

By: Taylor, et al.

S.B. No. 1455

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,

1 Chapter 31, and courses offered through the state virtual school
2 network under Chapter 30B [~~Subchapter 30A~~];

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

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

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

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

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

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

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

27 (3) developing procedures for awarding credit,

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

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

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

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

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

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

27 (9) requiring school districts, campuses, and

1 open-enrollment charter schools to accept a referral for special
2 education services made for a student who is homeless or in
3 substitute care by a school previously attended by the student, and
4 to provide comparable services to the student during the referral
5 process or until the new school develops an individualized
6 education program for the student;

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

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

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

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

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

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

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

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

26 (11) developing procedures for allowing a student who
27 is homeless or in substitute care who was previously enrolled in a

1 course required for graduation the opportunity, to the extent
2 practicable, to complete the course, at no cost to the student,
3 before the beginning of the next school year;

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

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

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

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

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

22 Sec. 26.0031. RIGHTS CONCERNING STATE VIRTUAL SCHOOL
23 NETWORK STATEWIDE COURSE CATALOG. (a) At the time and in the
24 manner that a school district or [~~open-enrollment~~] charter school
25 informs students and parents about courses that are offered in the
26 district's or school's traditional classroom setting, the district
27 or school shall notify parents and students of the option to enroll

1 in an electronic course offered through the state virtual school
2 network statewide course catalog under Chapter 30B [30A].

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

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

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

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

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

21 [~~(c-1) A school district or open-enrollment charter school~~
22 ~~may decline to pay the cost for a student of more than three~~
23 ~~yearlong electronic courses, or the equivalent, during any school~~
24 ~~year. This subsection does not:~~

25 [~~(1) limit the ability of the student to enroll in~~
26 ~~additional electronic courses at the student's cost, or~~

27 [~~(2) apply to a student enrolled in a full-time online~~

1 ~~program that was operating on January 1, 2013.]~~

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

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

14 (f) A school district or ~~[open-enrollment]~~ charter school
15 from which a parent of a student requests permission to enroll the
16 student in an electronic course offered through the state virtual
17 school network statewide course catalog under Chapter 30B [~~30A~~] has
18 discretion to select a course provider approved by the agency
19 ~~[network's administering authority]~~ for the course in which the
20 student will enroll based on factors including the informed choice
21 report in Section 30B.112(b) [~~30A.108(b)~~].

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

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

27 SECTION 6. Chapter 30B, Education Code, as added by this

1 Act, is amended by adding Subchapter A, and a heading is added to
2 that subchapter to read as follows:

3 SUBCHAPTER A. GENERAL PROVISIONS

4 SECTION 7. Sections 30A.001, 30A.002, 30A.003, 30A.004,
5 30A.005, and 30A.007, Education Code, are transferred to Subchapter
6 A, Chapter 30B, Education Code, as added by this Act, redesignated
7 as Sections 30B.001, 30B.002, 30B.003, 30B.004, 30B.005, and
8 30B.006, Education Code, and amended to read as follows:

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

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

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

14 (2) [~~(3)~~] "Course" means a course of study that meets
15 the requirements of Section 30B.105 [~~30A.104~~].

16 (3) [~~(4)~~] "Electronic course" means a course in which:

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

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

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

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

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

27 (F) a student is not required to be located on the

1 physical premises of a school district or [~~open-enrollment~~] charter
2 school.

3 (4) [~~(5)~~] "~~Electronic diagnostic assessment~~" means a
4 ~~formative or instructional assessment used in conjunction with an~~
5 ~~electronic course to ensure that.~~

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

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

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

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

17 (6) [~~(7)~~] "Course provider" means:

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

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

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

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

1 ~~network~~]; or

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

5 (7) ~~(8)~~ "Public or private institution of higher
6 education" means an institution of higher education or a private or
7 independent institution of higher education, as those terms are
8 defined by Section 61.003 ~~[20 U.S.C. Section 1001]~~.

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

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

16 (1) the student ~~[on September 1 of the school year:~~
17 ~~[(A) is younger than 21 years of age; or~~
18 ~~[(B) is younger than 26 years of age and entitled~~
19 ~~to the benefits of the Foundation School Program under Section~~
20 42.003,

21 ~~[(2) has not graduated from high school; and~~
22 ~~[(3)]~~ is ~~[otherwise]~~ eligible to enroll in a public
23 school in this state; or

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

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

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

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

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

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

17 ~~[(1) is a dependent of a member of the United States~~
18 ~~military;~~

19 ~~[(2) was previously enrolled in high school in this~~
20 ~~state; and~~

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

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

25 (1) require a school district, a [~~an open-enrollment~~]
26 charter school, a course provider, a full-time virtual school, or
27 the state to provide a student with home computer equipment or

1 Internet access for a course provided through the state virtual
2 school network; or

3 (2) prohibit a school district or [~~open-enrollment~~]
4 charter school from providing a student with home computer
5 equipment or Internet access for a course provided through the
6 state virtual school network.

