

1-1 By: Hegar, Patrick S.B. No. 1298
 1-2 (In the Senate - Filed March 7, 2013; March 13, 2013, read
 1-3 first time and referred to Committee on Education; April 15, 2013,
 1-4 reported adversely, with favorable Committee Substitute by the
 1-5 following vote: Yeas 5, Nays 3; April 15, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Patrick	X			
1-8 Lucio		X		
1-9 Campbell	X			
1-10 Duncan	X			
1-11 Paxton	X			
1-12 Seliger	X			
1-13 Taylor			X	
1-14 Van de Putte		X		
1-15 West		X		

1-17 COMMITTEE SUBSTITUTE FOR S.B. No. 1298 By: Duncan

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to the provision of electronic courses in public schools,
 1-21 the state virtual school network, and school district digital
 1-22 capabilities.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subsections (b), (c), and (d), Section 26.0031,
 1-25 Education Code, are amended to read as follows:

1-26 (b) A school district or open-enrollment charter school in
 1-27 which a student is enrolled as a full-time student may not
 1-28 ~~[unreasonably]~~ deny the request of a parent of a student to enroll
 1-29 the student in an electronic course offered through the state
 1-30 virtual school network under Chapter 30A.

1-31 (c) ~~Notwithstanding [For purposes of]~~ Subsection (b), a
 1-32 school district or open-enrollment charter school may deny ~~[is not~~
 1-33 ~~considered to have unreasonably denied]~~ a request to enroll a
 1-34 student in an electronic course if:

1-35 (1) the district or school can demonstrate that the
 1-36 course does not meet state standards or standards of the district or
 1-37 school that are of equivalent rigor as the district's or school's
 1-38 standards for the same course provided in a traditional classroom
 1-39 setting; or

1-40 (2) ~~[a student attempts to enroll in a course load~~
 1-41 ~~that:~~

1-42 ~~[(A) is inconsistent with the student's high~~
 1-43 ~~school graduation plan; or~~

1-44 ~~[(B) could reasonably be expected to negatively~~
 1-45 ~~affect the student's performance on an assessment instrument~~
 1-46 ~~administered under Section 39.023; or~~

1-47 ~~[(3)]~~ the student requests permission to enroll in an
 1-48 electronic course at a time that is not consistent with the
 1-49 enrollment period established by the school district or
 1-50 open-enrollment charter school providing the course.

1-51 (d) Notwithstanding Subsection (c) ~~[(c)(3)]~~, a school
 1-52 district or open-enrollment charter school that provides an
 1-53 electronic course through the state virtual school network under
 1-54 Chapter 30A shall make all reasonable efforts to accommodate the
 1-55 enrollment of a student in the course under special circumstances.

1-56 SECTION 2. Section 30A.001, Education Code, is amended by
 1-57 adding Subdivision (3-a) and amending Subdivisions (7) and (8) to
 1-58 read as follows:

1-59 (3-a) "Electronic catalogue course" means an
 1-60 electronic course offered by an electronic catalogue course

2-1 provider through the state virtual school network to students
 2-2 enrolled in a school district or open-enrollment charter school.

2-3 (7) "Electronic catalogue course provider" ["Provider
 2-4 school district or school"] means:

2-5 (A) a school district or open-enrollment charter
 2-6 school that provides an electronic course through the state virtual
 2-7 school network to:

2-8 (i) students enrolled in that district or
 2-9 school; or

2-10 (ii) students enrolled in another school
 2-11 district or school; ~~or~~

2-12 (B) a public or private institution of higher
 2-13 education, nonprofit entity, or private entity that provides a
 2-14 course through the state virtual school network;

2-15 (C) an entity that provides an electronic
 2-16 professional development course through the state virtual school
 2-17 network; or

2-18 (D) a school district or open-enrollment charter
 2-19 school that provides a full-time virtual instruction program
 2-20 through the state virtual school network.

