

1-1 By: King of Hemphill, et al. H.B. No. 1926  
 1-2 (Senate Sponsor - Hegar)  
 1-3 (In the Senate - Received from the House May 6, 2013;  
 1-4 May 7, 2013, read first time and referred to Committee on  
 1-5 Education; May 20, 2013, reported adversely, with favorable  
 1-6 Committee Substitute by the following vote: Yeas 6, Nays 2;  
 1-7 May 20, 2013, sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9				
1-10	Patrick	X		
1-11	Lucio	X		
1-12	Campbell	X		
1-13	Duncan	X		
1-14	Paxton		X	
1-15	Seliger	X		
1-16	Taylor	X		
1-17	Van de Putte		X	
1-18	West		X	

1-19 COMMITTEE SUBSTITUTE FOR H.B. No. 1926 By: Duncan

1-20 A BILL TO BE ENTITLED  
 1-21 AN ACT

1-22 relating to the operation of the state virtual school network and  
 1-23 courses provided through other distance learning arrangements.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 26.0031, Education Code, is amended by  
 1-26 amending Subsections (b), (c), and (d) and adding Subsection (c-1)  
 1-27 to read as follows:

1-28 (b) Except as provided by Subsection (c), a [A] school  
 1-29 district or open-enrollment charter school in which a student is  
 1-30 enrolled as a full-time student may not [unreasonably] deny the  
 1-31 request of a parent of a student to enroll the student in an  
 1-32 electronic course offered through the state virtual school network  
 1-33 under Chapter 30A.

1-34 (c) A [~~For purposes of Subsection (b), a~~] school district or  
 1-35 open-enrollment charter school may deny [~~is not considered to have~~  
 1-36 ~~unreasonably denied~~] a request to enroll a student in an electronic  
 1-37 course if:

1-38 (1) [~~the district or school can demonstrate that the~~  
 1-39 ~~course does not meet state standards or standards of the district or~~  
 1-40 ~~school that are of equivalent rigor as the district's or school's~~  
 1-41 ~~standards for the same course provided in a traditional classroom~~  
 1-42 ~~setting,~~

1-43 [~~(2)~~] a student attempts to enroll in a course load  
 1-44 that [~~+~~

1-45 [~~(A)~~] is inconsistent with the student's high  
 1-46 school graduation plan or requirements for college admission or  
 1-47 earning an industry certification; [or

1-48 [~~(B) could reasonably be expected to negatively~~  
 1-49 ~~affect the student's performance on an assessment instrument~~  
 1-50 ~~administered under Section 39.023,~~] or

1-51 (2) [~~(3)~~] the student requests permission to enroll in  
 1-52 an electronic course at a time that is not consistent with the  
 1-53 enrollment period established by the school district or  
 1-54 open-enrollment charter school providing the course.

1-55 (c-1) A school district or open-enrollment charter school  
 1-56 may decline to pay the cost for a student of more than four yearlong  
 1-57 electronic courses, or the equivalent, during any school year.  
 1-58 This subsection does not:

1-59 (1) limit the ability of the student to enroll in  
 1-60 additional electronic courses at the student's cost; or

2-1                   (2) apply to a student enrolled in a full-time online  
2-2 program.

2-3                   (d) Notwithstanding Subsection (c)(2) [~~(c)(3)~~], a school  
2-4 district or open-enrollment charter school that provides an  
2-5 electronic course through the state virtual school network under  
2-6 Chapter 30A shall make all reasonable efforts to accommodate the  
2-7 enrollment of a student in the course under special circumstances.

2-8                   SECTION 2. Subchapter Z, Chapter 29, Education Code, is  
2-9 amended by adding Section 29.909 to read as follows:

2-10                   Sec. 29.909. DISTANCE LEARNING COURSES. (a) A school  
2-11 district or open-enrollment charter school that provides a course  
2-12 through distance learning and seeks to inform other districts or  
2-13 schools of the availability of the course may submit information to  
2-14 the agency regarding the course, including the number of positions  
2-15 available for student enrollment in the course. The district or  
2-16 school may submit updated information at the beginning of each  
2-17 semester.

2-18                   (b) The agency shall make information submitted under this  
2-19 section available on the agency's Internet website.

