By:  Taylor, Bettencourt S.B. No. 1455

(In the Senate - Filed March 4, 2019; March 14, 2019, read first time and referred to Committee on Education; April 15, 2019, reported adversely, with favorable Committee Substitute by the following vote: Yeas 11, Nays 0; April 15, 2019, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Taylor            X

Lucio                X

Bettencourt          X

Campbell             X

Fallon               X

Hall                 X

Hughes               X

Paxton               X

Powell               X

Watson               X

West                 X

COMMITTEE SUBSTITUTE FOR S.B. No. 1455 By:  Taylor

A BILL TO BE ENTITLED

AN ACT

relating to the state virtual school network; changing a fee.

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

SECTION 1.  Section 1.001(b), Education Code, is amended to read as follows:

(b)  Except as provided by Chapter 18, Chapter 19, Subchapter A of Chapter 29, Subchapter E of Chapter 30, or Chapter 30B [~~30A~~], this code does not apply to students, facilities, or programs under the jurisdiction of the Department of Aging and Disability Services, the Department of State Health Services, the Health and Human Services Commission, the Texas Juvenile Justice Department, the Texas Department of Criminal Justice, a Job Corps program operated by or under contract with the United States Department of Labor, or any juvenile probation agency.

SECTION 2.  Section 7.0561(f), Education Code, is amended to read as follows:

(f)  In consultation with interested school districts, [~~open-enrollment~~] charter schools, and other appropriate interested persons, the commissioner shall adopt rules applicable to the consortium, according to the following principles for a next generation of higher performing public schools:

(1)  engagement of students in digital learning, including engagement through the use of electronic textbooks and instructional materials adopted under Subchapters B and B-1, Chapter 31, and courses offered through the state virtual school network under Chapter 30B [~~Subchapter 30A~~];

(2)  emphasis on learning standards that focus on high-priority standards identified in coordination with districts and charter schools participating in the consortium;

(3)  use of multiple assessments of learning capable of being used to inform students, parents, districts, and charter schools on an ongoing basis concerning the extent to which learning is occurring and the actions consortium participants are taking to improve learning; and

(4)  reliance on local control that enables communities and parents to be involved in the important decisions regarding the education of their children.

SECTION 3.  Section 25.007(b), Education Code, is amended to read as follows:

(b)  In recognition of the challenges faced by students who are homeless or in substitute care, the agency shall assist the transition of students who are homeless or in substitute care from one school to another by:

(1)  ensuring that school records for a student who is homeless or in substitute care are transferred to the student's new school not later than the 10th working day after the date the student begins enrollment at the school;

(2)  developing systems to ease transition of a student who is homeless or in substitute care during the first two weeks of enrollment at a new school;

(3)  developing procedures for awarding credit, including partial credit if appropriate, for course work, including electives, completed by a student who is homeless or in substitute care while enrolled at another school;

(4)  developing procedures to ensure that a new school relies on decisions made by the previous school regarding placement in courses or educational programs of a student who is homeless or in substitute care and places the student in comparable courses or educational programs at the new school, if those courses or programs are available;

(5)  promoting practices that facilitate access by a student who is homeless or in substitute care to extracurricular programs, summer programs, credit transfer services, electronic courses provided under Chapter 30B [~~30A~~], and after-school tutoring programs at nominal or no cost;

(6)  establishing procedures to lessen the adverse impact of the movement of a student who is homeless or in substitute care to a new school;

(7)  entering into a memorandum of understanding with the Department of Family and Protective Services regarding the exchange of information as appropriate to facilitate the transition of students in substitute care from one school to another;

(8)  encouraging school districts and open-enrollment charter schools to provide services for a student who is homeless or in substitute care in transition when applying for admission to postsecondary study and when seeking sources of funding for postsecondary study;

(9)  requiring school districts, campuses, and open-enrollment charter schools to accept a referral for special education services made for a student who is homeless or in substitute care by a school previously attended by the student, and to provide comparable services to the student during the referral process or until the new school develops an individualized education program for the student;

(10)  requiring school districts, campuses, and open-enrollment charter schools to provide notice to the child's educational decision-maker and caseworker regarding events that may significantly impact the education of a child, including:

(A)  requests or referrals for an evaluation under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or special education under Section 29.003;

(B)  admission, review, and dismissal committee meetings;

(C)  manifestation determination reviews required by Section 37.004(b);

(D)  any disciplinary actions under Chapter 37 for which parental notice is required;

(E)  citations issued for Class C misdemeanor offenses on school property or at school-sponsored activities;

(F)  reports of restraint and seclusion required by Section 37.0021; and

(G)  use of corporal punishment as provided by Section 37.0011;

(11)  developing procedures for allowing a student who is homeless or in substitute care who was previously enrolled in a course required for graduation the opportunity, to the extent practicable, to complete the course, at no cost to the student, before the beginning of the next school year;

(12)  ensuring that a student who is homeless or in substitute care who is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade nine, as determined by the district, has the student's course credit accrual and personal graduation plan reviewed;

(13)  ensuring that a student in substitute care who is in grade 11 or 12 be provided information regarding tuition and fee exemptions under Section 54.366 for dual-credit or other courses provided by a public institution of higher education for which a high school student may earn joint high school and college credit;

(14)  designating at least one agency employee to act as a liaison officer regarding educational issues related to students in the conservatorship of the Department of Family and Protective Services; and

(15)  providing other assistance as identified by the agency.

SECTION 4.  Section 26.0031, Education Code, is amended to read as follows:

Sec. 26.0031.  RIGHTS CONCERNING STATE VIRTUAL SCHOOL NETWORK STATEWIDE COURSE CATALOG. (a)  At the time and in the manner that a school district or [~~open-enrollment~~] charter school informs students and parents about courses that are offered in the district's or school's traditional classroom setting, the district or school shall notify parents and students of the option to enroll in an electronic course offered through the state virtual school network statewide course catalog under Chapter 30B [~~30A~~].

