course through the state virtual school network to:</p> <p>(i) students enrolled in that district or school; or</p> <p>(ii) students enrolled in another school district or school; [øø]</p> <p>(B) a public or private institution of higher education, <u>nonprofit entity, or private entity</u> that provides a course through the state virtual school network; <u>or</u></p> <p><u>(C) a corporation that provides an electronic professional development course through the state virtual school network.</u></p>
<p>SECTION 2. Subsection (1), Section 30A.003, Education Code, is amended.</p>	<p>SECTION 4. Substantially the same as introduced version.</p>
<p>SECTION 3. Subsection (a), Section 30A.007, Education Code, is amended to read as follows:</p> <p>(a) A school district or open-enrollment charter school shall adopt a policy that provides district or school students with the opportunity to enroll in electronic courses</p>	<p>No equivalent provision but see SECTION 1 below.</p>

provided through the state virtual school network. The policy;

(1) may not limit the number of electronic courses a student may take through the state virtual school network, except as provided [must be consistent with the requirements imposed] by Section 26.0031; and

(2) must permit students to take an available electronic course if the school district or open-enrollment charter does not offer a substantially similar course.

SECTION 4. Section 30A.053, Education Code, is amended to read as follows:

Sec. 30A.053. DESIGNATION OF ADMINISTERING AUTHORITY. The commissioner shall designate an agency employee, ~~[or]~~ a group of agency employees, or contracted entity, to act as the administering authority for the state virtual school network.

No equivalent provision.

No equivalent provision.

SECTION 2. Subchapter Z, Chapter 29, Education Code, is amended by adding Section 29.909 to read as follows:

Sec. 29.909. DISTANCE LEARNING COURSES. (a) A school district that provides a course through distance learning and seeks to inform other school districts of the availability of the course may submit information to the agency regarding the course, including the number of positions available for student enrollment in the course. The district may submit updated information at the beginning of each semester.

(b) The agency shall make information submitted under this section available on the agency's Internet website.

(c) The commissioner may adopt rules necessary to implement this section, including rules governing student enrollment. The commissioner may not adopt rules governing course pricing, and the price for a course shall be determined by the school districts involved.

No equivalent provision.

SECTION 5. Section 30A.056(a), Education Code, is amended to read as follows:

(a) Each contract between a course provider [school district, an open-enrollment charter school, or a public or private institution of higher education] and the administering authority must:

(1) provide that the administering authority

SECTION 5. Section 30A.101, Education Code, is amended to read as follows:

Sec. 30A.101. ELIGIBILITY TO ACT AS A COURSE PROVIDER [SCHOOL DISTRICT OR SCHOOL].

(a) A school district or open-enrollment charter school is eligible to act as a course provider [school district] under this chapter only if the district is rated acceptable or higher under Section 39.054.

~~[(b) An open-enrollment charter school campus is eligible to act as a provider under this chapter only if the campus is rated recognized or higher under Section 39.072, except that a campus may act as a provider school to students receiving educational services under the supervision of a juvenile probation department, the Texas Youth Commission, or the Texas Department of Criminal Justice if the campus is rated academically acceptable or higher. A campus may serve as a provider school only:~~

~~(1) to a student within the school district in which the campus is located or within its service area, whichever is smaller; or~~

~~(2) to another student:~~

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

~~(B) if the student receives educational services under the supervision of a juvenile probation department, the Texas Youth Commission, or the Texas Department of Criminal Justice, through an agreement with the applicable agency.]~~

(c) a private, nonprofit, or corporate entity is eligible to act as a course provider under this chapter only if the provider;

(1) complies with all applicable federal and state antidiscrimination laws;

may cancel the contract without penalty if legislative authorization for the course provider [district, school, or institution] to offer an electronic course through the state virtual school network is revoked; and
(2) be submitted to the commissioner.