2-21 (8) "Public or private institution of higher
 2-22 education" means ~~+~~

2-23 ~~[(A)] an institution of higher education, as~~
 2-24 ~~defined by 20 U.S.C. Section 1001 [Section 61.003; or~~

2-25 ~~[(B) a private or independent institution of~~
 2-26 ~~higher education, as defined by Section 61.003].~~

2-27 SECTION 3. Subsection (c), Section 30A.002, Education Code,
 2-28 is amended to read as follows:

2-29 (c) Notwithstanding Subsection (a)(3) ~~or (b)~~, a student
 2-30 is eligible to enroll in one or more courses ~~[provided through the~~
 2-31 ~~state virtual school network]~~ or enroll full-time in courses
 2-32 ~~[provided through the network]~~ if the student:

2-33 (1) is a dependent of a member of the United States
 2-34 military;

2-35 (2) was previously enrolled in high school in this
 2-36 state; and

2-37 (3) does not reside in this state due to a military
 2-38 deployment or transfer.

2-39 SECTION 4. Section 30A.003, Education Code, is amended to
 2-40 read as follows:

2-41 Sec. 30A.003. PROVISION OF COMPUTER EQUIPMENT OR INTERNET
 2-42 SERVICE. This chapter does not:

2-43 (1) require a school district, an open-enrollment
 2-44 charter school, an electronic catalogue course [a] provider [school
 2-45 district or school], or the state to provide a student with home
 2-46 computer equipment or Internet access for a course provided through
 2-47 the state virtual school network; or

2-48 (2) prohibit a school district or open-enrollment
 2-49 charter school from providing a student with home computer
 2-50 equipment or Internet access for a course provided through the
 2-51 state virtual school network.

2-52 SECTION 5. Section 30A.007, Education Code, is amended by
 2-53 amending Subsection (a) and adding Subsection (a-1) to read as
 2-54 follows:

2-55 (a) A school district or open-enrollment charter school
 2-56 shall adopt and send to students' parents twice per year a written
 2-57 policy that provides district or school students in grade 3 through
 2-58 grade 12 with the opportunity to enroll part-time or full-time in
 2-59 electronic courses provided by electronic course providers,
 2-60 including electronic catalogue courses provided through the state
 2-61 virtual school network.

2-62 (a-1) The policy adopted under Subsection (a) must be
 2-63 consistent with the requirements imposed by Section 26.0031.

2-64 SECTION 6. Subsection (a), Section 30A.056, Education Code,
 2-65 is amended to read as follows:

2-66 (a) Each contract between an electronic catalogue course
 2-67 provider [a school district, an open-enrollment charter school, or
 2-68 a public or private institution of higher education] and the
 2-69 administering authority must:

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

3-6 (2) be submitted to the commissioner.
3-7 SECTION 7. The heading to Section 30A.101, Education Code,
3-8 is amended to read as follows:

3-9 Sec. 30A.101. ELIGIBILITY TO ACT AS ELECTRONIC CATALOGUE
3-10 COURSE PROVIDER [~~SCHOOL DISTRICT OR SCHOOL~~].

3-11 SECTION 8. Section 30A.101, Education Code, is amended by
3-12 amending Subsection (a) and adding Subsections (c) and (d) to read
3-13 as follows:

3-14 (a) A school district or open-enrollment charter school is
3-15 eligible to act as an electronic catalogue course [~~a~~] provider
3-16 [~~school district~~] under this chapter only if the district is rated
3-17 acceptable or higher under Section 39.054.

3-18 (c) An entity other than a school district or
3-19 open-enrollment charter school is eligible to act as an electronic
3-20 catalogue course provider under this chapter only if the entity:

3-21 (1) complies with all applicable federal and state
3-22 antidiscrimination laws;

3-23 (2) provides evidence of prior, successful experience
3-24 offering online courses to elementary, middle, or high school
3-25 students as determined by the commissioner; and

3-26 (3) can demonstrate that the entity is financially
3-27 solvent.

3-28 (d) An open-enrollment charter school may not offer a
3-29 full-time electronic course program unless the charter
3-30 establishing the school under Section 12.101 authorizes the school
3-31 to operate such a program.