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

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

(1)  a high school 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~~].

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

[~~(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 that was operating on January 1, 2013.~~]

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

(e)  A parent may appeal to the commissioner a school district's or [~~open-enrollment~~] charter school's decision to deny a request to enroll a student in an electronic course offered through the state virtual school network statewide course catalog. The commissioner's decision under this subsection is final and may not be appealed.

(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 statewide course catalog under Chapter 30B [~~30A~~] has discretion to select a course provider approved by the agency [~~network's administering authority~~] for the course in which the student will enroll based on factors including the informed choice report in Section 30B.112(b) [~~30A.108(b)~~].

SECTION 5.  Subtitle F, Title 2, Education Code, is amended by adding Chapter 30B, and a heading is added to that chapter to read as follows:

CHAPTER 30B. STATE VIRTUAL SCHOOL NETWORK STATEWIDE COURSE CATALOG AND FULL-TIME VIRTUAL SCHOOLS

SECTION 6.  Chapter 30B, Education Code, as added by this Act, is amended by adding Subchapter A, and a heading is added to that subchapter to read as follows:

SUBCHAPTER A. GENERAL PROVISIONS

SECTION 7.  Sections 30A.001, 30A.002, 30A.003, 30A.004, 30A.005, and 30A.007, Education Code, are transferred to Subchapter A, Chapter 30B, Education Code, as added by this Act, redesignated as Sections 30B.001, 30B.002, 30B.003, 30B.004, 30B.005, and 30B.006, Education Code, and amended to read as follows:

Sec. 30B.001 [~~30A.001~~].  DEFINITIONS. In this chapter:

(1)  [~~"Administering authority" means the entity designated under Section 30A.053 to administer the state virtual school network.~~

[~~(2)~~]  "Board" means the State Board of Education.

(2) [~~(3)~~]  "Course" means a course of study that meets the requirements of Section 30B.105 [~~30A.104~~].

(3) [~~(4)~~]  "Electronic course" means a course in which:

(A)  instruction and content are delivered primarily over the Internet;

(B)  a student and teacher are in different locations for a majority of the student's instructional period;

(C)  most instructional activities take place in an online environment;

(D)  the online instructional activities are integral to the academic program;

(E)  extensive communication between a student and a teacher and among students is emphasized; and

(F)  a student is not required to be located on the physical premises of a school district or [~~open-enrollment~~] charter school.

(4) [~~(5)  "Electronic diagnostic assessment" means a formative or instructional assessment used in conjunction with an electronic course to ensure that:~~

[~~(A)  a teacher of an electronic course has information related to a student's academic performance in that course; and~~

[~~(B)  a student enrolled in an electronic course makes documented progress in mastering the content of the course.~~

[~~(6)~~]  "Electronic professional development course" means a professional development course in which instruction and content are delivered primarily over the Internet.

(5)  "Full-time virtual school" means a campus authorized by the commissioner to provide a full-time virtual school program to enrolled students under this chapter.

(6) [~~(7)~~]  "Course provider" means:

(A)  a school district or [~~open-enrollment~~] charter school that provides an electronic course through the statewide course catalog [~~state virtual school network~~] to:

(i)  students enrolled in that district or school; or

(ii)  students enrolled in another school district or school;

(B)  a public or private institution of higher education, nonprofit entity, or private entity that provides a course through the statewide course catalog [~~state virtual school network~~]; or

(C)  an entity that provides an electronic professional development course through the state virtual school network.

(7) [~~(8)~~]  "Public or private institution of higher education" means an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section 61.003 [~~20 U.S.C. Section 1001~~].

(8)  "Statewide course catalog" means a program of supplemental courses offered by state-approved course providers that is delivered through the state virtual school network.

Sec. 30B.002 [~~30A.002~~].  STUDENT ELIGIBILITY. [~~(a)~~]  A student is eligible to enroll in a course provided through the statewide course catalog or in a full-time [~~state~~] virtual school [~~network~~] only if [~~the student~~]:

(1)  the student [~~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; or

(2)  the student does not qualify under Subdivision (1), including a student who is an adult or who resides in another state or country, and the student pays fees in accordance with this chapter.

[~~(b)  A student is eligible to enroll full-time in courses provided through the state virtual school network only if the student:~~

[~~(1)  was enrolled in a public school in this state in the preceding school year;~~

[~~(2)  is a dependent of a member of the United States military who has been deployed or transferred to this state and was enrolled in a publicly funded school outside of this state in the preceding school year; or~~

[~~(3)  has been placed in substitute care in this state, regardless of whether the student was enrolled in a public school in this state in the preceding school year.~~

[~~(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 high school in this state; and~~

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

Sec. 30B.003 [~~30A.003~~].  PROVISION OF COMPUTER EQUIPMENT OR INTERNET SERVICE. This chapter does not:

(1)  require a school district, a [~~an open-enrollment~~] charter school, a course provider, a full-time virtual 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

(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.

Sec. 30B.004 [~~30A.004~~].  APPLICABILITY OF CHAPTER. (a)  Except as provided by Subsection (c), this chapter does not affect the provision of a course to a student while the student is located on the physical premises of a school district or [~~open-enrollment~~] charter school.

(b)  [~~This chapter does not affect the provision of distance learning courses offered under other law.~~

[~~(b-1)~~]  Requirements imposed by or under this chapter do not apply to a virtual course provided by a school district only to district students if the course is not provided as part of the state virtual school network.

(c)  A school district or [~~open-enrollment~~] charter school may choose to participate in providing an electronic course or an electronic diagnostic assessment under this chapter to a student who is located on the physical premises of a school district or [~~open-enrollment~~] charter school.