SECTION 6. The heading to Section 30A.101, Education Code, is amended to read as follows:

Sec. 30A.101. ELIGIBILITY TO ACT AS COURSE PROVIDER [SCHOOL DISTRICT OR SCHOOL].

SECTION 7. Section 30A.101, Education Code, is amended by amending Subsection (a) and adding Subsections (b) and (c) to read as follows:

(a) A school district is eligible to act as a course provider [school district] under this chapter only if the district is rated acceptable [or higher] under Section 39.054.

(b) An open-enrollment charter school is eligible to act as a course provider under this chapter only if the school is rated acceptable or higher under Section 39.054, except that a school may act as a course provider to students receiving educational services under the supervision of a juvenile probation department, the Texas Youth Commission, or the Texas Department of Criminal Justice if the school is rated academically acceptable or higher. An open-enrollment charter school may serve as a course provider only:

(1) to a student within its service area; or

(2) to another student in the state:

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

(B) if the student receives educational services under the supervision of a juvenile probation department, the Texas Youth Commission, or the Texas Department of Criminal Justice, through an agreement with the applicable agency.

(c) A nonprofit entity, private entity, or corporation is eligible to act as a course provider under this chapter only if the nonprofit entity, private entity, or corporation:

(1) complies with all applicable federal and state laws prohibiting discrimination;

(2) possesses prior, successful experience offering online courses to elementary, middle, or high school students as determined by the commissioner; and
(3) can demonstrate that it is financially solvent.

SECTION 6. Subsection (2), Section 30A.102, Education Code, is amended to read as follows:

(2) using the criteria required by Section 30A.103, evaluate electronic courses submitted by a course provider [~~school district or school~~] to be offered through the network;

SECTION 7. Subsection (c), Section

(2) possesses prior successful experience offering online courses to elementary, middle, junior high, or high school students, as determined by the commissioner; and
(3) demonstrates financial solvency.

SECTION 8. Section 30A.102, Education Code, is amended to read as follows:

Sec. 30A.102. LISTING OF ELECTRONIC COURSES. (a) The administering authority shall:

(1) publish the criteria required by Section 30A.103 for electronic courses that may be offered through the state virtual school network;

(2) using the criteria required by Section 30A.103, evaluate electronic courses submitted by a course provider [~~school district or school~~] to be offered through the network;

(3) create a list of electronic courses approved by the administering authority; and

(4) provide public access to the list of approved electronic courses offered through the network and a detailed description of the courses that complies with Section 30A.108.

(b) To ensure that a full range of electronic courses, including advanced placement courses, are offered to students in this state, the administering authority:

(1) shall create a list of those subjects and courses designated by the board under Subchapter A, Chapter 28, for which the board has identified essential knowledge and skills or for which the board has designated content requirements under Subchapter A, Chapter 28;

(2) shall enter into agreements with school districts, open-enrollment charter schools, and public or private institutions of higher education, and other eligible entities for the purpose of offering the courses through the state virtual school network; and

(3) may develop or authorize the development of additional electronic courses that:

(A) are needed to complete high school graduation requirements; and

(B) are not otherwise available through the state virtual school network.

SECTION 9. Same as introduced version

30A.1021, Education Code, is amended.

SECTION 8. Subsection (a), Section 30A.103, Education Code, is amended.

SECTION 9. Subsection (b), Section 30A.104, Education Code, is amended.

No equivalent provision.

SECTION 10. Chapter 30A, Education Code, is amended by adding Section 30A.1042, to read as follows:

Sec. 30A.1042. RECIPROCAL AGREEMENTS WITH OTHER STATES.

(a) The state virtual school network may enter into a reciprocity agreement with one or more states to facilitate expedited course eligibility approval.

(b) An agreement entered into under this section must ensure that any course approved for reciprocal eligibility meets the requirements of Subsection 30A.104A(a)(3).

(c) Notwithstanding any other provision in this section, a course will be evaluated to ensure compliance with Subsections 30A.104A(a)(1) and (a)(2) before being offered through the state virtual school network.