3-32 SECTION 9. Subchapter C, Chapter 30A, Education Code, is
3-33 amended by adding Section 30A.1011 to read as follows:

3-34 Sec. 30A.1011. DURATION OF APPROVAL STATUS; APPROVAL
3-35 MONITORING AND REPORTING. (a) An entity that is approved as an
3-36 electronic catalogue course provider may operate as an electronic
3-37 catalogue course provider for an initial authorization period
3-38 lasting until the end of the third full school year after the
3-39 approval.

3-40 (b) At the expiration of an initial authorization period,
3-41 the administering authority may approve an electronic catalogue
3-42 course provider for subsequent authorization periods using
3-43 eligibility criteria under Section 30A.101. A subsequent
3-44 authorization period may not be for less than three or more than 10
3-45 school years.

3-46 (c) Following the second full school year of an initial
3-47 authorization period, the administering authority shall review the
3-48 electronic catalogue course provider's activities and the academic
3-49 performance of the students enrolled in courses offered by the
3-50 provider using applicable accountability provisions under Chapter
3-51 39. If the electronic catalogue course provider does not comply
3-52 with applicable standards established by the commissioner, the
3-53 administering authority shall place the provider on probation. An
3-54 electronic catalogue course provider on probation:

3-55 (1) may continue to offer electronic courses for the
3-56 remainder of the authorization period;

3-57 (2) shall submit to the administering authority an
3-58 improvement plan in accordance with rules adopted by the
3-59 commissioner;

3-60 (3) shall publish on the provider's Internet website
3-61 its probationary status along with a copy of the improvement plan
3-62 submitted to the administering authority;

3-63 (4) may be removed from probation after the provider
3-64 is able to demonstrate to the administering authority the
3-65 provider's compliance with applicable accountability provisions
3-66 under Chapter 39; and

3-67 (5) must demonstrate compliance by the end of the
3-68 third year of the initial authorization.

3-69 (d) The commissioner may remove the approved status of an

4-1 electronic catalogue course provider on probation if the provider
 4-2 does not comply with Subsection (c)(5). If the provider's approved
 4-3 status is removed, the provider may not reapply until the third
 4-4 anniversary of the date of removal.

4-5 (e) The administering authority shall continually monitor
 4-6 and evaluate the electronic catalogue course provider in accordance
 4-7 with performance standards established by the commissioner using
 4-8 student academic performance as the main criterion.

4-9 SECTION 10. Section 30A.102, Education Code, is amended to
 4-10 read as follows:

4-11 Sec. 30A.102. LISTING OF ELECTRONIC CATALOGUE
 4-12 COURSES. (a) The administering authority shall:

4-13 (1) publish the criteria required by Section 30A.103
 4-14 for electronic catalogue courses that may be offered through the
 4-15 state virtual school network;

4-16 (2) using the criteria required by Section 30A.103,
 4-17 evaluate electronic catalogue courses submitted by an electronic
 4-18 catalogue course ~~[a] provider [school district or school]~~ to be
 4-19 offered through the network;

4-20 (3) create a list of electronic catalogue courses
 4-21 approved by the administering authority; and

4-22 (4) publish in a prominent location on the state
 4-23 virtual school network's Internet website ~~[provide public access~~
 4-24 ~~to]~~ the list of approved electronic catalogue courses offered
 4-25 through the network and a detailed description of the courses that
 4-26 complies with Section 30A.108.

4-27 (b) To ensure that a full range of electronic catalogue
 4-28 courses, including advanced placement courses, are offered to
 4-29 students in this state, the administering authority:

4-30 (1) shall create a list of those subjects and courses
 4-31 designated by the board under Subchapter A, Chapter 28, for which
 4-32 the board has identified essential knowledge and skills or for
 4-33 which the board has designated content requirements under
 4-34 Subchapter A, Chapter 28;

4-35 (2) shall enter into agreements with electronic
 4-36 catalogue course providers ~~[school districts, open-enrollment~~
 4-37 ~~charter schools, and public or private institutions of higher~~
 4-38 ~~education]~~ for the purpose of offering the courses through the
 4-39 state virtual school network; and

4-40 (3) may develop or authorize the development of
 4-41 additional electronic catalogue courses that ~~+~~

4-42 ~~[(A) are needed to complete high school~~
 4-43 ~~graduation requirements, and~~

4-44 ~~[(B) are not otherwise available through the~~
 4-45 state virtual school network.