2-20                   (c) The commissioner may adopt rules necessary to implement  
2-21 this section, including rules governing student enrollment. The  
2-22 commissioner may not adopt rules governing course pricing, and the  
2-23 price for a course shall be determined by the school districts or  
2-24 open-enrollment charter schools involved.

2-25                   SECTION 3. Section 30A.001(7), Education Code, is amended  
2-26 to read as follows:

2-27                   (7) "Course provider [~~Provider school district or~~  
2-28 ~~school]~~" means:

2-29                   (A) a school district or open-enrollment charter  
2-30 school that provides an electronic course through the state virtual  
2-31 school network to:

2-32                                   (i) students enrolled in that district or  
2-33 school; or

2-34                                   (ii) students enrolled in another school  
2-35 district or school; [~~or~~]

2-36                   (B) a public or private institution of higher  
2-37 education, nonprofit entity, or private entity that provides a  
2-38 course through the state virtual school network; or

2-39                   (C) an entity that provides an electronic  
2-40 professional development course through the state virtual school  
2-41 network.

2-42                   SECTION 4. Section 30A.003, Education Code, is amended to  
2-43 read as follows:

2-44                   Sec. 30A.003. PROVISION OF COMPUTER EQUIPMENT OR INTERNET  
2-45 SERVICE. This chapter does not:

2-46                   (1) require a school district, an open-enrollment  
2-47 charter school, a course provider [~~school district or school~~], or  
2-48 the state to provide a student with home computer equipment or  
2-49 Internet access for a course provided through the state virtual  
2-50 school network; or

2-51                   (2) prohibit a school district or open-enrollment  
2-52 charter school from providing a student with home computer  
2-53 equipment or Internet access for a course provided through the  
2-54 state virtual school network.

2-55                   SECTION 5. Section 30A.007, Education Code, is amended by  
2-56 amending Subsection (a) and adding Subsection (a-1) to read as  
2-57 follows:

2-58                   (a) A school district or open-enrollment charter school  
2-59 shall adopt a written policy that provides district or school  
2-60 students with the opportunity to enroll part-time or full-time in  
2-61 electronic courses provided through the state virtual school  
2-62 network. The policy must be consistent with the requirements  
2-63 imposed by Section 26.0031.

2-64                   (a-1) A school district or open-enrollment charter school  
2-65 shall, at least two times per school year, send to a parent of each  
2-66 district or school student in grades three through 12 a copy of the  
2-67 policy adopted under Subsection (a).

2-68                   SECTION 6. Section 30A.056(a), Education Code, is amended  
2-69 to read as follows:

3-1 (a) Each contract between a course provider [~~school~~  
3-2 ~~district, an open-enrollment charter school, or a public or private~~  
3-3 ~~institution of higher education~~] and the administering authority  
3-4 must:

3-5 (1) provide that the administering authority may  
3-6 cancel the contract without penalty if legislative authorization  
3-7 for the course provider [~~district, school, or institution~~]  
3-8 an electronic course through the state virtual school network is  
3-9 revoked; and

3-10 (2) be submitted to the commissioner.

3-11 SECTION 7. The heading to Section 30A.101, Education Code,  
3-12 is amended to read as follows:

3-13 Sec. 30A.101. ELIGIBILITY TO ACT AS COURSE PROVIDER [~~SCHOOL~~  
3-14 ~~DISTRICT OR SCHOOL~~].

3-15 SECTION 8. Section 30A.101, Education Code, is amended by  
3-16 amending Subsection (a) and adding Subsections (c) and (d) to read  
3-17 as follows:

3-18 (a) A school district or open-enrollment charter school is  
3-19 eligible to act as a course provider [~~school district~~]  
3-20 chapter only if the district or school is rated acceptable [~~or~~  
3-21 ~~higher~~] under Section 39.054. An open-enrollment charter school  
3-22 may serve as a course provider only:

3-23 (1) to a student within its service area; or

3-24 (2) to another student in the state:

3-25 (A) through an agreement with the school district  
3-26 in which the student resides; or

3-27 (B) if the student receives educational services  
3-28 under the supervision of a juvenile probation department, the Texas  
3-29 Juvenile Justice Department, or the Texas Department of Criminal  
3-30 Justice, through an agreement with the applicable agency.

