

By: King of Hemphill, Deshotel, Villarreal,  
Farney, Ratliff

H.B. No. 1926

Substitute the following for H.B. No. 1926:

By: Aycock

C.S.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. Section 30A.003, Education Code, is amended to  
3 read as follows:

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

6 (1) require a school district, an open-enrollment  
7 charter school, a course provider [~~school district or school~~], or  
8 the state to provide a student with home computer equipment or  
9 Internet access for a course provided through the state virtual  
10 school network; or

11 (2) prohibit a school district or open-enrollment  
12 charter school from providing a student with home computer  
13 equipment or Internet access for a course provided through the  
14 state virtual school network.

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

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

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

26 (2) be submitted to the commissioner.

27 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, 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

1 the board has identified essential knowledge and skills or for  
2 which the board has designated content requirements under  
3 Subchapter A, Chapter 28;

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

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

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

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

15 SECTION 9. Section 30A.1021(c), Education Code, is amended  
16 to read as follows:

17 (c) The administering authority shall provide public access  
18 to the comments submitted by students and parents under this  
19 section. The comments must be in a format that permits a person to  
20 sort the comments by teacher, electronic course, and course  
21 provider ~~[school-district or school]~~.

22 SECTION 10. Section 30A.103(a), Education Code, is amended  
23 to read as follows:

24 (a) The board by rule shall establish an objective standard  
25 criteria for an electronic course to ensure alignment with the  
26 essential knowledge and skills requirements identified or content  
27 requirements established under Subchapter A, Chapter 28. The

1 criteria may not permit the administering authority to prohibit a  
2 course provider [~~school districts or schools~~] from applying for  
3 approval for an electronic course for a course for which essential  
4 knowledge and skills have been identified.

5 SECTION 11. Section 30A.104(b), Education Code, is amended  
6 to read as follows:

7 (b) If the essential knowledge and skills with which an  
8 approved course is aligned in accordance with Subsection (a)(2) are  
9 modified, the course provider [~~school district or school~~] must be  
10 provided the same time period to revise the course to achieve  
11 alignment with the modified essential knowledge and skills as is  
12 provided for the modification of a course provided in a traditional  
13 classroom setting.

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

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

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

27 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 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

1 not later than the 10th anniversary of the previous approval.

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

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

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

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

14 SECTION 16. Section 30A.106(a), Education Code, is amended  
15 to read as follows:

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

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

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

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

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

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

- (1) [~~such as~~] course requirements;
- (2) [~~and~~] the school year calendar for the course, including any options for continued participation outside of the standard school year calendar;
- (3) the entity that developed the course;
- (4) the entity that provided the course;
- (5) the course completion rate;
- (6) aggregate student performance on an assessment instrument administered under Section 39.023 to students enrolled in the course;
- (7) aggregate student performance on all assessment instruments administered under Section 39.023 to students who completed the course provider's courses; and
- (8) other information determined by the commissioner.

SECTION 19. Section 30A.114, Education Code, is amended to read as follows:

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

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

1 or in accordance with the terms of a charter granted under Section  
 2 12.101 for the student's enrollment in an electronic course offered  
 3 through the state virtual school network in the same manner that the  
 4 district or school is entitled to funding for the student's  
 5 enrollment in courses provided in a traditional classroom setting,  
 6 provided that the student successfully completes the electronic  
 7 course.

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

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

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

24 (2) the commissioner authorizes the modification.

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

27 (a) A school district or open-enrollment charter school may

1 charge a fee for enrollment in an electronic course provided  
2 through the state virtual school network to a student who resides in  
3 this state and:

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

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

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

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

26 SECTION 23. This Act applies beginning with the 2013-2014  
27 school year.

1       SECTION 24. This Act takes effect immediately if it  
2 receives a vote of two-thirds of all the members elected to each  
3 house, as provided by Section 39, Article III, Texas Constitution.  
4 If this Act does not receive the vote necessary for immediate  
5 effect, this Act takes effect September 1, 2013.