4-46 (c) The administering authority shall develop a
 4-47 comprehensive course numbering system for all electronic catalogue
 4-48 courses offered through the state virtual school network to ensure,
 4-49 to the greatest extent possible, consistent numbering of similar
 4-50 courses offered across all electronic catalogue course providers.

4-51 SECTION 11. Subsections (a) and (c), Section 30A.1021,
 4-52 Education Code, are amended to read as follows:

4-53 (a) The administering authority shall provide students who
 4-54 have completed or withdrawn from electronic catalogue courses
 4-55 ~~[offered through the virtual school network]~~ and their parents with
 4-56 a mechanism for providing comments regarding the courses.

4-57 (c) The administering authority shall provide public access
 4-58 to the comments submitted by students and parents under this
 4-59 section. The comments must be in a format that permits a person to
 4-60 sort the comments by teacher, electronic catalogue course, and
 4-61 electronic catalogue course provider ~~[school district or school]~~.

4-62 SECTION 12. Subsection (a), Section 30A.103, Education
 4-63 Code, is amended to read as follows:

4-64 (a) The board by rule shall establish an objective standard
 4-65 criteria for an electronic catalogue course to ensure alignment
 4-66 with the essential knowledge and skills requirements identified or
 4-67 content requirements established under Subchapter A, Chapter
 4-68 28. The criteria may not permit the administering authority to
 4-69 prohibit course providers ~~[provider school districts or schools]~~

5-1 from applying for approval for an electronic course for inclusion
5-2 as an electronic catalogue ~~[a]~~ course if ~~[for which]~~ essential
5-3 knowledge and skills have been identified for that course.

5-4 SECTION 13. The heading to Section 30A.104, Education Code,
5-5 is amended to read as follows:

5-6 Sec. 30A.104. COURSE ELIGIBILITY FOR INCLUSION IN STATE
5-7 VIRTUAL SCHOOL NETWORK ~~[IN GENERAL]~~.

5-8 SECTION 14. Subsections (a) and (b), Section 30A.104,
5-9 Education Code, are amended to read as follows:

5-10 (a) An electronic catalogue ~~[A]~~ course ~~[offered through the~~
5-11 ~~state virtual school network]~~ must:

5-12 (1) be in a specific subject that is part of the
5-13 required curriculum under Section 28.002(a);

5-14 (2) be aligned with the essential knowledge and skills
5-15 identified under Section 28.002(c) for grade 3 through grade 12 ~~[a~~
5-16 ~~grade level at or above grade level three]~~; and

5-17 (3) be the equivalent in instructional rigor and scope
5-18 to a course that is provided in a traditional classroom setting
5-19 during:

5-20 (A) a semester of 90 instructional days; and

5-21 (B) a school day that meets the minimum length of
5-22 a school day required under Section 25.082.

5-23 (b) If the essential knowledge and skills with which an
5-24 electronic catalogue ~~[approved]~~ course is aligned in accordance
5-25 with Subsection (a)(2) are modified, the electronic catalogue
5-26 course provider ~~[school district or school]~~ must be provided the
5-27 same time period to revise the course to achieve alignment with the
5-28 modified essential knowledge and skills as is provided for the
5-29 modification of a course provided in a traditional classroom
5-30 setting.

5-31 SECTION 15. Subsections (a) and (b), Section 30A.1041,
5-32 Education Code, are amended to read as follows:

5-33 (a) A course provider ~~[school district, open-enrollment~~
5-34 ~~charter school, or public or private institution of higher~~
5-35 ~~education]~~ may seek approval to offer through the state virtual
5-36 school network the classroom portion of a driver education and
5-37 traffic safety course that complies with the requirements for the
5-38 program developed under Section 29.902.

5-39 (b) A course provider ~~[school district, open-enrollment~~
5-40 ~~charter school, or public or private institution of higher~~
5-41 ~~education]~~ may not offer through the state virtual school network
5-42 the laboratory portion of a driver education and traffic safety
5-43 course.