3-31 (c) A nonprofit entity, private entity, or corporation is  
3-32 eligible to act as a course provider under this chapter only if the  
3-33 nonprofit entity, private entity, or corporation:

3-34 (1) complies with all applicable federal and state  
3-35 laws prohibiting discrimination;

3-36 (2) demonstrates financial solvency; and

3-37 (3) provides evidence of prior successful experience  
3-38 offering online courses to elementary, middle, or high school  
3-39 students as determined by the commissioner.

3-40 (d) An entity other than a school district or  
3-41 open-enrollment charter school is not authorized to award course  
3-42 credit or a diploma for courses taken through the state virtual  
3-43 school network.

3-44 SECTION 9. Section 30A.102, Education Code, is amended to  
3-45 read as follows:

3-46 Sec. 30A.102. LISTING OF ELECTRONIC COURSES. (a) The  
3-47 administering authority shall:

3-48 (1) publish the criteria required by Section 30A.103  
3-49 for electronic courses that may be offered through the state  
3-50 virtual school network;

3-51 (2) using the criteria required by Section 30A.103,  
3-52 evaluate electronic courses submitted by a course provider [~~school~~  
3-53 ~~district or school~~] to be offered through the network;

3-54 (3) create a list of electronic courses approved by  
3-55 the administering authority; and

3-56 (4) publish in a prominent location on the network's  
3-57 Internet website [~~provide public access to~~] the list of approved  
3-58 electronic courses offered through the network and a detailed  
3-59 description of the courses that complies with Section 30A.108.

3-60 (b) To ensure that a full range of electronic courses,  
3-61 including advanced placement courses, are offered to students in  
3-62 this state, the administering authority:

3-63 (1) shall create a list of those subjects and courses  
3-64 designated by the board under Subchapter A, Chapter 28, for which  
3-65 the board has identified essential knowledge and skills or for  
3-66 which the board has designated content requirements under  
3-67 Subchapter A, Chapter 28;

3-68 (2) shall enter into agreements with school districts,  
3-69 open-enrollment charter schools, [~~and~~] public or private

4-1 institutions of higher education, and other eligible entities for  
4-2 the purpose of offering the courses through the state virtual  
4-3 school network; and

4-4 (3) may develop or authorize the development of  
4-5 additional electronic courses that:

4-6 (A) are needed to complete high school graduation  
4-7 requirements; and

4-8 (B) are not otherwise available through the state  
4-9 virtual school network.

4-10 (c) The administering authority shall develop a  
4-11 comprehensive course numbering system for all courses offered  
4-12 through the state virtual school network to ensure, to the greatest  
4-13 extent possible, consistent numbering of similar courses offered  
4-14 across all course providers.

4-15 SECTION 10. Section 30A.1021(c), Education Code, is amended  
4-16 to read as follows:

4-17 (c) The administering authority shall provide public access  
4-18 to the comments submitted by students and parents under this  
4-19 section. The comments must be in a format that permits a person to  
4-20 sort the comments by teacher, electronic course, and course  
4-21 provider [~~school district or school~~].

4-22 SECTION 11. Section 30A.103(a), Education Code, is amended  
4-23 to read as follows:

4-24 (a) The board by rule shall establish an objective standard  
4-25 criteria for an electronic course to ensure alignment with the  
4-26 essential knowledge and skills requirements identified or content  
4-27 requirements established under Subchapter A, Chapter 28. The  
4-28 criteria may not permit the administering authority to prohibit a  
4-29 course provider [~~school districts or schools~~] from applying for  
4-30 approval for an electronic course for a course for which essential  
4-31 knowledge and skills have been identified.

4-32 SECTION 12. Section 30A.104(b), Education Code, is amended  
4-33 to read as follows:

4-34 (b) If the essential knowledge and skills with which an  
4-35 approved course is aligned in accordance with Subsection (a)(2) are  
4-36 modified, the course provider [~~school district or school~~] must be  
4-37 provided the same time period to revise the course to achieve  
4-38 alignment with the modified essential knowledge and skills as is  
4-39 provided for the modification of a course provided in a traditional  
4-40 classroom setting.