Sec. 30B.005 [~~30A.005~~].  TELECOMMUNICATIONS OR INFORMATION SERVICES NETWORK NOT CREATED. This chapter does not create or authorize the creation of a telecommunications or information services network.

Sec. 30B.006 [~~30A.007~~].  LOCAL POLICY ON ELECTRONIC COURSES. (a)  A school district or [~~open-enrollment~~] charter school shall adopt a written policy that provides district or school students with the opportunity to enroll in electronic courses provided through the statewide course catalog [~~state virtual school network~~]. The policy must be consistent with the requirements imposed by Section 26.0031.

(b) [~~(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.

(c) [~~(b)~~]  For purposes of a policy adopted under Subsection (a), the determination of whether or not an electronic course will meet the needs of a student with a disability shall be made by the student's admission, review, and dismissal committee in a manner consistent with state and federal law, including the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) and Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794).

SECTION 8.  Subchapter A, Chapter 30B, Education Code, as added by this Act, is amended by adding Section 30B.007 to read as follows:

Sec. 30B.007.  GRANTS AND FEDERAL FUNDS. (a)  The commissioner may solicit and accept a gift, grant, or donation from any source for the implementation of the statewide course catalog and full-time virtual schools.

(b)  The commissioner may accept federal funds for purposes of this chapter and shall use those funds in compliance with applicable federal law, regulations, and guidelines.

SECTION 9.  Chapter 30B, Education Code, as added by this Act, is amended by adding Subchapter B, and a heading is added to that subchapter to read as follows:

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

SECTION 10.  Sections 30A.051, 30A.052, and 30A.054, Education Code, are transferred to Subchapter B, Chapter 30B, Education Code, as added by this Act, redesignated as Sections 30B.051, 30B.052, and 30B.053, Education Code, and amended to read as follows:

Sec. 30B.051 [~~30A.051~~].  GOVERNANCE [~~OF NETWORK~~]. (a)  The commissioner shall:

(1)  administer the state virtual school network statewide course catalog and full-time virtual schools; and

(2)  ensure:

(A)  high-quality education for students in this state who are being educated through electronic courses provided through the statewide course catalog or a full-time virtual school [~~state virtual school network~~]; and

(B)  equitable access by students to those courses and schools.

(b)  The commissioner may adopt rules necessary to implement this chapter.

[~~(c)  To the extent practicable, the commissioner shall solicit advice from school districts concerning:~~

[~~(1)  administration of the state virtual school network; and~~

[~~(2)  adoption of rules under Subsection (b).~~]

Sec. 30B.052 [~~30A.052~~].  GENERAL POWERS AND DUTIES OF COMMISSIONER. (a)  The commissioner shall prepare or provide for preparation of a biennial budget request for the state virtual school network statewide course catalog and full-time virtual schools for presentation to the legislature.

(b)  The commissioner has exclusive jurisdiction over the assets of the network and shall administer and spend appropriations made for the benefit of the network.

[~~(c)  The commissioner shall employ a limited number of administrative employees in connection with the network.~~]

Sec. 30B.053 [~~30A.054~~].  STUDENT PERFORMANCE INFORMATION. To the extent permitted under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), the commissioner shall make information relating to the performance of students enrolled in electronic courses through the statewide course catalog or a full-time virtual school under this chapter available to school districts, [~~open-enrollment~~] charter schools, and the public.

SECTION 11.  Chapter 30B, Education Code, as added by this Act, is amended by adding Subchapter C, and a heading is added to that subchapter to read as follows:

SUBCHAPTER C. STATEWIDE COURSE CATALOG

SECTION 12.  Sections 30A.101, 30A.102, 30A.1021, 30A.103, 30A.104, 30A.1041, 30A.105, 30A.1051, 30A.1052, 30A.106, 30A.107, 30A.108, 30A.109, 30A.110, 30A.111, 30A.112, 30A.1121, 30A.113, 30A.114, 30A.115, 30A.151, 30A.153, and 30A.155, Education Code, are transferred to Subchapter C, Chapter 30B, Education Code, as added by this Act, redesignated as Sections 30B.101, 30B.102, 30B.103, 30B.104, 30B.105, 30B.106, 30B.107, 30B.108, 30B.109, 30B.110, 30B.111, 30B.112, 30B.113, 30B.114, 30B.115, 30B.116, 30B.117, 30B.118, 30B.119, 30B.120, 30B.121, 30B.122, and 30B.123, Education Code, and amended to read as follows:

Sec. 30B.101 [~~30A.101~~].  ELIGIBILITY TO ACT AS COURSE PROVIDER. (a)  A school district or [~~open-enrollment~~] charter school is eligible to act as a course provider through the statewide course catalog [~~under this chapter~~] only if the district or school receives an overall performance rating of C or higher [~~is rated acceptable~~] under Section 39.054.

(b)  [~~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 public or private institution of higher education, nonprofit entity, private entity, or corporation is eligible to act as a course provider through the statewide course catalog [~~under this chapter~~] only if the institution, [~~nonprofit~~] entity, [~~private entity,~~] or corporation:

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

(2)  demonstrates financial solvency; [~~and~~]

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

(4)  complies with any other criteria established by the commissioner.

(c) [~~(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 statewide course catalog [~~state virtual school network~~].

(d)  This section may not be waived by the commissioner.

Sec. 30B.102 [~~30A.102~~].  LISTING OF ELECTRONIC COURSES. (a)  The agency [~~administering authority~~] shall:

(1)  publish the criteria required by Section 30B.104 [~~30A.103~~] for electronic courses that may be offered through the statewide course catalog [~~state virtual school network~~];

(2)  using the criteria required by Section 30B.104 [~~30A.103~~], evaluate electronic courses submitted by a course provider to be offered through the statewide course catalog [~~network~~];

(3)  create a list of electronic courses approved by the agency [~~administering authority~~]; and

(4)  publish in a prominent location on the state virtual school network's Internet website the list of approved electronic courses offered through the statewide course catalog [~~network~~] and a detailed description of the courses that complies with Section 30B.112 [~~30A.108~~].