7 Sec. 30B.004 [~~30A.004~~]. APPLICABILITY OF CHAPTER.

8 (a) Except as provided by Subsection (c), this chapter does not
9 affect the provision of a course to a student while the student is
10 located on the physical premises of a school district or
11 [~~open-enrollment~~] charter school.

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

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

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

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

27 Sec. 30B.006 [~~30A.007~~]. LOCAL POLICY ON ELECTRONIC

1 COURSES. (a) A school district or [~~open-enrollment~~] charter
2 school shall adopt a written policy that provides district or
3 school students with the opportunity to enroll in electronic
4 courses provided through the statewide course catalog [~~state~~
5 ~~virtual school network~~]. The policy must be consistent with the
6 requirements imposed by Section 26.0031.

7 (b) [~~(a-1)~~] A school district or [~~open-enrollment~~] charter
8 school shall, at least once per school year, send to a parent of
9 each district or school student enrolled at the middle or high
10 school level a copy of the policy adopted under Subsection (a). A
11 district or school may send the policy with any other information
12 that the district or school sends to a parent.

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

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

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

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

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

7 SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

8 SECTION 10. Sections 30A.051, 30A.052, and 30A.054,
9 Education Code, are transferred to Subchapter B, Chapter 30B,
10 Education Code, as added by this Act, redesignated as Sections
11 30B.051, 30B.052, and 30B.053, Education Code, and amended to read
12 as follows:

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

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

17 (2) ensure:

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

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

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

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

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

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

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

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

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

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

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

25 SUBCHAPTER C. STATEWIDE COURSE CATALOG

26 SECTION 12. Sections 30A.101, 30A.102, 30A.1021, 30A.103,
27 30A.104, 30A.1041, 30A.105, 30A.1051, 30A.1052, 30A.106, 30A.107,

1 30A.108, 30A.109, 30A.110, 30A.111, 30A.112, 30A.1121, 30A.113,
2 30A.114, 30A.115, 30A.151, 30A.153, and 30A.155, Education Code,
3 are transferred to Subchapter C, Chapter 30B, Education Code, as
4 added by this Act, redesignated as Sections 30B.101, 30B.102,
5 30B.103, 30B.104, 30B.105, 30B.106, 30B.107, 30B.108, 30B.109,
6 30B.110, 30B.111, 30B.112, 30B.113, 30B.114, 30B.115, 30B.116,
7 30B.117, 30B.118, 30B.119, 30B.120, 30B.121, 30B.122, and 30B.123,
8 Education Code, and amended to read as follows:

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

15 (b) [~~An open-enrollment charter school may serve as a course~~
16 ~~provider only:~~

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

18 [~~(2) to another student in the state:~~

19 [~~(A) through an agreement with the school district~~
20 ~~in which the student resides; or~~

21 [~~(B) if the student receives educational services~~
22 ~~under the supervision of a juvenile probation department, the Texas~~
23 ~~Juvenile Justice Department, or the Texas Department of Criminal~~
24 ~~Justice, through an agreement with the applicable agency.~~

25 [~~(c)~~] A public or private institution of higher education,
26 nonprofit entity, private entity, or corporation is eligible to act
27 as a course provider through the statewide course catalog [~~under~~

1 ~~this chapter~~] only if the institution, [~~nonprofit~~] entity, [~~private~~
2 ~~entity,~~] or corporation:

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

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

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

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

12 (c) [~~(d)~~] An entity other than a school district or
13 [~~open-enrollment~~] charter school is not authorized to award course
14 credit or a diploma for courses taken through the statewide course
15 catalog [~~state virtual school network~~].

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

17 Sec. 30B.102 [~~30A.102~~]. LISTING OF ELECTRONIC COURSES.

18 (a) The agency [~~administering authority~~] shall:

19 (1) publish the criteria required by Section 30B.104
20 [~~30A.103~~] for electronic courses that may be offered through the
21 statewide course catalog [~~state virtual school network~~];

22 (2) using the criteria required by Section 30B.104
23 [~~30A.103~~], evaluate electronic courses submitted by a course
24 provider to be offered through the statewide course catalog
25 [~~network~~];

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

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

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

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

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

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

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

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

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

27 (c) The agency [~~administering authority~~] shall develop a

1 comprehensive course numbering system for all courses offered
2 through the statewide course catalog [~~state virtual school network~~]
3 to ensure, to the greatest extent possible, consistent numbering of
4 similar courses offered across all course providers.

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

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

14 (c) The agency [~~administering authority~~] shall provide
15 public access to the comments submitted by students and parents
16 under this section. The comments must be in a format that permits a
17 person to sort the comments by teacher, electronic course, and
18 course provider.

19 Sec. 30B.104 [~~30A.103~~]. CRITERIA FOR ELECTRONIC COURSES.
20 (a) The commissioner [~~board~~] by rule shall establish an objective
21 standard criteria for an electronic course to ensure alignment with
22 the essential knowledge and skills requirements identified or
23 content requirements established under Subchapter A, Chapter 28.
24 The criteria may not permit the agency [~~administering authority~~] to
25 prohibit a course provider from applying for approval for an
26 electronic course for a course for which essential knowledge and
27 skills have been identified.