4-41 SECTION 13. Sections 30A.1041(a) and (b), Education Code,  
4-42 are amended to read as follows:

4-43 (a) A school district, open-enrollment charter school, [~~or~~]  
4-44 public or private institution of higher education, or other  
4-45 eligible entity may seek approval to offer through the state  
4-46 virtual school network the classroom portion of a driver education  
4-47 and traffic safety course that complies with the requirements for  
4-48 the program developed under Section 29.902.

4-49 (b) A school district, open-enrollment charter school, [~~or~~]  
4-50 public or private institution of higher education, or other  
4-51 eligible entity may not offer through the state virtual school  
4-52 network the laboratory portion of a driver education and traffic  
4-53 safety course.

4-54 SECTION 14. Subchapter C, Chapter 30A, Education Code, is  
4-55 amended by adding Section 30A.1042 to read as follows:

4-56 Sec. 30A.1042. RECIPROCITY AGREEMENTS WITH OTHER STATES.

4-57 (a) The administering authority may enter into a reciprocity  
4-58 agreement with one or more other states to facilitate expedited  
4-59 course approval.

4-60 (b) An agreement under this section must ensure that any  
4-61 course approved in accordance with the agreement:

4-62 (1) is evaluated to ensure compliance with Sections  
4-63 30A.104(a)(1) and (2) before the course may be offered through the  
4-64 state virtual school network; and

4-65 (2) meets the requirements of Section 30A.104(a)(3).

4-66 SECTION 15. Section 30A.105, Education Code, is amended by  
4-67 amending Subsections (a), (a-1), and (d) and adding Subsection (e)  
4-68 to read as follows:

4-69 (a) The administering authority shall:

5-1 (1) establish a ~~[schedule for an annual]~~ submission  
5-2 and approval process for electronic courses that occurs on a  
5-3 rolling basis; and

5-4 (2) evaluate electronic courses to be offered through  
5-5 the state virtual school network~~;~~ and

5-6 ~~[(3) not later than August 1 of each year, approve~~  
5-7 ~~electronic courses that:~~

5-8 ~~[(A) meet the criteria established under Section~~  
5-9 ~~30A.103; and~~

5-10 ~~[(B) provide the minimum instructional rigor and~~  
5-11 ~~scope required under Section 30A.104].~~

5-12 (a-1) The administering authority shall publish the  
5-13 submission and approval process for electronic courses [schedule]  
5-14 established under Subsection (a)(1), including any deadlines  
5-15 [specified in that schedule,] and [any] guidelines applicable to  
5-16 the [submission and approval] process [for electronic courses].

5-17 (d) If the agency determines that the costs of evaluating  
5-18 and approving a submitted electronic course will not be paid by the  
5-19 agency due to a shortage of funds available for that purpose, the  
5-20 school district, open-enrollment charter school, ~~[or]~~ public or  
5-21 private institution of higher education, or other eligible entity  
5-22 that submitted the course for evaluation and approval may pay a fee  
5-23 equal to the amount of the costs in order to ensure that evaluation  
5-24 of the course occurs. The agency shall establish and publish a fee  
5-25 schedule for purposes of this subsection.

5-26 (e) The administering authority shall require a course  
5-27 provider to apply for renewed approval of a previously approved  
5-28 course in accordance with a schedule designed to coincide with  
5-29 revisions to the required curriculum under Section 28.002(a) but  
5-30 not later than the 10th anniversary of the previous approval.

5-31 SECTION 16. Subchapter C, Chapter 30A, Education Code, is  
5-32 amended by adding Section 30A.1052 to read as follows:

5-33 Sec. 30A.1052. INDUCEMENTS FOR ENROLLMENT PROHIBITED. (a)  
5-34 A course provider may not promise or provide equipment or any other  
5-35 thing of value to a student or a student's parent as an inducement  
5-36 for the student to enroll in an electronic course offered through  
5-37 the state virtual school network.

5-38 (b) The commissioner shall revoke approval under this  
5-39 chapter of electronic courses offered by a course provider that  
5-40 violates this section.

