

House Bill 1926
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

(c-1) A school district or open-enrollment charter school may

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SECTION 1. Section 26.0031, Education Code, is amended by amending Subsections (b), (c), and (d) and adding Subsections (c-1) and (f) to read as follows: [FA1(1)]

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

~~[(B)] could reasonably be expected to negatively affect the student's performance on an assessment instrument administered under Section 39.023; or]~~ [FA1(2)]

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

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

[FA1(3)]

(c-1) A school district or open-enrollment charter school may

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decline to pay the cost for a student of more than three yearlong electronic courses, or the equivalent, during any school year. This subsection does not limit the ability of the student to enroll in additional electronic courses at the student's cost.

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

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

Sec. 29.909. DISTANCE LEARNING COURSES. (a) A school district that provides a course through distance learning and seeks to inform other school districts of the availability of the course may submit information to the agency regarding the course, including the number of positions available for student enrollment in the course. The district may submit updated information at the beginning of each semester.

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decline to pay the cost for a student of more than three yearlong electronic courses, or the equivalent, during any school year. This subsection does not: [FA2(1)]

(1) limit the ability of the student to enroll in additional electronic courses at the student's cost; or
(2) apply to a student enrolled in a full-time online program.

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

(f) A school district or open-enrollment charter school from which a parent of a student requests permission to enroll the student in an electronic course offered through the state virtual school network under Chapter 30A has discretion to select a course provider approved by the network's administering authority for the course in which the student will enroll based on factors including the informed choice report in section 30.108(b). [FA1(4)]

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

Sec. 29.909. DISTANCE LEARNING COURSES. (a) A school district or open-enrollment charter school that provides a course through distance learning and seeks to inform other districts or schools of the availability of the course may submit information to the agency regarding the course, including the number of positions available for student enrollment in the course. The district or school may submit

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(b) The agency shall make information submitted under this section available on the agency's Internet website.
(c) The commissioner may adopt rules necessary to implement this section, including rules governing student enrollment. The commissioner may not adopt rules governing course pricing, and the price for a course shall be determined by the school districts involved.

SECTION 3. Section 30A.001(7), Education Code, is amended to read as follows:
(7) "Course provider [~~Provider school district or school~~]" 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, nonprofit entity, or private entity that provides a course through the state virtual school network; or
(C) a corporation that provides an electronic professional development course through the state virtual school network.

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updated information at the beginning of each semester.
(b) The agency shall make information submitted under this section available on the agency's Internet website.
(c) The commissioner may adopt rules necessary to implement this section, including rules governing student enrollment. The commissioner may not adopt rules governing course pricing, and the price for a course shall be determined by the school districts or open-enrollment charter schools involved.

SECTION 3. Sections 30A.001(7) and (8), Education Code, are amended to read as follows: [FA1(5)]
(7) "Course provider [~~Provider school district or school~~]" 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, nonprofit entity, or private entity that provides a course through the state virtual school network; or
(C) an entity that provides an electronic professional development course through the state virtual school network.
(8) "Public or private institution of higher education" means[~~:-~~ [(A)] an institution of higher education, as defined by 20 U.S.C. Section 1001 [~~Section 61.003; or~~ (B) a private or independent institution of higher education, as defined by Section 61.003]. [FA1(6)]

