

By: Guillen

H.B. No. 3331

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the state virtual school network, including student
3 eligibility, course provider eligibility, and funding for certain
4 providers.

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

6 SECTION 1. Section 26.0031(c), Education Code, is amended
7 to read as follows:

8 (c) A school district or open-enrollment charter school may
9 deny a request to enroll a student in an electronic course if:

10 (1) a student attempts to enroll in a course load that
11 is inconsistent with the student's high school graduation plan or
12 requirements for college admission or earning an industry
13 certification; or

14 (2) the student requests permission to enroll in an
15 electronic course at a time that is not consistent with the
16 enrollment period established by the school district or
17 open-enrollment charter school providing the course[~~, or~~

18 [~~(3) the district or school offers a substantially~~
19 ~~similar course]~~.

20 SECTION 2. Sections 30A.002(a) and (c), Education Code, are
21 amended to read as follows:

22 (a) A student is eligible to enroll in one or more courses [~~a~~
23 ~~course]~~ provided through the state virtual school network [~~only if~~
24 ~~the student.~~

1 ~~[(1) on September 1 of the school year;~~

2 ~~[(A) is younger than 21 years of age; or~~

3 ~~[(B) is younger than 26 years of age and entitled~~
4 ~~to the benefits of the Foundation School Program under Section~~
5 ~~42.003;~~

6 ~~[(2) has not graduated from high school; and~~

7 ~~[(3) is otherwise eligible to enroll in a public~~
8 ~~school in this state].~~

9 (c) Notwithstanding Subsection ~~[(a)(3) or]~~ (b), a student
10 is eligible to enroll in one or more courses provided through the
11 state virtual school network or enroll full-time in courses
12 provided through the network if the student:

13 (1) is a dependent of a member of the United States
14 military;

15 (2) was previously enrolled in public ~~[high]~~ school in
16 this state; and

17 (3) does not reside in this state due to a military
18 deployment or transfer.

19 SECTION 3. Section 30A.101, Education Code, is amended by
20 amending Subsections (a) and (c) and adding Subsection (e) to read
21 as follows:

22 (a) A school district or open-enrollment charter school is
23 eligible to act as a course provider under this chapter only if the
24 district or school is not rated unacceptable ~~[acceptable]~~ under
25 Section 39.054. ~~[An open-enrollment charter school may serve as a~~
26 ~~course provider only.~~

27 ~~[(1) to a student within its service area; or~~

1 ~~[(2) to another student in the state.~~

2 ~~[(A) through an agreement with the school~~
3 ~~district in which the student resides, or~~

4 ~~[(B) if the student receives educational~~
5 ~~services under the supervision of a juvenile probation department,~~
6 ~~the Texas Juvenile Justice Department, or the Texas Department of~~
7 ~~Criminal Justice, through an agreement with the applicable agency.]~~

8 (c) A nonprofit entity, private entity, or corporation is
9 eligible to act as a course provider under this chapter only if the
10 nonprofit entity, private entity, or corporation:

11 (1) complies with all applicable federal and state
12 laws prohibiting discrimination;

13 (2) demonstrates financial solvency; and

14 (3) either:

15 (A) provides evidence of prior successful
16 experience offering online courses to middle or high school
17 students, with demonstrated student success in course completion
18 and performance, as determined by the commissioner; or

19 (B) provides evidence that it is capable of
20 carrying out the responsibilities of a course provider and is
21 likely to provide high quality courses, as determined by the
22 commissioner.

23 (e) The commissioner shall ensure that a course provider
24 does not continue to offer electronic courses through the state
25 virtual school network if:

26 (1) the course provider no longer satisfies
27 eligibility requirements under Subsection (a) or (c); or

1 (2) the course provider consistently produces poor
2 student performance outcomes, as determined by the commissioner.

3 SECTION 4. Section 30A.105(b), Education Code, is amended
4 to read as follows:

5 (b) The administering authority shall establish the cost of
6 providing each [~~an~~] electronic course approved under Subsection
7 (a) [~~, which may not exceed \$400 per student per course or \$4,800 per~~
8 ~~full-time student~~].

9 SECTION 5. Sections 30A.153(a) and (b), Education Code, are
10 amended to read as follows:

11 (a) A [~~Subject to the limitation imposed under Subsection~~
12 ~~(a-1), a~~] school district or open-enrollment charter school in
13 which a student is enrolled is entitled to funding under Chapter 42
14 or in accordance with the terms of a charter granted under Section
15 12.101 for the student's enrollment in an electronic course offered
16 through the state virtual school network in the same manner that the
17 district or school is entitled to funding for the student's
18 enrollment in courses provided in a traditional classroom setting,
19 provided that the student successfully completes the electronic
20 course.

21 (b) The commissioner, after considering comments from
22 school district and open-enrollment charter school
23 representatives, shall adopt a standard agreement that governs the
24 costs, payment of funds, and other matters relating to a student's
25 enrollment in an electronic course offered through the state
26 virtual school network. The agreement may not require a school
27 district or open-enrollment charter school to pay the provider the

1 full amount until the student has successfully completed the
2 electronic course[, and the full amount may not exceed the limits
3 specified by Section 30A.105(b)].

4 SECTION 6. Sections 30A.155(a) and (c), Education Code, are
5 amended to read as follows:

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

10 [(1)] is enrolled in a school district or
11 open-enrollment charter school as a full-time student with a course
12 load greater than that normally taken by students in the equivalent
13 grade level in other school districts or open-enrollment charter
14 schools[÷ or

15 [(2) elects to enroll in an electronic course provided
16 through the network for which the school district or
17 open-enrollment charter school in which the student is enrolled as
18 a full-time student declines to pay the cost, as authorized by
19 Section 26.0031(c-1)].

20 (c) The amount of a fee charged a student under Subsection
21 (a), (a-1), or (b) for each electronic course in which the student
22 enrolls through the state virtual school network may not exceed
23 [the lesser of÷

24 [(1)] the cost of providing the course as established
25 by the administering authority under Section 30A.105[÷ or

26 [(2) \$400].

27 SECTION 7. The following sections of the Education Code are

1 repealed:

2 (1) Section 26.0031(c-1); and

3 (2) Section 30A.153(a-1).

4 SECTION 8. This Act applies beginning with the 2015-2016
5 school year.

6 SECTION 9. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2015.