5-44 SECTION 16. Subsections (a), (a-1), (c), and (d), Section
5-45 30A.105, Education Code, are amended to read as follows:

5-46 (a) The administering authority shall:

5-47 (1) establish a ~~[schedule for an annual]~~ submission
5-48 and approval process for electronic catalogue courses that occurs
5-49 on a rolling basis; and

5-50 (2) evaluate electronic catalogue courses to be
5-51 offered through the state virtual school network ~~[, and~~

5-52 ~~[(3) not later than August 1 of each year, approve~~
5-53 ~~electronic courses that:~~

5-54 ~~[(A) meet the criteria established under Section~~
5-55 ~~30A.103; and~~

5-56 ~~[(B) provide the minimum instructional rigor and~~
5-57 ~~scope required under Section 30A.104].~~

5-58 (a-1) The administering authority shall publish the
5-59 submission and approval process for electronic catalogue courses
5-60 [schedule] established under Subsection (a)(1), including any
5-61 deadlines ~~[specified in that schedule,]~~ and ~~[any]~~ guidelines
5-62 applicable to the ~~[submission and approval]~~ process ~~[for electronic~~
5-63 ~~courses].~~

5-64 (c) The agency shall pay the reasonable costs of evaluating
5-65 and approving electronic courses for inclusion as an electronic
5-66 catalogue course. If funds available to the agency for that purpose
5-67 are insufficient to pay the costs of evaluating and approving all
5-68 electronic courses submitted for evaluation and approval, the
5-69 agency shall give priority to paying the costs of evaluating and

- 6-1 approving the following courses:
- 6-2 (1) courses that satisfy high school graduation
 - 6-3 requirements;
 - 6-4 (2) courses that would likely benefit a student in
 - 6-5 obtaining admission to a postsecondary institution;
 - 6-6 (3) courses, including dual credit courses, that allow
 - 6-7 a student to earn college credit or other advanced credit;
 - 6-8 (4) courses in subject areas most likely to be highly
 - 6-9 beneficial to students receiving educational services under the
 - 6-10 supervision of a juvenile probation department, the Texas Juvenile
 - 6-11 Justice Department [~~Youth Commission~~], or the Texas Department of
 - 6-12 Criminal Justice; [~~and~~]
 - 6-13 (5) courses in subject areas designated by the
 - 6-14 commissioner as commonly experiencing a shortage of teachers; and
 - 6-15 (6) courses in subject areas designated by the
 - 6-16 commissioner as a high priority.

6-17 (d) If the agency determines that the costs of evaluating

6-18 and approving a submitted electronic course will not be paid by the

6-19 agency due to a shortage of funds available for that purpose, the

6-20 course provider [~~school district, open-enrollment charter school,~~

6-21 ~~or public or private institution of higher education~~] that

6-22 submitted the course for evaluation and approval may pay a fee not

6-23 [~~equal~~] to exceed the amount of the costs in order to ensure that

6-24 evaluation of the course occurs. The agency shall establish and

6-25 publish a fee schedule for purposes of this subsection.

6-26 SECTION 17. Subchapter C, Chapter 30A, Education Code, is

6-27 amended by adding Section 30A.1052 to read as follows:

6-28 Sec. 30A.1052. INTERSTATE COURSE RECIPROCAL AGREEMENTS.

6-29 The commissioner shall adopt a process for approving reciprocal

6-30 agreements with agencies in other states to allow students residing

6-31 in this state to enroll through the state virtual school network in

6-32 electronic courses provided in other states. The process must

6-33 include provisions that ensure that:

6-34 (1) electronic courses provided in other states meet

6-35 electronic catalogue course eligibility guidelines under Section

6-36 30A.104; and

6-37 (2) each teacher of an electronic course provided in

6-38 another state:

6-39 (A) possesses certification credentials similar

6-40 to those required under Subchapter B, Chapter 21; and

6-41 (B) successfully completes the appropriate

6-42 professional development course provided under Section 30A.112 or

6-43 30A.1121 before teaching an electronic catalogue course.

