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H.B. No. 1926

A BILL TO BE ENTITLED

AN ACT

relating to the operation of the state virtual school network and
courses provided through other distance learning arrangements.

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

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 ~~[+]~~

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

4 [~~(B) could reasonably be expected to negatively~~
5 ~~affect the student's performance on an assessment instrument~~
6 ~~administered under Section 39.023; or]~~

7 (2) [~~(3)~~] the student requests permission to enroll in
8 an electronic course at a time that is not consistent with the
9 enrollment period established by the entity [~~school district or~~
10 ~~open-enrollment charter school]~~ providing the course; or

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

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

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

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

25 Sec. 29.909. DISTANCE LEARNING COURSES. (a) A school
26 district that provides a course through distance learning and seeks
27 to inform other school districts of the availability of the course

1 may submit information to the agency regarding the course,
2 including the number of positions available for student enrollment
3 in the course. The district may submit updated information at the
4 beginning of each semester.

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

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

12 SECTION 3. Section 30A.001(7), Education Code, is amended
13 to read as follows:

14 (7) "Course provider [~~Provider school district or~~
15 ~~school~~]" means:

16 (A) a school district or open-enrollment charter
17 school that provides an electronic course through the state virtual
18 school network to:

19 (i) students enrolled in that district or
20 school; or

21 (ii) students enrolled in another school
22 district or school; [~~or~~]

23 (B) a public or private institution of higher
24 education, nonprofit entity, or private entity that provides a
25 course through the state virtual school network; or

26 (C) a corporation that provides an electronic
27 professional development course through the state virtual school

1 network.

2 SECTION 4. Subchapter A, Chapter 30A, Education Code, is
3 amended by adding Section 30A.0011 to read as follows:

4 Sec. 30A.0011. ELIGIBILITY OF CERTAIN COURSE PROVIDERS. A
5 nonprofit entity, private entity, or corporation is not eligible to
6 act as a course provider under this chapter unless at least 51
7 percent of the ownership of the nonprofit entity, private entity,
8 or corporation is controlled by United States citizens.

9 SECTION 5. Section 30A.003, Education Code, is amended to
10 read as follows:

11 Sec. 30A.003. PROVISION OF COMPUTER EQUIPMENT OR INTERNET
12 SERVICE. This chapter does not:

13 (1) require a school district, an open-enrollment
14 charter school, a course provider [~~school district or school~~], or
15 the state to provide a student with home computer equipment or
16 Internet access for a course provided through the state virtual
17 school network; or

18 (2) prohibit a school district or open-enrollment
19 charter school from providing a student with home computer
20 equipment or Internet access for a course provided through the
21 state virtual school network.

22 SECTION 6. Section 30A.056(a), Education Code, is amended
23 to read as follows:

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

1 (1) provide that the administering authority may
2 cancel the contract without penalty if legislative authorization
3 for the course provider [~~district, school, or institution~~] to offer
4 an electronic course through the state virtual school network is
5 revoked; and

6 (2) be submitted to the commissioner.

7 SECTION 7. The heading to Section 30A.101, Education Code,
8 is amended to read as follows:

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

11 SECTION 8. Section 30A.101, Education Code, is amended by
12 amending Subsection (a) and adding Subsections (b) and (c) to read
13 as follows:

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

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

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

26 **(2) to another student in the state:**

27 **(A) through an agreement with the school district**

1 in which the student resides; or

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

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

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

11 (2) possesses prior experience offering online
12 courses to elementary, middle, junior high, or high school
13 students, with demonstrated student success in course completion
14 and performance, as determined by the commissioner; and

15 (3) demonstrates financial solvency.

16 SECTION 9. Section 30A.102, Education Code, is amended to
17 read as follows:

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

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

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

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

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

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

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

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

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

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

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

23 SECTION 10. Section 30A.1021(c), Education Code, is amended
24 to read as follows:

25 (c) The administering authority shall provide public access
26 to the comments submitted by students and parents under this
27 section. The comments must be in a format that permits a person to

1 sort the comments by teacher, electronic course, and course
2 provider [~~school district or school~~].

3 SECTION 11. Section 30A.103(a), Education Code, is amended
4 to read as follows:

5 (a) The board by rule shall establish an objective standard
6 criteria for an electronic course to ensure alignment with the
7 essential knowledge and skills requirements identified or content
8 requirements established under Subchapter A, Chapter 28. The
9 criteria may not permit the administering authority to prohibit a
10 course provider [~~school districts or schools~~] from applying for
11 approval for an electronic course for a course for which essential
12 knowledge and skills have been identified.

13 SECTION 12. Section 30A.104, Education Code, is amended by
14 amending Subsection (b) and adding Subsection (c) to read as
15 follows:

16 (b) If the essential knowledge and skills with which an
17 approved course is aligned in accordance with Subsection (a)(2) are
18 modified, the course provider [~~school district or school~~] must be
19 provided the same time period to revise the course to achieve
20 alignment with the modified essential knowledge and skills as is
21 provided for the modification of a course provided in a traditional
22 classroom setting.

