

By: Taylor of Galveston

S.B. No. 894

A BILL TO BE ENTITLED

AN ACT

relating to the state virtual school network.

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

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

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

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

(2) 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]~~.

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

(a) A student is eligible to enroll in one or more courses [~~a course~~] provided through the state virtual school network or, except as provided by Section 30A.107(c), enroll full-time in courses provided through the network only if the student:

(1) on September 1 of the school year:

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

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

(2) has not graduated from high school; and

(3) is otherwise eligible to enroll in a public school in this state.

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

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

(2) was previously enrolled in public ~~high~~ school in this state; and

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

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

(a) A school district or open-enrollment charter school is eligible to act as a course provider under this chapter only if the district or school is not rated unacceptable ~~acceptable~~ 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;

(2) demonstrates financial solvency; and

(3) either:

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

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

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

(1) the course provider no longer satisfies 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.104(a), Education Code, is amended
4 to read as follows:

5 (a) A course offered through the state virtual school
6 network must:

7 (1) be in a specific subject that is part of the
8 required curriculum under Section 28.002(a);

9 (2) be aligned with the essential knowledge and skills
10 identified under Section 28.002(c) for a grade level at or above
11 kindergarten [~~grade level three~~]; and

12 (3) be the equivalent in instructional rigor and scope
13 to a course that is provided in a traditional classroom setting
14 during:

15 (A) a semester of 90 instructional days; and

16 (B) a school day that meets the minimum length of
17 a school day required under Section 25.082.

18 SECTION 5. Section 30A.105(b), Education Code, is amended
19 to read as follows:

20 (b) The administering authority shall establish the cost of
21 providing each [~~an~~] electronic course approved under Subsection

22 (a) [~~which may not exceed \$400 per student per course or \$4,800 per~~
23 ~~full-time student~~].

24 SECTION 6. Section 30A.151(f), Education Code, is amended
25 to read as follows:

26 (f) For a full-time electronic course program offered
27 through the state virtual school network for a grade level at or

1 above kindergarten [~~grade level three~~] but not above grade level
2 eight, a school district or open-enrollment charter school is
3 entitled to receive federal, state, and local funding for a student
4 enrolled in the program in an amount equal to the funding the
5 district or school would otherwise receive for a student enrolled
6 in the district or school. The district or school may calculate
7 the average daily attendance of a student enrolled in the program
8 based on:

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

13 SECTION 7. Sections [30A.153](#)(a) and (b), Education Code, are
14 amended to read as follows:

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

25 (b) The commissioner, after considering comments from
26 school district and open-enrollment charter school
27 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 8. Sections 30A.155(a) and (c), Education 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 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) The amount of a fee charged a student under Subsection (a), (a-1), or (b) for each electronic course in which the student enrolls through the state virtual school network may not exceed ~~[the lesser of:~~

1 ~~[(1)]~~ the cost of providing the course as established
2 by the administering authority under Section 30A.105~~[, or~~
3 ~~[(2) — \$400]~~.

4 SECTION 9. The following sections of the Education Code are
5 repealed:

- 6 (1) Section 26.0031(c-1);
7 (2) Section 30A.002(b); and
8 (3) Section 30A.153(a-1).

9 SECTION 10. This Act applies beginning with the 2015-2016
10 school year.

11 SECTION 11. This Act takes effect immediately if it
12 receives a vote of two-thirds of all the members elected to each
13 house, as provided by Section 39, Article III, Texas Constitution.
14 If this Act does not receive the vote necessary for immediate
15 effect, this Act takes effect September 1, 2015.