No equivalent provision.

except for recitation.

SECTION 10. Same as introduced version except for recitation.

SECTION 11. Same as introduced version except for recitation.

SECTION 12. Sections 30A.1041(a) and (b), Education Code, are amended to read as follows:

(a) A school district, open-enrollment charter school, [Ø] public or private institution of higher education, or other eligible entity may seek approval to offer through the state virtual school network the classroom portion of a driver education and traffic safety course that complies with the requirements for the program developed under Section 29.902.

(b) A school district, open-enrollment charter school, [Ø] public or private institution of higher education, or other eligible entity may not offer through the state virtual school network the laboratory portion of a driver education and traffic safety course.

SECTION 13. Subchapter C, Chapter 30A, Education Code, is amended by adding Section 30A.1042 to read as follows:

Sec. 30A.1042. RECIPROCITY AGREEMENTS WITH OTHER STATES.

(a) The administering authority may enter into a reciprocity agreement with one or more other states to facilitate expedited course approval.

(b) An agreement under this section must ensure that any course approved in accordance with the agreement:

(1) is evaluated to ensure compliance with Sections 30A.104(a)(1) and (2) before the course may be offered through the state virtual school network; and

(2) meets the requirements of Section 30A.104(a)(3).

SECTION 14. Section 30A.105, Education Code, is amended by amending Subsection (d) and adding Subsection (e) to read as follows:

(d) If the agency determines that the costs of evaluating and approving a submitted electronic course will not be paid by the

No equivalent provision.

SECTION 11. Subsection (a), Section 30A.106, Education Code, is amended.

SECTION 12. Subsections (a), (b) and (c), 30A.107, Education Code, are amended to read as follows:

(a) A course provider [~~school district or school~~] may offer electronic courses to:

(1) students and adults who reside in this state; ~~and~~

(2) students who reside outside this state and who meet the eligibility requirements under Section 30A.002(c); ~~and~~

(3) students who reside in a state that has entered into a reciprocity agreement with this state under Section 30A.1042.

~~(b) A student who is enrolled in a school~~

agency due to a shortage of funds available for that purpose, the school district, open-enrollment charter school, ~~[or]~~ public or private institution of higher education, or other eligible entity that submitted the course for evaluation and approval may pay a fee equal to the amount of the costs in order to ensure that evaluation of the course occurs. The agency shall establish and publish a fee schedule for purposes of this subsection.

(e) The administering authority shall require a course provider to apply for renewed approval of a previously approved course in accordance with a schedule designed to coincide with revisions to the required curriculum under Section 28.002(a) but not later than the 10th anniversary of the previous approval.

SECTION 15. Subchapter C, Chapter 30A, Education Code, is amended by adding Section 30A.1052 to read as follows:

Sec. 30A.1052. INDUCEMENTS FOR ENROLLMENT PROHIBITED. (a) A course provider may not promise or provide equipment or any other thing of value to a student or a student's parent as an inducement for the student to enroll in an electronic course offered through the state virtual school network.

(b) The commissioner shall revoke approval under this chapter of electronic courses offered by a course provider that violates this section.

(c) The commissioner's action under this section is final and may not be appealed.

SECTION 16. Same as introduced version except for recitation.

SECTION 17. Section 30A.107(a), Education Code, is amended to read as follows:

(a) A course provider [~~school district or school~~] may offer electronic courses to:

(1) students and adults who reside in this state; and

(2) students who reside outside this state and who meet the eligibility requirements under Section 30A.002(c).

district or open-enrollment charter school in this state as a full-time student may take one or more electronic courses through the state virtual school network. The commissioner may not limit the number of electronic courses a student to whom this subsection applies may take through the state virtual school network.

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

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

(2)] is not considered to be a public school student;

~~[(3)]~~ (2) must obtain access to a course provided through the network through the school district or open-enrollment charter school attendance zone in which the student resides;

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

~~[(5)]~~ (4) is not entitled to any right, privilege, activities, or services available to a student enrolled in a public school, other than the right to receive the appropriate unit of credit for completing an electronic course.