(b)  To ensure that a full range of electronic courses, including advanced placement courses, are offered to students in this state, the agency [~~administering authority~~]:

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

(2)  shall enter into agreements with school districts, [~~open-enrollment~~] charter schools, public or private institutions of higher education, and other eligible entities for the purpose of offering the courses through the statewide course catalog [~~state virtual school network~~]; [~~and~~]

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

(A)  are needed to complete high school graduation requirements; and

(B)  are not otherwise available through the statewide course catalog; and

(4)  may develop or authorize the development of an orientation course [~~state virtual school network~~].

(c)  The agency [~~administering authority~~] shall develop a comprehensive course numbering system for all courses offered through the statewide course catalog [~~state virtual school network~~] to ensure, to the greatest extent possible, consistent numbering of similar courses offered across all course providers.

Sec. 30B.103 [~~30A.1021~~].  PUBLIC ACCESS TO USER COMMENTS REGARDING ELECTRONIC COURSES. (a)  The agency [~~administering authority~~] shall provide students who have completed or withdrawn from electronic courses offered through the statewide course catalog [~~virtual school network~~] and their parents with a mechanism for providing comments regarding the courses.

(b)  The mechanism required by Subsection (a) must include a quantitative rating system and a list of verbal descriptors that a student or parent may select as appropriate.

(c)  The agency [~~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 course provider.

Sec. 30B.104 [~~30A.103~~].  CRITERIA FOR ELECTRONIC COURSES. (a)  The commissioner [~~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 agency [~~administering authority~~] to prohibit a course provider from applying for approval for an electronic course for a course for which essential knowledge and skills have been identified.

(b)  The criteria must be consistent with Section 30B.105 [~~30A.104~~] and may not include any requirements that are developmentally inappropriate for students.

(c)  The commissioner by rule may:

(1)  establish additional quality-related criteria for electronic courses; and

(2)  provide for a period of public comment regarding the criteria.

(d)  The criteria must be in place at least six months before the agency [~~administering authority~~] uses the criteria in evaluating an electronic course under Section 30B.107 [~~30A.105~~].

Sec. 30B.105 [~~30A.104~~].  COURSE ELIGIBILITY IN GENERAL. (a)  A course offered through the statewide course catalog [~~state virtual school network~~] must:

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

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

(3)  be the equivalent in instructional rigor and scope to a course that is provided in a traditional classroom setting during a semester of 90 instructional days.

(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 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.

Sec. 30B.106 [~~30A.1041~~].  DRIVER EDUCATION COURSES. (a)  A school district, [~~open-enrollment~~] charter school, public or private institution of higher education, or other eligible entity may seek approval to offer through the statewide course catalog [~~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.

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

(c)  A driver education and traffic safety course offered in compliance with this section must be the equivalent in instructional rigor and scope to a course that is provided in a traditional classroom setting for a period of 56 hours.

Sec. 30B.107 [~~30A.105~~].  APPROVAL OF ELECTRONIC COURSES. (a)  The agency [~~administering authority~~] shall:

(1)  establish a submission and approval process for electronic courses that occurs on a rolling basis; and

(2)  evaluate or provide for the evaluation by one or more organizations designated by the agency of electronic courses to be offered through the statewide course catalog or a full-time [~~state~~] virtual school [~~network~~].

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

(c) [~~(a-2)~~]  The evaluation required by Subsection (a)(2) must include review of each electronic course component, including off-line material proposed to be used in the course.

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

(e)  The [~~(c)  The agency shall pay the reasonable costs of evaluating and approving electronic courses.  If funds available to the agency for that purpose are insufficient to pay the costs of evaluating and approving all electronic courses submitted for evaluation and approval, the agency shall give priority to paying the costs of evaluating and approving the following courses:~~

[~~(1)  courses that satisfy high school graduation requirements;~~

[~~(2)  courses that would likely benefit a student in obtaining admission to a postsecondary institution;~~

[~~(3)  courses, including dual credit courses, that allow a student to earn college credit or other advanced credit;~~

[~~(4)  courses in subject areas most likely to be highly beneficial to students receiving educational services under the supervision of a juvenile probation department, the Texas Juvenile Justice Department, or the Texas Department of Criminal Justice; and~~

[~~(5)  courses in subject areas designated by the commissioner as commonly experiencing a shortage of teachers.~~

[~~(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, public or private institution of higher education, or other eligible entity that submits a [~~submitted the~~] course for evaluation and approval shall [~~may~~] pay a fee equal to the amount of the costs of evaluating and approving the course in order to ensure that evaluation of the course occurs. The agency shall establish and publish a fee schedule for purposes of this subsection.

(f) [~~(e)~~]  The agency [~~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 Section 28.002(a) but not later than the 10th anniversary of the previous approval.

Sec. 30B.108 [~~30A.1051~~].  ELECTRONIC COURSE PORTABILITY. A student who transfers from one educational setting to another after beginning enrollment in an electronic course is entitled to continue enrollment in the course.

Sec. 30B.109 [~~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 statewide course catalog [~~state virtual school network~~].

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

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

Sec. 30B.110 [~~30A.106~~].  APPEAL TO COMMISSIONER. (a)  A course provider may appeal to the commissioner the agency's [~~administering authority's~~] refusal to approve an electronic course under Section 30B.107 [~~30A.105~~].

(b)  If the commissioner determines that the agency's [~~administering authority's~~] evaluation did not follow the criteria or was otherwise irregular, the commissioner may overrule the agency [~~administering authority~~] and place the course on a list of approved courses. The commissioner's decision under this section is final and may not be appealed.