6-44 SECTION 18. Section 30A.106, Education Code, is amended to

6-45 read as follows:

6-46 Sec. 30A.106. APPEAL TO COMMISSIONER. (a) An entity

6-47 seeking approval to act as an electronic catalogue course provider

6-48 or a course [~~A~~] provider seeking approval of an electronic course

6-49 [~~school district or school~~] may appeal to the commissioner the

6-50 administering authority's refusal to approve the entity as an

6-51 electronic catalogue course provider under Section 30A.101 or

6-52 approve an electronic catalogue course under Section 30A.105.

6-53 (b) If the commissioner determines that the administering

6-54 authority's evaluation did not follow the criteria or was otherwise

6-55 irregular, the commissioner may overrule the administering

6-56 authority and approve the course provider or place the course on a

6-57 list of approved electronic catalogue courses. The commissioner's

6-58 decision under this section is final and may not be appealed.

6-59 SECTION 19. The heading to Section 30A.107, Education Code,

6-60 is amended to read as follows:

6-61 Sec. 30A.107. OPTIONS FOR ELECTRONIC CATALOGUE COURSE

6-62 PROVIDERS AND STUDENTS.

6-63 SECTION 20. Subsection (a), Section 30A.107, Education

6-64 Code, is amended to read as follows:

6-65 (a) An electronic catalogue course [~~A~~] provider [~~school~~

6-66 ~~district or school~~] may offer electronic catalogue courses to:

- 6-67 (1) students and adults who reside in this state; and
- 6-68 (2) students who reside outside this state and who
- 6-69 meet the eligibility requirements under Section 30A.002(c).

7-1 SECTION 21. Subsection (b), Section 30A.108, Education
7-2 Code, is amended to read as follows:

7-3 (b) Each report under this section must be updated not later
7-4 than the 30th day after the date an electronic course is approved
7-5 for inclusion as an electronic catalogue course and must describe
7-6 each electronic catalogue course [~~offered through the state virtual~~
7-7 ~~school network~~] and must include information such as course
7-8 requirements and the school year calendar for the course, including
7-9 any options for continued participation outside of the standard
7-10 school year calendar.

7-11 SECTION 22. Subsection (a), Section 30A.111, Education
7-12 Code, is amended to read as follows:

7-13 (a) Each teacher of an electronic catalogue course offered
7-14 by an electronic catalogue course provider [~~a school district or~~
7-15 ~~open-enrollment charter school through the state virtual school~~
7-16 ~~network~~] must:

7-17 (1) be certified under Subchapter B, Chapter 21, to
7-18 teach that course and grade level; and

7-19 (2) successfully complete the appropriate
7-20 professional development course provided under Section 30A.112(a)
7-21 or 30A.1121 during the teacher's first year of [~~before~~]
7-22 teaching an electronic catalogue course [~~offered through the network~~].

7-23 SECTION 23. Section 30A.1121, Education Code, is amended to
7-24 read as follows:

7-25 Sec. 30A.1121. ALTERNATIVE EDUCATOR PROFESSIONAL
7-26 DEVELOPMENT. (a) Subject to Subsection (b), an electronic
7-27 catalogue course provider [~~a school district or open-enrollment~~
7-28 ~~charter school~~] may provide professional development courses to
7-29 teachers seeking to become authorized to teach electronic catalogue
7-30 courses provided through the state virtual school network. An
7-31 electronic catalogue course provider [~~A district or school~~] may
7-32 provide a professional development course that is approved under
7-33 Subsection (b) to any interested teacher, regardless of [~~whether~~]
7-34 the teacher's employer [~~teacher is employed by the district or~~
7-35 ~~school~~].

7-36 (b) The agency shall review each professional development
7-37 course sought to be provided by an electronic catalogue course
7-38 provider [~~a school district or open-enrollment charter school~~]
7-39 under Subsection (a) to determine if the course meets the quality
7-40 standards established under Section 30A.113. If a course meets
7-41 those standards, the electronic catalogue course provider
7-42 [~~district or school~~] may provide the course for purposes of
7-43 enabling a teacher to comply with Section 30A.111(a)(2).