23 (c) This subsection applies to a course provider other than
24 a school district, open-enrollment charter school, or public
25 institution of higher education. The board shall maintain
26 oversight of the services and products relating to public student
27 curriculum offered in this state by a course provider, and the

1 course provider may not provide a service or product relating to
2 public student curriculum in this state without board approval,
3 including approval of the form and content of the service or
4 product, and regardless of whether the service or product is
5 provided online, in print, or in person.

6 SECTION 13. Sections 30A.1041(a) and (b), Education Code,
7 are amended to read as follows:

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

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

19 SECTION 14. Subchapter C, Chapter 30A, Education Code, is
20 amended by adding Section 30A.1042 to read as follows:

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

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

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

27 (1) is evaluated to ensure compliance with Sections

1 30A.104(a)(1) and (2) before the course may be offered through the
2 state virtual school network; and

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

4 SECTION 15. Section 30A.105, Education Code, is amended by
5 amending Subsection (d) and adding Subsection (e) to read as
6 follows:

7 (d) If the agency determines that the costs of evaluating
8 and approving a submitted electronic course will not be paid by the
9 agency due to a shortage of funds available for that purpose, the
10 school district, open-enrollment charter school, ~~or~~ public or
11 private institution of higher education, or other eligible entity
12 that submitted the course for evaluation and approval may pay a fee
13 equal to the amount of the costs in order to ensure that evaluation
14 of the course occurs. The agency shall establish and publish a fee
15 schedule for purposes of this subsection.

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

21 SECTION 16. Subchapter C, Chapter 30A, Education Code, is
22 amended by adding Section 30A.1052 to read as follows:

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

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

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

6 SECTION 17. Section 30A.106(a), Education Code, is amended
7 to read as follows:

8 (a) A course provider [~~school district or school~~] may appeal
9 to the commissioner the administering authority's refusal to
10 approve an electronic course under Section 30A.105.

11 SECTION 18. Section 30A.107(a), Education Code, is amended
12 to read as follows:

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

- 15 (1) students and adults who reside in this state; and
16 (2) students who reside outside this state and who
17 meet the eligibility requirements under Section 30A.002(c).

18 SECTION 19. Section 30A.108(b), Education Code, is amended
19 to read as follows:

20 (b) Each report under this section must describe each
21 electronic course offered through the state virtual school network
22 and include the following information:

- 23 (1) [~~such as~~] course requirements;
24 (2) [~~and~~] the school year calendar for the course,
25 including any options for continued participation outside of the
26 standard school year calendar;
27 (3) the entity that developed the course;

1 (4) the entity that provided the course;

2 (5) the course completion rate;

3 (6) aggregate student performance on an assessment
4 instrument administered under Section 39.023 to students enrolled
5 in the course;

6 (7) aggregate student performance on all assessment
7 instruments administered under Section 39.023 to students who
8 completed the course provider's courses; and

9 (8) other information determined by the commissioner.

10 SECTION 20. Section 30A.114, Education Code, is amended to
11 read as follows:

12 Sec. 30A.114. REGIONAL EDUCATION SERVICE CENTERS. The
13 commissioner by rule shall allow regional education service centers
14 to participate in the state virtual school network in the same
15 manner as course providers [~~provider school districts and schools~~].

16 SECTION 21. Section 30A.153, Education Code, is amended by
17 amending Subsections (a), (b), and (c) and adding Subsection (a-1)
18 to read as follows:

19 (a) Subject to the limitation imposed under Subsection
20 (a-1), a [A] school district or open-enrollment charter school in
21 which a student is enrolled is entitled to funding under Chapter 42
22 or in accordance with the terms of a charter granted under Section
23 12.101 for the student's enrollment in an electronic course offered
24 through the state virtual school network in the same manner that the
25 district or school is entitled to funding for the student's
26 enrollment in courses provided in a traditional classroom setting,
27 provided that the student successfully completes the electronic

1 course.

2 (a-1) For purposes of Subsection (a), a school district or
3 open-enrollment charter school is limited to the funding described
4 by that subsection for a student's enrollment in not more than three
5 electronic courses during any school year.

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

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

20 (1) the district or school requests from the
21 commissioner permission to modify the ~~[standard]~~ agreement; and

22 (2) the commissioner authorizes the modification.

23 SECTION 22. Sections 30A.155(a) and (c-1), Education Code,
24 are amended to read as follows:

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

1 this state and:

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

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

12 (c-1) A school district or open-enrollment charter school
13 that is not the course provider ~~[school district or school]~~ may
14 charge a student enrolled in the district or school a nominal fee,
15 not to exceed the amount specified by the commissioner, if the
16 student enrolls in an electronic course provided through the state
17 virtual school network that exceeds the course load normally taken
18 by students in the equivalent grade level. A juvenile probation
19 department or state agency may charge a comparable fee to a student
20 under the supervision of the department or agency.

21 SECTION 23. Section 30A.101(b), Education Code, as amended
22 by Chapters 895 (H.B. 3) and 1328 (H.B. 3646), Acts of the 81st
23 Legislature, Regular Session, 2009, is repealed.

24 SECTION 24. This Act applies beginning with the 2013-2014
25 school year.

26 SECTION 25. This Act takes effect immediately if it
27 receives a vote of two-thirds of all the members elected to each

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1 house, as provided by Section 39, Article III, Texas Constitution.
2 If this Act does not receive the vote necessary for immediate
3 effect, this Act takes effect September 1, 2013.