Sec. 30B.111 [~~30A.107~~].  OPTIONS FOR PROVIDERS AND STUDENTS. (a)  A student who does not qualify under Section 30B.002(1) may take one or more electronic courses through the statewide course catalog if the student pays the fees for the course in accordance with Section 30B.123 [~~A course provider may offer electronic courses to:~~

[~~(1)  students and adults who reside in this state; and~~

[~~(2)  students who reside outside this state and who meet the eligibility requirements under Section 30A.002(c)~~].

(b)  A student who is enrolled in a school district or [~~open-enrollment~~] charter school in this state [~~as a full-time student~~] may take one or more electronic courses through the state virtual school network.

(c)  A student who resides in this state but who is not enrolled in a school district or [~~open-enrollment~~] charter school in this state [~~as a full-time student~~] may, subject to Section 30B.123 [~~30A.155~~], enroll in electronic courses through the statewide course catalog [~~state virtual school network~~]. A student to whom this subsection applies:

(1)  [~~may not in any semester enroll in more than two electronic courses offered through the state virtual school network;~~

[~~(2)~~]  is not considered enrolled at the [~~to be a~~] public school campus but shall be considered for purposes of:

(A)  accountability in accordance with Section 30B.114; and

(B)  state funding as provided by Section 30B.122 [~~student~~];

(2) [~~(3)~~]  must obtain access to a course provided through the statewide course catalog either [~~network~~] through a [~~the~~] school district or [~~open-enrollment~~] charter school [~~attendance zone in which the student resides~~];

(3) [~~(4)~~]  is not entitled to enroll in a course offered by a school district or [~~open-enrollment~~] charter school other than an electronic course provided through the statewide course catalog [~~network~~]; and

(4) [~~(5)~~]  is not entitled to any right, privilege, activities, or services available to a student enrolled in a public school, other than the right to receive the appropriate unit of credit for completing an electronic course.

(d)  A school district or [~~open-enrollment~~] charter school may not require a student to enroll in an electronic course.

(e)  A school district or charter school shall require students to take a student orientation course to access the statewide course catalog.

Sec. 30B.112 [~~30A.108~~].  INFORMED CHOICE REPORTS. (a)  Not later than a date determined by the commissioner, the agency [~~administering authority~~] shall create and maintain on the state virtual school network's Internet website an "informed choice" report as provided by commissioner rule.

(b)  Each report under this section must describe each electronic course offered through the statewide course catalog [~~state virtual school network~~] and include the following information:

(1)  course requirements;

(2)  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.

Sec. 30B.113 [~~30A.109~~].  COMPULSORY ATTENDANCE. The commissioner by rule shall adopt procedures for reporting and verifying the attendance of a student enrolled in an electronic course provided through the statewide course catalog [~~state virtual school network~~]. The rules may modify the application of Sections 25.085, 25.086, and 25.087 for a student enrolled in an electronic course but must require participation in an educational program equivalent to the requirements prescribed by those sections.

Sec. 30B.114 [~~30A.110~~].  APPLICABILITY OF ACCOUNTABILITY REQUIREMENTS. (a)  Chapter 39 applies to an electronic course offered through the statewide course catalog [~~state virtual school network~~] in the same manner that that chapter applies to any other course offered by a school district or open-enrollment charter school.

(b)  The performance of a student described by Section 30B.111(c) shall be considered for purposes of accountability for a school district or charter school if the student takes more than three statewide course catalog courses through the school district or charter school in a school year.

(c)  Each student enrolled under this chapter in an electronic course offered through the statewide course catalog [~~state virtual school network~~] must take any assessment instrument under Section 39.023 that is administered to students who are provided instruction in the course material in the traditional classroom setting. The administration of the assessment instrument to the student enrolled in the electronic course must be supervised by a proctor.

(d) [~~(c)~~]  A school district or [~~open-enrollment~~] charter school shall report to the commissioner through the Public Education Information Management System (PEIMS) the results of assessment instruments administered to students enrolled in an electronic course offered through the statewide course catalog [~~state virtual school network~~] separately from the results of assessment instruments administered to other students.

Sec. 30B.115 [~~30A.111~~].  TEACHER AND INSTRUCTOR QUALIFICATIONS. (a)  Each teacher of an electronic course offered by a school district or [~~open-enrollment~~] charter school through the statewide course catalog [~~state virtual school network~~] must:

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

(2)  successfully complete the appropriate professional development course provided under Section 30B.116(a) [~~30A.112(a)~~] or 30B.117 [~~30A.1121~~] before teaching an electronic course offered through the statewide course catalog [~~network~~].

(b)  The commissioner by rule shall establish procedures for verifying successful completion by a teacher of the appropriate professional development course required by Subsection (a)(2).

(c)  The commissioner by rule shall establish qualifications and professional development requirements applicable to college instructors providing instruction in dual credit courses through the statewide course catalog [~~state virtual school network~~] that allow a student to earn high school credit and college credit or other credit.

Sec. 30B.116 [~~30A.112~~].  EDUCATOR PROFESSIONAL DEVELOPMENT. (a)  The state virtual school network shall provide or authorize providers of electronic professional development courses or programs to provide professional development for teachers who are teaching electronic courses through the statewide course catalog [~~network~~].

(b)  The state virtual school network may provide or authorize providers of electronic professional development courses to provide professional development for:

(1)  teachers who are teaching subjects or grade levels for which the teachers are not certified; or

(2)  teachers who must become qualified under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

Sec. 30B.117 [~~30A.1121~~].  ALTERNATIVE EDUCATOR PROFESSIONAL DEVELOPMENT. (a)  Subject to Subsection (b), a course provider may provide professional development courses to teachers seeking to become authorized to teach electronic courses provided through the statewide course catalog [~~state virtual school network~~]. A course provider may provide a professional development course that is approved under Subsection (b) to any interested teacher, regardless of the teacher's employer.