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<p>SECTION 4. Subchapter A, Chapter 30A, Education Code, is amended by adding Section 30A.0011 to read as follows:</p> <p><u>Sec. 30A.0011. ELIGIBILITY OF CERTAIN COURSE PROVIDERS. A nonprofit entity, private entity, or corporation is not eligible to act as a course provider under this chapter unless at least 51 percent of the ownership of the nonprofit entity, private entity, or corporation is controlled by United States citizens.</u></p>	<p>No equivalent provision.</p>	
<p>SECTION 5. Section 30A.003, Education Code, is amended to read as follows:</p> <p>Sec. 30A.003. PROVISION OF COMPUTER EQUIPMENT OR INTERNET SERVICE. This chapter does not:</p> <p>(1) require a school district, an open-enrollment charter school, a <u>course</u> provider [school district or school], or the state to provide a student with home computer equipment or Internet access for a course provided through the state virtual school network; or</p> <p>(2) prohibit a school district or open-enrollment charter school from providing a student with home computer equipment or Internet access for a course provided through the state virtual school network.</p>	<p>SECTION 4. Same as House version.</p>	
<p>No equivalent provision.</p>	<p>SECTION 5. Section 30A.007, Education Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:</p> <p>(a) A school district or open-enrollment charter school shall adopt a <u>written</u> policy that provides district or school students with the opportunity to enroll in electronic courses provided through the state virtual school network. The policy must be</p>	

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consistent with the requirements imposed by Section 26.0031.
[FA1(7)]
(a-1) A school district or open-enrollment charter school shall, at least once per school year, send to a parent of each district or school student enrolled at the middle or high school level a copy of the policy adopted under Subsection (a). A district or school may send the policy with any other information that the district or school sends to a parent.
[FA1(8)]

SECTION 6. Section 30A.056(a), Education Code, is amended to read as follows:
(a) Each contract between a course provider [~~school district, an open-enrollment charter school, or a public or private institution of higher education~~] and the administering authority must:
(1) provide that the administering authority may cancel the contract without penalty if legislative authorization for the course provider [~~district, school, or institution~~] to offer an electronic course through the state virtual school network is revoked; and
(2) be submitted to the commissioner.

SECTION 6. Same as House version.

SECTION 7. 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. Same as House version.

SECTION 8. Section 30A.101, Education Code, is amended

SECTION 8. Section 30A.101, Education Code, is amended

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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 experience offering online courses to elementary, middle, junior high, or high school students, with

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by amending Subsection (a) and adding Subsections (c) and (d) to read as follows:

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

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 Juvenile Justice Department, 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;

(3) provides evidence of prior successful experience offering online courses to middle or high school students, with

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demonstrated student success in course completion and performance, as determined by the commissioner; and

(3) demonstrates financial solvency.

SECTION 9. 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 the

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demonstrated student success in course completion and performance, as determined by the commissioner.

(2) demonstrates financial solvency; and [FA1(9)]

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

SECTION 9. 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) publish in a prominent location on the network's Internet website [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 the

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<p>board has identified essential knowledge and skills or for which the board has designated content requirements under Subchapter A, Chapter 28;</p> <p>(2) shall enter into agreements with school districts, open-enrollment charter schools, and public or private institutions of higher education, <u>and other eligible entities</u> for the purpose of offering the courses through the state virtual school network; and</p> <p>(3) may develop or authorize the development of additional electronic courses that:</p> <p>(A) are needed to complete high school graduation requirements; and</p> <p>(B) are not otherwise available through the state virtual school network.</p>	<p>board has identified essential knowledge and skills or for which the board has designated content requirements under Subchapter A, Chapter 28;</p> <p>(2) shall enter into agreements with school districts, open-enrollment charter schools, and public or private institutions of higher education, <u>and other eligible entities</u> for the purpose of offering the courses through the state virtual school network; and</p> <p>(3) may develop or authorize the development of additional electronic courses that:</p> <p>(A) are needed to complete high school graduation requirements; and</p> <p>(B) are not otherwise available through the state virtual school network.</p> <p><u>(c) The administering authority shall develop a comprehensive course numbering system for all courses offered through the state virtual school network to ensure, to the greatest extent possible, consistent numbering of similar courses offered across all course providers.</u></p>	
<p>SECTION 10. Section 30A.1021(c), Education Code, is amended to read as follows:</p> <p>(c) The administering authority shall provide public access to the comments submitted by students and parents under this section. The comments must be in a format that permits a person to sort the comments by teacher, electronic course, and <u>course provider</u> [school district or school].</p>	<p>SECTION 10. Same as House version.</p>	
<p>SECTION 11. Section 30A.103(a), Education Code, is amended to read as follows:</p>	<p>SECTION 11. Same as House version.</p>	

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

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

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

(c) This subsection applies to a course provider other than a school district, open-enrollment charter school, or public institution of higher education. The board shall maintain oversight of the services and products relating to public student curriculum offered in this state by a course provider, and the course provider may not provide a service or product relating to public student curriculum in this state without board approval, including approval of the form and content of the service or product, and regardless of whether the service or product is provided online, in print, or in person.

