

By: King of Hemphill

H.B. No. 1926

A BILL TO BE ENTITLED

AN ACT

relating to THE PROVISION OF ELECTRONIC COURSES BY A SCHOOL DISTRICT OR OPEN-ENROLLMENT CHARTER SCHOOL.

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

SECTION 1. Subsections (7) and (8), Section 30A.001, Education Code, is amended to read as follows:

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

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

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

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

(B) a public or private institution of higher education that provides a course through the state virtual school network;

(C) a nonprofit entity that provides an electronic course through the state virtual school network;

(D) a private entity that provides an electronic course through the virtual school network; or

(E) a corporation that provides an electronic professional development course through the virtual school

1 network.

2 (8) "Public or private institution of higher  
3 education" means a public or private institution of higher  
4 education as defined by 20 U.S.C.A. § 1001~~[÷~~

5 ~~(A) an institution of higher education, as~~  
6 ~~defined by Section 61.003; or~~

7 ~~(B) a private or independent institution of~~  
8 ~~higher education, as defined by Section 61.003.]~~

9 SECTION 2. Subsection (1), Section 30A.003, Education Code,  
10 is amended to read as follows:

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

16 SECTION 3. Subsection (a), Section 30A.007, Education Code,  
17 is amended to read as follows:

18 (a) A school district or open-enrollment charter school  
19 shall adopt a policy that provides district or school students with  
20 the opportunity to enroll in electronic courses provided through  
21 the state virtual school network. The policy:

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

26 (2) must permit students to take an available  
27 electronic course if the school district or open-enrollment charter

1 does not offer a substantially similar course.

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

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

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

10 Sec. 30A.101. ELIGIBILITY TO ACT AS A COURSE PROVIDER  
11 ~~[SCHOOL DISTRICT OR SCHOOL]~~. (a) A school district or  
12 open-enrollment charter school is eligible to act as a course  
13 provider ~~[school district]~~ under this chapter only if the district  
14 is rated acceptable or higher under Section 39.054.

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

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

26 ~~(2) to another student.~~

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

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

10 (2) possesses prior, successful experience offering  
11 online courses to elementary, middle, or high school students as  
12 determined by the commissioner; and

13 (3) can demonstrate that it is financially solvent.

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

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

19 SECTION 7. Subsection (c), Section 30A.1021, Education  
20 Code, is amended to read as follows:

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

26 SECTION 8. Subsection (a), Section 30A.103, Education Code,  
27 is amended to read as follows:

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

9 SECTION 9. Subsection (b), Section 30A.104, Education Code,  
10 is amended to read as follows:

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

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

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

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

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

27 (c) Notwithstanding any other provision in this section, a

1 course will be evaluated to ensure compliance with Subsections  
2 30A.104A(a)(1) and (a)(2) before being offered through the state  
3 virtual school network.

4 SECTION 11. Subsection (a), Section 30A.106, Education  
5 Code, is amended to read as follows:

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

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

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

13 (1) students and adults who reside in this state;  
14 [~~and~~]

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

17 (3) students who reside in a state that has entered  
18 into a reciprocity agreement with this state under Section  
19 30A.1042.

20 (b) A student who is enrolled in a school district or  
21 open-enrollment charter school in this state as a full-time student  
22 may take one or more electronic courses through the state virtual  
23 school network. The commissioner may not limit the number of  
24 electronic courses a student to whom this subsection applies may  
25 take through the state virtual school network.

26 (c) A student who resides in this state but who is not  
27 enrolled in a school district or open-enrollment charter school in

1 this state as a full-time student may, subject to Section 30A.155,  
2 enroll in electronic courses through the state virtual school  
3 network. A student to whom this subsection applies:

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

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

8           ~~[(3)]~~ (2) must obtain access to a course provided  
9 through the network through the school district or open-enrollment  
10 charter school attendance zone in which the student resides;

11           ~~[(4)]~~ (3) is not entitled to enroll in a course  
12 offered by a school district or open-enrollment charter school  
13 other than an electronic course provided through the network; and

14           ~~[(5)]~~ (4) is not entitled to any right, privilege,  
15 activities, or services available to a student enrolled in a public  
16 school, other than the right to receive the appropriate unit of  
17 credit for completing an electronic course.

18           SECTION 13. Subsection 30A.108(b), Education Code, is  
19 amended 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: ~~[such as]~~

23           (1) 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 delivered 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 provider's courses; and

9           (7) other information determined by the commissioner.

10           SECTION 14. 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 [~~school districts and schools~~].

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

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

27           (b) The commissioner [~~, after considering comments from~~



1 ~~school district and open-enrollment charter school~~  
2 ~~representatives,~~] shall negotiate an agreement with each eligible  
3 course provider [~~adopt a standard agreement~~] that governs the  
4 costs, payment of funds, and other matters relating to a student's  
5 enrollment in an electronic course offered through the state  
6 virtual school network. [~~The agreement may not require a school~~  
7 ~~district or open-enrollment charter school to pay the provider the~~  
8 ~~full amount until the student has successfully completed the~~  
9 ~~electronic course.~~]

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

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

15 (2) the commissioner authorizes the modification.

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

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

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

26 (c-1) A school district or open-enrollment charter school  
27 that is not the course provider [~~school district or school~~] may

1 charge a student enrolled in the district or school a nominal fee,  
2 not to exceed the amount specified by the commissioner, if the  
3 student enrolls in an electronic course provided through the state  
4 virtual school network that exceeds the course load normally taken  
5 by students in the equivalent grade level. A juvenile probation  
6 department or state agency may charge a comparable fee to a student  
7 under the supervision of the department or agency.

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

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

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

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

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

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

1                   ~~(B) could reasonably be expected to negatively~~  
2 ~~affect the student's performance on an assessment instrument~~  
3 ~~administered under Section 39.023, or~~

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

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

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

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