(b)  The agency shall review each professional development course sought to be provided by a course provider under Subsection (a) to determine if the course meets the quality standards established under Section 30B.118 [~~30A.113~~]. If a course meets those standards, the course provider may provide the course for purposes of enabling a teacher to comply with Section 30B.115(a)(2) [~~30A.111(a)(2)~~].

Sec. 30B.118 [~~30A.113~~].  CRITERIA FOR ELECTRONIC PROFESSIONAL DEVELOPMENT COURSES. The commissioner by rule shall establish objective standard criteria for quality of an electronic professional development course provided under Section 30B.116 [~~30A.112~~].

Sec. 30B.119 [~~30A.114~~].  REGIONAL EDUCATION SERVICE CENTERS. The commissioner by rule shall allow regional education service centers to participate in the statewide course catalog [~~state virtual school network~~] in the same manner as course providers.

Sec. 30B.120 [~~30A.115~~].  ADDITIONAL RESOURCES. The commissioner by rule may establish procedures for providing additional resources, such as an online library, to students and educators served through the statewide course catalog [~~state virtual school network~~]. The agency [~~administering authority~~] may provide the additional resources only if the commissioner receives an appropriation, gift, or grant sufficient to pay the costs of providing those resources.

Sec. 30B.121 [~~30A.151~~].  COSTS TO BE BORNE BY STATE. (a)  Except as authorized by Sections 30B.007, 30B.107, [~~Section 30A.152~~] or this section, the state shall pay the cost of operating the state virtual school network.

(b)  Except as provided by Section 30B.107, the [~~The~~] operating costs of the state virtual school network may not be charged to a school district or [~~open-enrollment~~] charter school.

(c)  The costs of providing electronic professional development courses may be paid by state funds appropriated by the legislature or federal funds that may be used for that purpose.

(d) [~~(e)~~]  State funds provided in connection with the state virtual school network may not be used in a manner that violates Section 7, Article I, Texas Constitution.

[~~(f)  For a full-time electronic course program offered through the state virtual school network for a grade level at or above grade level three but not above grade level eight, a school district or open-enrollment charter school is entitled to receive federal, state, and local funding for a student enrolled in the program in an amount equal to the funding the district or school would otherwise receive for a student enrolled in the district or school.  The district or school may calculate the average daily attendance of a student enrolled in the program based on:~~

[~~(1)  hours of contact with the student;~~

[~~(2)  the student's successful completion of a course; or~~

[~~(3)  a method approved by the commissioner.~~]

Sec. 30B.122 [~~30A.153~~].  FOUNDATION SCHOOL PROGRAM FUNDING. (a)  A [~~Subject to the limitation imposed under Subsection (a-1), 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 an electronic course offered through the statewide course catalog [~~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.

(b)  For purposes of funding a school district or charter school that provides access to an electronic course to a student described by Section 30B.111(c) who would be entitled to the benefits of the Foundation School Program under Section 42.003 if enrolled in a school district, the agency shall aggregate up to three courses offered during the year to such students at the district or school and divide by five to establish the number of possible students in average daily attendance, rounding up to the half-day average daily attendance.

[~~(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 that was operating on January 1, 2013.~~]

(c) [~~(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 statewide course catalog [~~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)~~].

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

(1)  the district or school requests from the commissioner permission to modify the standard agreement; and

(2)  the commissioner authorizes the modification.

(e) [~~(d)~~]  The commissioner shall adopt rules necessary to implement this section, including rules regarding attendance accounting.

Sec. 30B.123 [~~30A.155~~].  FEES. (a)  A school district or [~~open-enrollment~~] charter school may charge a fee for enrollment in an electronic course provided through the statewide course catalog [~~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)~~].

(b) [~~(a-1)~~]  A school district or [~~open-enrollment~~] charter school may charge a fee for enrollment in an electronic course provided through the statewide course catalog [~~state virtual school network~~] during the summer.

(c) [~~(b)~~]  A school district or [~~open-enrollment~~] charter school shall charge a fee for enrollment in an electronic course provided through the statewide course catalog [~~state virtual school network~~] to a student who does not satisfy the criteria of Section 30B.002(1) [~~who resides in this state and is not enrolled in a school district or open-enrollment charter school as a full-time student~~].

(d) [~~(c)~~]  The amount of a fee charged a student under Subsection (a), [~~(a-1), or~~] (b), or (c) for each electronic course in which the student enrolls through the statewide course catalog [~~state virtual school network~~] may not exceed the lesser of:

(1)  the cost of providing the course; or

(2)  an amount set by the commissioner [~~$400~~].

(e) [~~(c-1)~~]  A school district or [~~open-enrollment~~] charter school that is not the course provider 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 statewide course catalog [~~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.

(f) [~~(d)~~]  Except as provided by this section, the state virtual school network may not charge a fee to students for electronic courses provided through the statewide course catalog [~~network~~].

[~~(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.~~]

SECTION 13.  Chapter 30B, Education Code, as added by this Act, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. FULL-TIME VIRTUAL SCHOOL

Sec. 30B.201.  ELIGIBILITY TO OPERATE FULL-TIME VIRTUAL SCHOOL. (a)  The commissioner may establish criteria for, authorize the operation of, and approve an expansion of a full-time virtual school under this subchapter.

(b)  A school district or charter school is eligible to operate a full-time virtual school under this subchapter only if the district or school receives an overall performance rating of C or higher under Section 39.054.

(c)  A public or private institution of higher education is eligible to operate a full-time virtual school under this subchapter only if the institution:

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

(2)  demonstrates financial solvency;

(3)  provides evidence of prior successful experience offering online education to students, with demonstrated student success in course completion and performance, as determined by the commissioner;

(4)  has a charter granted under Subchapter D or E, Chapter 12, authorized to provide a full-time virtual school; and

(5)  has not been subject to contract revocation under Section 30B.211.