7-44 SECTION 24. Section 30A.114, Education Code, is amended to
7-45 read as follows:

7-46 Sec. 30A.114. REGIONAL EDUCATION SERVICE CENTERS. The
7-47 commissioner by rule shall allow regional education service centers
7-48 to participate in the state virtual school network in the same
7-49 manner as electronic catalogue course providers [~~provider school~~
7-50 ~~districts and schools~~].

7-51 SECTION 25. The heading to Section 30A.153, Education Code,
7-52 is amended to read as follows:

7-53 Sec. 30A.153. [~~FOUNDATION SCHOOL PROGRAM~~] FUNDING OF
7-54 ELECTRONIC COURSES.

7-55 SECTION 26. Section 30A.153, Education Code, is amended by
7-56 amending Subsections (a) and (b) and adding Subsection (a-1) to
7-57 read as follows:

7-58 (a) A school district or open-enrollment charter school in
7-59 which a student is enrolled is entitled to funding based on a
7-60 per-course amount under Chapter 42 for the student's enrollment in
7-61 an electronic catalogue course or other electronic course in which
7-62 a student has enrolled that is offered through the state virtual
7-63 school network in the same manner that the district or school is
7-64 entitled to funding for the student's enrollment in courses
7-65 provided in a traditional classroom setting, provided that the
7-66 student successfully completes the electronic course and without
7-67 respect to the setting in which the student participates in the
7-68 course.

7-69 (a-1) For a full-time electronic course program offered

8-1 through the state virtual school network for grades 3 through 12, a
8-2 school district or open-enrollment charter school is entitled to
8-3 receive state and local funding for a student enrolled in the
8-4 program in an amount equal to the funding the district or school
8-5 would otherwise receive for a student enrolled in the district or
8-6 school. The district or school may calculate the average daily
8-7 attendance of a student enrolled in the program based on:

- 8-8 (1) hours of contact with the student;
- 8-9 (2) the student's successful completion of a course;
- 8-10 or
- 8-11 (3) a method approved by the commissioner.

8-12 (b) The commissioner, after considering comments from
8-13 school district and open-enrollment charter school
8-14 representatives, shall adopt a standard agreement that governs
8-15 payment of funds and other matters relating to a student's
8-16 enrollment in an electronic catalogue course offered through the
8-17 state virtual school network. The agreement may not require a
8-18 school district or open-enrollment charter school to pay the
8-19 electronic catalogue course provider the full amount until the
8-20 student has successfully completed the electronic catalogue
8-21 course.

8-22 SECTION 27. The heading to Section 30A.155, Education Code,
8-23 is amended to read as follows:

8-24 Sec. 30A.155. FEES AND TUITION.

8-25 SECTION 28. Section 30A.155, Education Code, is amended by
8-26 amending Subsections (a), (a-1), (b), (c), and (c-1) and adding
8-27 Subsection (e) to read as follows:

8-28 (a) A school district or open-enrollment charter school in
8-29 which a student resides or is enrolled may charge a fee for
8-30 enrollment in an electronic catalogue course ~~[provided through the~~
8-31 ~~state virtual school network]~~ to a student who resides in this state
8-32 and:

- 8-33 (1) is enrolled in the ~~[a school]~~ district or
8-34 ~~[open-enrollment charter]~~ school as a full-time student; and
- 8-35 (2) is enrolled in a course load greater than that
8-36 normally taken by students in the equivalent grade level in other
8-37 school districts or open-enrollment charter schools.

8-38 (a-1) A school district or open-enrollment charter school
8-39 in which a student resides or is enrolled may charge a fee for
8-40 enrollment in an electronic catalogue course provided ~~[through the~~
8-41 ~~state virtual school network]~~ during the summer.

8-42 (b) A school district or open-enrollment charter school in
8-43 which a student resides or is enrolled shall charge a fee for
8-44 enrollment in an electronic catalogue course provided ~~[through the~~
8-45 ~~state virtual school network]~~ to a student who resides in this state
8-46 and is not enrolled in a school district or open-enrollment charter
8-47 school as a full-time student.