SECTION 13. Subsection 30A.108(b), Education Code, is amended.

SECTION 14. Section 30A.114, Education Code, is amended.

SECTION 15. Section 30A.153, Education Code, is amended to read as follows:

a) A school district or open-enrollment charter school in which a student is enrolled is entitled to funding under Chapter 42 for the student's enrollment in an electronic course offered through the state virtual school network or in accordance with the terms of a charter granted under Section 12.101 in the same manner that the district or school is entitled to funding for the

SECTION 18. Substantially the same as introduced version.

SECTION 19. Substantially the same as introduced version.

SECTION 20. Sections 30A.153(a), (b), and (c), Education Code, are amended to read as follows:

(a) A school district or open-enrollment charter school in which a student is enrolled is entitled to funding under Chapter 42 or in accordance with the terms of a charter granted under Section 12.101 for the student's enrollment in an electronic course offered through the state virtual school network in the same manner that the district or school is entitled to funding for the

student's enrollment in courses provided in a traditional classroom setting, provided that the student successfully completes the electronic course.

(b) The commissioner~~[, after considering comments from school district and open-enrollment charter school representatives,]~~ shall negotiate an agreement with each eligible course provider ~~[adopt a standard agreement]~~ that governs the costs, payment of funds, and other matters relating to a student's enrollment in an electronic course offered through the state virtual school network. ~~[The agreement may not require a school district or open-enrollment charter school to pay the provider the full amount until the student has successfully completed the electronic course.]~~

(c) A school district or open-enrollment charter school shall use the ~~[standard]~~ applicable agreement ~~adopted~~ under Subsection (b) unless:

- (1) the district or school requests from the commissioner permission to modify the ~~[standard]~~ agreement; and
- (2) the commissioner authorizes the modification.

(d) The commissioner shall adopt rules necessary to implement this section, including rules regarding attendance accounting.

(e) Notwithstanding subsections (b) and (c), an agreement under subsection (b) or (c) may not require a school district or open-enrollment charter school to pay the course provider more than fifty percent of the course cost prior to the student successfully completing the electronic course.

SECTION 16. Subsection (c-1), Section 30A.155, Education Code, is amended to read as follows:

student's enrollment in courses provided in a traditional classroom setting, provided that the student successfully completes the electronic course.

(b) The commissioner~~[, after considering comments from school district and open-enrollment charter school representatives,]~~ shall negotiate an agreement with each course provider ~~[adopt a standard agreement]~~ that governs the costs, payment of funds, and other matters relating to a student's enrollment in an electronic course offered through the state virtual school network. The agreement may not require a school district or open-enrollment charter school to pay the provider the full amount until the student has successfully completed the electronic course, and the full amount may not exceed the limits specified by Section 30A.105(b).

(c) A school district or open-enrollment charter school shall use the applicable ~~[standard]~~ agreement negotiated ~~[adopted]~~ under Subsection (b) unless:

- (1) the district or school requests from the commissioner permission to modify the ~~[standard]~~ agreement; and
- (2) the commissioner authorizes the modification.

SECTION 21. Sections 30A.155(a) and (c-1), Education Code, are amended to read as follows:

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

- (1) is enrolled in a school district or open-enrollment charter school as a full-time student with; and
- ~~[(2) is enrolled in]~~ a course load greater than that normally taken by students in the equivalent grade level in other school

(c-1) A school district or open-enrollment charter school that is not the course provider ~~[school district or school]~~ may 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. A juvenile probation department or state agency may charge a comparable fee to a student under the supervision of the department or agency.

SECTION 17. Subsections (b), (c), and (d), Section 26.0031, Education Code are amended to read as follows:

(b) Except as provided by Subsection (c), a [A] school district or open-enrollment charter school in which a student is enrolled as a full-time student may not ~~[unreasonably]~~ deny the request of a parent of a student to enroll the student in an electronic course offered through the state virtual school network under Chapter 30A.