(d)  The commissioner may not authorize an entity to operate more than one full-time virtual school under this subchapter.

(e)  An entity that operates a full-time virtual school must offer:

(1)  at least one grade level in which an assessment instrument is required to be administered under Section 39.023(a), including each subject for which an assessment instrument is required; or

(2)  a complete high school program, including each course for which an end-of-course assessment instrument is required to be administered under Section 39.023(c).

(f)  The provisions of this section may not be waived by the commissioner.

Sec. 30B.202.  FULL-TIME VIRTUAL SCHOOL ENROLLMENT AND ADMISSION. (a)  The total number of students enrolled in full-time virtual schools may not exceed:

(1)  for the 2020-2021 school year, 120 percent of the total number of students enrolled in full-time online programs offered through the state virtual school network under former Chapter 30A for the 2019-2020 school year; or

(2)  for each school year after the 2020-2021 school year, 102 percent of the total number of students enrolled in full-time virtual schools for the preceding school year.

(b)  To ensure compliance with the maximum number of enrolled students under Subsection (a), the commissioner by rule shall establish a method for determining the total number of students that each full-time virtual school may enroll for a school year.

(c)  If a full-time virtual school receives more acceptable applications for admission than available positions in the school for a school year, the school shall:

(1)  fill the available positions by lottery;

(2)  create a waitlist for any students not admitted under Subdivision (1); and

(3)  provide to the agency in accordance with commissioner rule the number of students on the school's waitlist under Subdivision (2), if applicable.

Sec. 30B.203.  FULL-TIME VIRTUAL SCHOOL LIST. (a)  The agency shall:

(1)  create a list of full-time virtual schools;

(2)  publish in a prominent location on the state virtual school network's Internet website a list of and contact and waitlist information for all full-time virtual schools;

(3)  provide access to the accountability ratings of each full-time virtual school;

(4)  provide notice to each student enrolled in a full-time virtual school and the student's parent of the name and contact information of the operator of the full-time virtual school in which the student is enrolled; and

(5)  include any other information the commissioner determines necessary to inform student choice.

(b)  The agency shall provide students who have completed or withdrawn from a full-time virtual school and their parents with a method for providing comments regarding the school. The comment method must include a quantitative rating system and a list of verbal descriptors that a student or parent may select as appropriate.

(c)  The agency shall provide public access to the comments submitted by students and parents under this section.

Sec. 30B.204.  INDUCEMENTS FOR ENROLLMENT PROHIBITED. (a)  An entity that operates a full-time virtual school 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 the full-time virtual school.

(b)  The commissioner shall revoke an entity's authorization to operate a full-time virtual school if the entity violates this section.

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

Sec. 30B.205.  COMPULSORY ATTENDANCE. The commissioner by rule shall adopt procedures for reporting and verifying the attendance of a student enrolled in a full-time virtual school. The rules may modify the application of Sections 25.085, 25.086, and 25.087 for a student enrolled in a full-time virtual school but must require participation in an educational program equivalent to the requirements prescribed by those sections.

Sec. 30B.206.  APPLICABILITY OF ACCOUNTABILITY REQUIREMENTS. (a)  Chapter 39 applies to a full-time virtual school in the same manner that the chapter applies to a school district or open-enrollment charter school.

(b)  Each student enrolled in a subject or course in a full-time virtual school must take each assessment instrument under Section 39.023 that is administered to students who are provided instruction in the subject or course material in the traditional classroom setting. The administration of the assessment instrument to the student enrolled in the full-time virtual school must be supervised by a proctor.

(c)  An entity that operates multiple full-time virtual schools under contracts described by Section 30B.211 shall receive an accountability rating for:

(1)  each full-time virtual school as if the school were a campus; and

(2)  the entity as if the entity were a school district or open-enrollment charter school and each full-time virtual school were a campus of the district or school.

Sec. 30B.207.  TEACHER AND INSTRUCTOR QUALIFICATIONS. (a)  Each teacher at a full-time virtual school must:

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

(2)  successfully complete the appropriate professional development course provided under Section 30B.116(a) or 30B.117 before teaching at a full-time virtual school.

(b)  The commissioner by rule shall establish procedures for verifying successful completion by a teacher of the appropriate professional development course required by Subsection (a)(2).

(c)  The commissioner by rule shall establish qualifications and professional development requirements applicable to college instructors providing instruction in dual credit courses through a full-time virtual school that allow a student to earn high school credit and college credit or other credit.

Sec. 30B.208.  FUNDING. (a)  A full-time virtual school in which a student described by Section 30B.002(1) is enrolled is entitled to funding under Chapter 42 or in accordance with the terms of a charter granted under Chapter 12 for the student's enrollment in electronic courses in a full-time virtual school 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.

(b)  A full-time virtual school may charge a fee for a student who does not qualify under Section 30B.002(1).

Sec. 30B.209.  ORIENTATION COURSE. Each full-time virtual school shall require a student to take an orientation course before enrolling in the school. The agency shall provide guidance regarding the development and delivery of an orientation course.

Sec. 30B.210.  PARENT-TEACHER CONFERENCE. (a)  Each full-time virtual school, on a periodic basis throughout each school year, shall communicate with each parent of or person standing in parental relation to an enrolled student regarding the performance and progress of the student. The school shall:

(1)  provide opportunities for parent-teacher conferences;

(2)  document any requests for parent-teacher conferences; and

(3)  permit students to participate in the parent-teacher conferences.

(b)  Parent-teacher conferences may be conducted in person or through electronic means.

Sec. 30B.211.  CONTRACTING FOR FULL-TIME VIRTUAL SCHOOL SERVICES. (a)  A school district or charter school that contracts with an entity to operate a full-time virtual school for the district or school shall report to the agency:

(1)  the identity of the contracted entity each year the contracted entity operates the full-time virtual school; and

(2)  information required to be reported under Section 42.006 regarding staff and finances as if the full-time virtual school were a campus.