8-48 (c) The amount of a fee charged a student under Subsection
8-49 (a), (a-1), or (b) for each electronic course in which the student
8-50 enrolls through the state virtual school network must be used to pay
8-51 the costs of the course provider through the agreement under
8-52 Section 30A.153 and may not exceed the lesser of:

- 8-53 (1) the cost of providing the course; or
- 8-54 (2) \$400.

8-55 (c-1) A school district or open-enrollment charter school
8-56 that is not the electronic catalogue course provider ~~[school~~
8-57 ~~district or school]~~ may charge a student enrolled in the district or
8-58 school a nominal fee, not to exceed the amount specified by the
8-59 commissioner, if the student enrolls in an electronic catalogue
8-60 course ~~[provided through the state virtual school network]~~ that
8-61 exceeds the course load normally taken by students in the
8-62 equivalent grade level. A juvenile probation department or state
8-63 agency may charge a comparable fee to a student under the
8-64 supervision of the department or agency.

8-65 (e) A school district or open-enrollment charter school in
8-66 which a student resides or is enrolled may charge tuition to a
8-67 student not enrolled in a public school who enrolls in an electronic
8-68 course provided by the district or school in an amount equal to the
8-69 per-course amount designated under Section 30A.153(a). If a

9-1 district or school accepts a tuition charge under this subsection,
9-2 the provider is not otherwise entitled to funding from any other
9-3 source for the student's enrollment in the course.

9-4 SECTION 29. Subchapter A, Chapter 32, Education Code, is
9-5 amended by adding Section 32.005 to read as follows:

9-6 Sec. 32.005. STUDY ON SCHOOL DISTRICT NETWORK CAPABILITIES.

9-7 (a) The commissioner shall conduct a study to assess the network
9-8 capabilities of each school district. The study must gather
9-9 sufficient information to determine whether the network
9-10 connections of a district and school campuses in the district meet
9-11 the following targets:

9-12 (1) an external Internet connection to a campus's
9-13 Internet service provider featuring a bandwidth capable of a
9-14 broadband speed of at least 100 megabits per second for every 1,000
9-15 students and staff members; and

9-16 (2) an internal wide area network connection between
9-17 the district and each of the school campuses in the district
9-18 featuring a bandwidth capable of a broadband speed of at least one
9-19 gigabit per second for every 1,000 students and staff members.

9-20 (b) The commissioner may solicit and accept gifts and grants
9-21 from any public or private source to conduct the study. The
9-22 commissioner may also cooperate or collaborate with national
9-23 organizations conducting similar studies.

9-24 (c) The commissioner shall complete the study not later than
9-25 December 1, 2014. This section expires December 1, 2015.

9-26 SECTION 30. The following provisions of the Education Code
9-27 are repealed:

9-28 (1) Subsection (b), Section 30A.002;

9-29 (2) Subsection (b), Section 30A.101, as amended by
9-30 Chapters 895 (House Bill No. 3) and 1328 (House Bill No. 3646), Acts
9-31 of the 81st Legislature, Regular Session, 2009; and

9-32 (3) Subsection (f), Section 30A.151.

9-33 SECTION 31. This Act applies beginning with the 2013-2014
9-34 school year.

9-35 SECTION 32. Section 30A.101, Education Code, as amended by
9-36 this Act, applies only to an entity that seeks to become a course
9-37 provider through the state virtual school network on or after the
9-38 effective date of this Act.

9-39 SECTION 33. Section 30A.1011, Education Code, as added by
9-40 this Act, applies only to an entity that becomes a course provider
9-41 through the state virtual school network on or after the effective
9-42 date of this Act.

9-43 SECTION 34. Not later than January 1, 2014, the
9-44 commissioner of education shall adopt a process for approving
9-45 reciprocal agreements as required by Section 30A.1052, Education
9-46 Code, as added by this Act.

9-47 SECTION 35. This Act takes effect immediately if it
9-48 receives a vote of two-thirds of all the members elected to each
9-49 house, as provided by Section 39, Article III, Texas Constitution.
9-50 If this Act does not receive the vote necessary for immediate
9-51 effect, this Act takes effect September 1, 2013.

9-52 * * * * *