(c) ~~[For purposes of Subsection (b), a]~~ A school district or open-enrollment charter school ~~[is not considered to have unreasonably denied]~~ may deny a request to enroll a student in an electronic course if:

~~(1) the district or school can demonstrate that the course does not meet state standards or standards of the district or school that are of equivalent rigor as the district's or school's standards for the same course provided in a traditional classroom setting;~~

~~(2) a student attempts to enroll in a course load that:~~

~~(A) is inconsistent with the student's high school graduation plan; or~~

~~(B) could reasonably be expected to negatively affect the student's performance on an assessment instrument administered~~

~~districts or open-enrollment charter schools; or~~

~~(2) elects to enroll in an electronic course provided through the network for which the school district or open-enrollment charter school in which the student is enrolled as a full-time student declines to pay the cost, as authorized by Section 26.0031(c-1).~~

(c-1) A school district or open-enrollment charter school that is not the course provider ~~[school district or school]~~ may 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. A juvenile probation department or state agency may charge a comparable fee to a student under the supervision of the department or agency.

SECTION 1. Section 26.0031, Education Code, is amended by amending Subsections (b), (c), and (d) and adding Subsection (c-1) to read as follows:

(b) Except as provided by Subsection (c), a [A] school district or open-enrollment charter school in which a student is enrolled as a full-time student may not ~~[unreasonably]~~ deny the request of a parent of a student to enroll the student in an electronic course offered through the state virtual school network under Chapter 30A.

(c) A ~~[For purposes of Subsection (b), a]~~ school district or open-enrollment charter school may deny ~~[is not considered to have unreasonably denied]~~ a request to enroll a student in an electronic course if:

~~(1) [the district or school can demonstrate that the course does not meet state standards or standards of the district or school that are of equivalent rigor as the district's or school's standards for the same course provided in a traditional classroom setting;~~

~~(2) a student attempts to enroll in a course load that[:~~

~~(A) is inconsistent with the student's high school graduation plan or requirements for college admission or earning an industry certification; [or~~

~~(B) could reasonably be expected to negatively affect the student's performance on an assessment instrument administered~~

~~under Section 39.023; or~~

~~(3)] the student requests permission to enroll in an electronic course at a time that is not consistent with the enrollment period established by the school district or open-enrollment charter school providing the course.~~

(d) Notwithstanding Subsection (c)~~(3)~~, a school district or open-enrollment charter school that provides an electronic course through the state virtual school network under Chapter 30A shall make all reasonable efforts to accommodate the enrollment of a student in the course under special circumstances.

No equivalent provision but see SECTION 5 above.

SECTION 18. This Act applies beginning with the 2013-2014 school year.

SECTION 19. EFFECTIVE DATE. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, the Act takes effect September 1, 2013.

~~under Section 39.023; or]~~

(2) ~~(3)]~~ the student requests permission to enroll in an electronic course at a time that is not consistent with the enrollment period established by the entity ~~[school district or open-enrollment charter school]~~ providing the course; or

(3) the district or school offers a substantially similar course.

(c-1) A school district or open-enrollment charter school may decline to pay the cost for a student of more than three yearlong electronic courses, or the equivalent, during any school year. This subsection does not limit the ability of the student to enroll in additional electronic courses at the student's cost.

(d) Notwithstanding Subsection (c)(2) ~~(3)]~~, an entity ~~[a school district or open-enrollment charter school]~~ that provides an electronic course through the state virtual school network under Chapter 30A shall make all reasonable efforts to accommodate the enrollment of a student in the course under special circumstances.

SECTION 22. Section 30A.101(b), Education Code, as amended by Chapters 895 (H.B. 3) and 1328 (H.B. 3646), Acts of the 81st Legislature, Regular Session, 2009, is repealed.

SECTION 23. Same as introduced version.

SECTION 24. Substantially the same as introduced version.