5-41 (c) The commissioner's action under this section is final  
5-42 and may not be appealed.

5-43 SECTION 17. Section 30A.106(a), Education Code, is amended  
5-44 to read as follows:

5-45 (a) A course provider ~~[school district or school]~~ may appeal  
5-46 to the commissioner the administering authority's refusal to  
5-47 approve an electronic course under Section 30A.105.

5-48 SECTION 18. Section 30A.107(a), Education Code, is amended  
5-49 to read as follows:

5-50 (a) A course provider ~~[school district or school]~~ may offer  
5-51 electronic courses to:

5-52 (1) students and adults who reside in this state; and

5-53 (2) students who reside outside this state and who  
5-54 meet the eligibility requirements under Section 30A.002(c).

5-55 SECTION 19. Section 30A.108(b), Education Code, is amended  
5-56 to read as follows:

5-57 (b) Each report under this section must describe each  
5-58 electronic course offered through the state virtual school network  
5-59 and include the following information:

5-60 (1) [such as] course requirements;

5-61 (2) [and] the school year calendar for the course,  
5-62 including any options for continued participation outside of the  
5-63 standard school year calendar;

5-64 (3) the entity that developed the course;

5-65 (4) the entity that provided the course;

5-66 (5) the course completion rate;

5-67 (6) aggregate student performance on an assessment  
5-68 instrument administered under Section 39.023 to students enrolled  
5-69 in the course;

6-1 (7) aggregate student performance on all assessment  
6-2 instruments administered under Section 39.023 to students who  
6-3 completed the course provider's courses; and

6-4 (8) other information determined by the commissioner.

6-5 SECTION 20. Section 30A.1121, Education Code, is amended to  
6-6 read as follows:

6-7 Sec. 30A.1121. ALTERNATIVE EDUCATOR PROFESSIONAL  
6-8 DEVELOPMENT. (a) Subject to Subsection (b), a course provider  
6-9 [school district or open-enrollment charter school] may provide  
6-10 professional development courses to teachers seeking to become  
6-11 authorized to teach electronic courses provided through the state  
6-12 virtual school network. A course provider [district or school] may  
6-13 provide a professional development course that is approved under  
6-14 Subsection (b) to any interested teacher, regardless of [whether]  
6-15 the teacher's employer [teacher is employed by the district or  
6-16 school].

6-17 (b) The agency shall review each professional development  
6-18 course sought to be provided by a course provider [school district  
6-19 or open-enrollment charter school] under Subsection (a) to  
6-20 determine if the course meets the quality standards established  
6-21 under Section 30A.113. If a course meets those standards, the  
6-22 course provider [district or school] may provide the course for  
6-23 purposes of enabling a teacher to comply with Section  
6-24 30A.111(a)(2).

6-25 SECTION 21. Section 30A.114, Education Code, is amended to  
6-26 read as follows:

6-27 Sec. 30A.114. REGIONAL EDUCATION SERVICE CENTERS. The  
6-28 commissioner by rule shall allow regional education service centers  
6-29 to participate in the state virtual school network in the same  
6-30 manner as course providers [provider school districts and schools].

6-31 SECTION 22. Section 30A.153, Education Code, is amended by  
6-32 amending Subsections (a) and (b) and adding Subsection (a-1) to  
6-33 read as follows:

6-34 (a) Subject to the limitation imposed under Subsection  
6-35 (a-1), a [A] school district or open-enrollment charter school in  
6-36 which a student is enrolled is entitled to funding under Chapter 42  
6-37 or in accordance with the terms of a charter granted under Section  
6-38 12.101 for the student's enrollment in an electronic course offered  
6-39 through the state virtual school network in the same manner that the  
6-40 district or school is entitled to funding for the student's  
6-41 enrollment in courses provided in a traditional classroom setting,  
6-42 provided that the student successfully completes the electronic  
6-43 course and without respect to the setting in which the student  
6-44 participates in the course.

6-45 (a-1) For purposes of Subsection (a), a school district or  
6-46 open-enrollment charter school is limited to the funding described  
6-47 by that subsection for a student's enrollment in not more than four  
6-48 electronic courses during any school year, unless the student is  
6-49 enrolled in a full-time online program.