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

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

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<p>SECTION 13. Sections 30A.1041(a) and (b), Education Code, are amended to read as follows:</p> <p>(a) A school district, open-enrollment charter school, [øf] public or private institution of higher education, <u>or other eligible entity</u> may seek approval to offer through the state virtual school network the classroom portion of a driver education and traffic safety course that complies with the requirements for the program developed under Section 29.902.</p> <p>(b) A school district, open-enrollment charter school, [øf] public or private institution of higher education, <u>or other eligible entity</u> may not offer through the state virtual school network the laboratory portion of a driver education and traffic safety course.</p>	<p>SECTION 13. Same as House version.</p>	
<p>SECTION 14. Subchapter C, Chapter 30A, Education Code, is amended by adding Section 30A.1042 to read as follows:</p> <p><u>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.</u></p> <p><u>(b) An agreement under this section must ensure that any course approved in accordance with the agreement:</u></p> <p><u>(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</u></p> <p><u>(2) meets the requirements of Section 30A.104(a)(3).</u></p>	<p>SECTION 14. Same as House version.</p>	
<p>SECTION 15. Section 30A.105, Education Code, is amended by amending Subsection (d) and adding Subsection (e) to read</p>	<p>SECTION 15. Section 30A.105, Education Code, is amended by amending Subsections (a), (a-1), and (d) and adding</p>	

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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

Subsection (e) to read as follows:

(a) The administering authority shall:

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

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

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

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

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

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

(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

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<u>Section 28.002(a) but not later than the 10th anniversary of the previous approval.</u>	<u>Section 28.002(a) but not later than the 10th anniversary of the previous approval.</u>	
<p>SECTION 16. Subchapter C, Chapter 30A, Education Code, is amended by adding Section 30A.1052 to read as follows:</p> <p><u>Sec. 30A.1052. INDUCEMENTS FOR ENROLLMENT PROHIBITED. (a) A course provider may not promise or provide equipment or any other thing of value to a student or a student's parent as an inducement for the student to enroll in an electronic course offered through the state virtual school network.</u></p> <p><u>(b) The commissioner shall revoke approval under this chapter of electronic courses offered by a course provider that violates this section.</u></p> <p><u>(c) The commissioner's action under this section is final and may not be appealed.</u></p>	<p>SECTION 16. Same as House version.</p>	
<p>SECTION 17. Section 30A.106(a), Education Code, is amended to read as follows:</p> <p>(a) A <u>course</u> provider [school district or school] may appeal to the commissioner the administering authority's refusal to approve an electronic course under Section 30A.105.</p>	<p>SECTION 17. Same as House version.</p>	
<p>SECTION 18. Section 30A.107(a), Education Code, is amended to read as follows:</p> <p>(a) A <u>course</u> provider [school district or school] may offer electronic courses to:</p> <p>(1) students and adults who reside in this state; and</p> <p>(2) students who reside outside this state and who meet the</p>	<p>SECTION 18. Same as House version.</p>	

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eligibility requirements under Section 30A.002(c).

SECTION 19. Section 30A.108(b), Education Code, is amended 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.

No equivalent provision.

SECTION 19. Same as House version.