(b)  A school district or charter school shall revoke a contract with an entity to operate a full-time virtual school for the district or school if the entity has received for the three most recent school years a campus or district accountability rating of D or F under Subchapter C, Chapter 39. A school district or charter school shall include a contract revocation provision in each contract entered into with an entity to operate a full-time virtual school for the district or school under this section.

(c)  The agency shall notify a district or school that the district or school is subject to Subsection (b) if its full-time virtual school campus has received for the three most recent school years accountability ratings described by Subsection (b). Failure to receive notice under this subsection does not affect the requirement imposed on the district or school under Subsection (b).

(d)  A school district or charter school may not contract with an entity to operate a full-time virtual school for the district or school if the contracted entity operated a full-time virtual school for a district or school and the contracting entity was subject to a contract revocation under Subsection (b) within the preceding 10 years.

(e)  The agency shall include a list of entities subject to a contract revocation under Subsection (b) on the state virtual school network Internet website.

(f)  An entity under this section includes a corporate affiliate or an entity that is substantially related to the entity.

(g)  The commissioner may adopt rules to implement this section.

(h)  The provisions of this section may not be waived by the commissioner.

Sec. 30B.212.  INITIAL TERM OF OPERATION; PROCEDURE FOR RENEWAL, DENIAL OF RENEWAL, AND EXPIRATION. (a)  The initial term of operation for a full-time virtual school is five years.

(b)  The commissioner by rule shall develop a procedure for the renewal, denial of renewal, and expiration of an authorization to operate a full-time virtual school at the end of the authorization's term. The procedure must include consideration of the accountability rating under Chapter 39 of the full-time virtual school.

(c)  To renew an authorization to operate a full-time virtual school at the end of a term of operation, the entity operating the full-time virtual school shall submit a petition for renewal to the commissioner in the time and manner developed under Subsection (b).

(d)  The renewal term for a full-time virtual school under this section is 10 years.

(e)  Notwithstanding any other law, a determination by the commissioner under this section is final and may not be appealed.

Sec. 30B.213.  BASIS FOR REVOCATION OF FULL-TIME VIRTUAL SCHOOL AUTHORIZATION. (a)  The commissioner may revoke authorization for an entity to operate a full-time virtual school under this subchapter if the commissioner determines that:

(1)  the school is not meeting the best interests of its students; or

(2)  the revocation is necessary to ensure that full-time virtual schools are high quality.

(b)  The commissioner shall revoke the authorization for an entity to operate a full-time virtual school under this subchapter if the entity has received for the three most recent years a campus or district accountability rating of D or F under Subchapter C, Chapter 39.

Sec. 30B.214.  PROCEDURE FOR REVOCATION OR DENIAL OF RENEWAL. (a)  The commissioner shall adopt an informal procedure for:

(1)  revoking an authorization to operate a full-time virtual school; and

(2)  denying the renewal of an authorization to operate a full-time virtual school.

(b)  The procedure adopted under Subsection (a) must allow representatives of the full-time virtual school to meet with the commissioner to discuss the decision and allow the full-time virtual school to submit additional information to the commissioner. In a final decision issued by the commissioner, the commissioner shall provide a written response to any information the full-time virtual school submits under this subsection.

(c)  A decision by the commissioner under this section is final and may not be appealed.

Sec. 30B.215.  EFFECT OF REVOCATION OR DENIAL OF RENEWAL OF AUTHORIZATION TO OPERATE FULL-TIME VIRTUAL SCHOOL. If the commissioner revokes or denies the renewal of an entity's authorization to operate a full-time virtual school under this subchapter, the school may not continue to operate or receive state funds under this subchapter.

SECTION 14.  Section 33.009(d), Education Code, is amended to read as follows:

(d)  An academy developed under this section must provide counselors and other postsecondary advisors with knowledge and skills to provide counseling to students regarding postsecondary success and productive career planning and must include information relating to:

(1)  each endorsement described by Section 28.025(c-1), including:

(A)  the course requirements for each endorsement; and

(B)  the postsecondary educational and career opportunities associated with each endorsement;

(2)  available methods for a student to earn credit for a course not offered at the school in which the student is enrolled, including enrollment in an electronic course provided through the state virtual school network under Chapter 30B [~~30A~~];

(3)  general academic performance requirements for admission to an institution of higher education, including the requirements for automatic admission to a general academic teaching institution under Section 51.803;

(4)  regional workforce needs, including information about the required education and the average wage or salary for careers that meet those workforce needs; and

(5)  effective strategies for engaging students and parents in planning for postsecondary education and potential careers, including participation in mentorships and business partnerships.

SECTION 15.  Section 42.152(b-1), Education Code, is amended to read as follows:

(b-1)  A student receiving a full-time virtual education [~~through the state virtual school network~~] may be included in determining the number of educationally disadvantaged students under Subsection (b) if the school district or full-time virtual school submits to the commissioner a plan detailing the enhanced services that will be provided to the student and the commissioner approves the plan.

SECTION 16.  The following provisions of the Education Code are repealed:

(1)  the heading to Chapter 30A;

(2)  the heading to Subchapter A, Chapter 30A;

(3)  Section 30A.006;

(4)  the heading to Subchapter B, Chapter 30A;

(5)  Section 30A.053;

(6)  Section 30A.055;

(7)  Section 30A.056;

(8)  the heading to Subchapter C, Chapter 30A;

(9)  Section 30A.1042;

(10)  the heading to Subchapter D, Chapter 30A; and

(11)  Section 30A.152.

SECTION 17.  This Act applies beginning with the 2020-2021 school year.

SECTION 18.  The Texas Education Agency is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the Texas Education Agency may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 19.  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, 2019.

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