6-50 (b) The commissioner, after considering comments from  
6-51 school district and open-enrollment charter school  
6-52 representatives, shall adopt a standard agreement that governs the  
6-53 costs, payment of funds, and other matters relating to a student's  
6-54 enrollment in an electronic course offered through the state  
6-55 virtual school network. The agreement may not require a school  
6-56 district or open-enrollment charter school to pay the provider the  
6-57 full amount until the student has successfully completed the  
6-58 electronic course, and the full amount may not exceed the limits  
6-59 specified by Section 30A.105(b).

6-60 SECTION 23. Section 30A.155, Education Code, is amended by  
6-61 amending Subsections (a) and (c-1) and adding Subsection (e) to  
6-62 read as follows:

6-63 (a) A school district or open-enrollment charter school may  
6-64 charge a fee for enrollment in an electronic course provided  
6-65 through the state virtual school network to a student who resides in  
6-66 this state and:

6-67 (1) is enrolled in a school district or  
6-68 open-enrollment charter school as a full-time student with[, and  
6-69 (2) is enrolled in] a course load greater than that

7-1 normally taken by students in the equivalent grade level in other  
7-2 school districts or open-enrollment charter schools; or  
7-3 (2) elects to enroll in an electronic course provided  
7-4 through the network for which the school district or  
7-5 open-enrollment charter school in which the student is enrolled as  
7-6 a full-time student declines to pay the cost, as authorized by  
7-7 Section 26.0031(c-1).

7-8 (c-1) A school district or open-enrollment charter school  
7-9 that is not the course provider [~~school district or school~~] may  
7-10 charge a student enrolled in the district or school a nominal fee,  
7-11 not to exceed the amount specified by the commissioner, if the  
7-12 student enrolls in an electronic course provided through the state  
7-13 virtual school network that exceeds the course load normally taken  
7-14 by students in the equivalent grade level. A juvenile probation  
7-15 department or state agency may charge a comparable fee to a student  
7-16 under the supervision of the department or agency.

7-17 (e) This chapter does not entitle a student who is not  
7-18 enrolled on a full-time basis in a school district or  
7-19 open-enrollment charter school to the benefits of the Foundation  
7-20 School Program.

7-21 SECTION 24. Subchapter A, Chapter 32, Education Code, is  
7-22 amended by adding Section 32.005 to read as follows:

7-23 Sec. 32.005. STUDY ON SCHOOL DISTRICT NETWORK CAPABILITIES.

7-24 (a) The commissioner shall conduct a study to assess the network  
7-25 capabilities of each school district. The study must gather  
7-26 sufficient information to determine whether the network  
7-27 connections of a district and school campuses in the district meet  
7-28 the following targets:

7-29 (1) an external Internet connection to a campus's  
7-30 Internet service provider featuring a bandwidth capable of a  
7-31 broadband speed of at least 100 megabits per second for every 1,000  
7-32 students and staff members; and

7-33 (2) an internal wide area network connection between  
7-34 the district and each of the school campuses in the district  
7-35 featuring a bandwidth capable of a broadband speed of at least one  
7-36 gigabit per second for every 1,000 students and staff members.

7-37 (b) The commissioner may solicit and accept gifts and grants  
7-38 from any public or private source to conduct the study. The  
7-39 commissioner may also cooperate or collaborate with national  
7-40 organizations conducting similar studies.

7-41 (c) The commissioner shall complete the study not later than  
7-42 December 1, 2015. This section expires December 1, 2016.

7-43 SECTION 25. Section 30A.101(b), Education Code, as amended  
7-44 by Chapters 895 (H.B. 3) and 1328 (H.B. 3646), Acts of the 81st  
7-45 Legislature, Regular Session, 2009, is repealed.

7-46 SECTION 26. This Act applies beginning with the 2013-2014  
7-47 school year.

7-48 SECTION 27. This Act takes effect immediately if it  
7-49 receives a vote of two-thirds of all the members elected to each  
7-50 house, as provided by Section 39, Article III, Texas Constitution.  
7-51 If this Act does not receive the vote necessary for immediate  
7-52 effect, this Act takes effect September 1, 2013.

7-53 \* \* \* \* \*