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

Sec. 30A.1121. ALTERNATIVE EDUCATOR PROFESSIONAL DEVELOPMENT. (a) Subject to Subsection (b), a course provider ~~[school district or open-enrollment charter school]~~ may provide professional development courses to teachers seeking to become authorized to teach electronic courses provided through the

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state virtual school network. A course provider ~~[district or school]~~ may provide a professional development course that is approved under Subsection (b) to any interested teacher, regardless of ~~[whether]~~ the teacher's employer ~~[teacher is employed by the district or school]~~.

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

SECTION 20. 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 21. Same as House version.

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

(a) Subject to the limitation imposed under Subsection (a-1), a ~~[A]~~ school district or open-enrollment charter school in which a student is enrolled is entitled to funding under Chapter 42 or in accordance with the terms of a charter granted under Section 12.101 for the student's enrollment in

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

(a) Subject to the limitation imposed under Subsection (a-1), a ~~[A]~~ school district or open-enrollment charter school in which a student is enrolled is entitled to funding under Chapter 42 or in accordance with the terms of a charter granted under Section 12.101 for the student's enrollment in

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an electronic course offered through the state virtual school network in the same manner that the district or school is entitled to funding for the student's enrollment in courses provided in a traditional classroom setting, provided that the student successfully completes the electronic course.

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

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

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

- (1) the district or school requests from the commissioner permission to modify the ~~[standard]~~ agreement; and
- (2) the commissioner authorizes the modification.

SECTION 22. Sections 30A.155(a) and (c-1), Education

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an electronic course offered through the state virtual school network in the same manner that the district or school is entitled to funding for the student's enrollment in courses provided in a traditional classroom setting, provided that the student successfully completes the electronic course.
[FA1(10)]

(a-1) For purposes of Subsection (a), a school district or open-enrollment charter school is limited to the funding described by that subsection for a student's enrollment in not more than three electronic courses during any school year, unless the student is enrolled in a full-time online program.
[FA2(2)]

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

SECTION 23. Section 30A.155, Education Code, is amended

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Code, are amended to read as follows:

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

(1) is enrolled in a school district or open-enrollment charter school as a full-time student with~~[-and~~
~~[(2) is enrolled in]~~ a course load greater than that normally taken by students in the equivalent grade level in other school districts or open-enrollment charter schools; or
(2) elects to enroll in an electronic course provided through the network for which the school district or open-enrollment charter school in which the student is enrolled as a full-time student declines to pay the cost, as authorized by Section 26.0031(c-1).

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

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by amending Subsections (a) and (c-1) and adding Subsection (e) to read as follows:

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

(1) is enrolled in a school district or open-enrollment charter school as a full-time student with~~[-and~~
~~[(2) is enrolled in]~~ a course load greater than that normally taken by students in the equivalent grade level in other school districts or open-enrollment charter schools; or
(2) elects to enroll in an electronic course provided through the network for which the school district or open-enrollment charter school in which the student is enrolled as a full-time student declines to pay the cost, as authorized by Section 26.0031(c-1).

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

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

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No equivalent provision.

SECTION 24. Subchapter A, Chapter 32, Education Code, is amended by adding Section 32.005 to read as follows:
Sec. 32.005. STUDY ON SCHOOL DISTRICT NETWORK CAPABILITIES. (a) The commissioner shall conduct a study to assess the network capabilities of each school district. The study must gather sufficient information to determine whether the network connections of a district and school campuses in the district meet the following targets:
(1) an external Internet connection to a campus's Internet service provider featuring a bandwidth capable of a broadband speed of at least 100 megabits per second for every 1,000 students and staff members; and
(2) an internal wide area network connection between the district and each of the school campuses in the district featuring a bandwidth capable of a broadband speed of at least one gigabit per second for every 1,000 students and staff members.
(b) The commissioner may solicit and accept gifts and grants from any public or private source to conduct the study. The commissioner may also cooperate or collaborate with national organizations conducting similar studies.
(c) The commissioner shall complete the study not later than December 1, 2015. This section expires December 1, 2016.

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

SECTION 25. Same as House version.

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

SECTION 26. Same as House version.

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school year.

SECTION 25. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

SECTION 27. Same as House version.