1 (b) The criteria must be consistent with Section 30B.105
2 [30A.104] and may not include any requirements that are
3 developmentally inappropriate for students.

4 (c) The commissioner by rule may:

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

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

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

12 Sec. 30B.105 [30A.104]. COURSE ELIGIBILITY IN GENERAL.

13 (a) A course offered through the statewide course catalog [~~state~~
14 ~~virtual school network~~] must:

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

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

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

23 (b) If the essential knowledge and skills with which an
24 approved course is aligned in accordance with Subsection (a)(2) are
25 modified, the course provider must be provided the same [~~time~~]
26 period to revise the course to achieve alignment with the modified
27 essential knowledge and skills as is provided for the modification

1 of a course provided in a traditional classroom setting.

2 Sec. 30B.106 [~~30A.1041~~]. DRIVER EDUCATION COURSES. (a) A
3 school district, [~~open-enrollment~~] charter school, public or
4 private institution of higher education, or other eligible entity
5 may seek approval to offer through the statewide course catalog
6 [~~state virtual school network~~] the classroom portion of a driver
7 education and traffic safety course that complies with the
8 requirements for the program developed under Section 29.902.

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

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

18 Sec. 30B.107 [~~30A.105~~]. APPROVAL OF ELECTRONIC COURSES.

19 (a) The agency [~~administering authority~~] shall:

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

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

26 (b) [~~(a-1)~~] The agency [~~administering authority~~] shall
27 publish the submission and approval process for electronic courses

1 established under Subsection (a)(1), including any deadlines and
2 guidelines applicable to the process.

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

6 (d) [~~(b)~~] The agency [~~administering authority~~] shall
7 establish the cost of providing an electronic course approved under
8 Subsection (a) [~~, which may not exceed \$400 per student per course or~~
9 ~~\$4,800 per full-time student]~~.

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

16 [~~(1) courses that satisfy high school graduation~~
17 ~~requirements,~~

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

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

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

27 [~~(5) courses in subject areas designated by the~~

1 ~~commissioner as commonly experiencing a shortage of teachers.~~

2 ~~[(d) If the agency determines that the costs of evaluating~~
 3 ~~and approving a submitted electronic course will not be paid by the~~
 4 ~~agency due to a shortage of funds available for that purpose, the]~~
 5 school district, ~~[open-enrollment]~~ charter school, public or
 6 private institution of higher education, or other eligible entity
 7 that submits a ~~[submitted the]~~ course for evaluation and approval
 8 shall ~~[may]~~ pay a fee equal to the amount of the costs of evaluating
 9 and approving the course in order to ensure that evaluation of the
 10 course occurs. The agency shall establish and publish a fee
 11 schedule for purposes of this subsection.

12 (f) ~~[(e)]~~ The agency ~~[administering authority]~~ shall
 13 require a course provider to apply for renewed approval of a
 14 previously approved course in accordance with a schedule designed
 15 to coincide with revisions to the required curriculum under Section
 16 [28.002\(a\)](#) but not later than the 10th anniversary of the previous
 17 approval.

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

22 Sec. 30B.109 ~~[[30A.1052](#)]~~. INDUCEMENTS FOR ENROLLMENT
 23 PROHIBITED. (a) A course provider may not promise or provide
 24 equipment or any other thing of value to a student or a student's
 25 parent as an inducement for the student to enroll in an electronic
 26 course offered through the statewide course catalog ~~[state virtual~~
 27 ~~school network]~~.

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

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

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

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

16 Sec. 30B.111 [~~30A.107~~]. OPTIONS FOR PROVIDERS AND
17 STUDENTS. (a) A student who does not qualify under Section
18 30B.002(1) may take one or more electronic courses through the
19 statewide course catalog if the student pays the fees for the course
20 in accordance with Section 30B.123 [~~A course provider may offer~~
21 ~~electronic courses to:~~

22 [~~(1) students and adults who reside in this state, and~~
23 [~~(2) students who reside outside this state and who~~
24 ~~meet the eligibility requirements under Section 30A.002(c)~~].

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

1 virtual school network.

2 (c) A student who resides in this state but who is not
3 enrolled in a school district or [~~open-enrollment~~] charter school
4 in this state [~~as a full-time student~~] may, subject to Section
5 30B.123 [30A.155], enroll in electronic courses through the
6 statewide course catalog [~~state virtual school network~~]. A student
7 to whom this subsection applies:

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

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

13 (A) accountability in accordance with Section
14 30B.114; and

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

17 (2) [~~(3)~~] must obtain access to a course provided
18 through the statewide course catalog either [~~network~~] through a
19 [~~the~~] school district or [~~open-enrollment~~] charter school
20 [~~attendance zone in which the student resides~~];

21 (3) [~~(4)~~] is not entitled to enroll in a course
22 offered by a school district or [~~open-enrollment~~] charter school
23 other than an electronic course provided through the statewide
24 course catalog [~~network~~]; and

25 (4) [~~(5)~~] is not entitled to any right, privilege,
26 activities, or services available to a student enrolled in a public
27 school, other than the right to receive the appropriate unit of

1 credit for completing an electronic course.

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

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

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

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

- 16 (1) course requirements;
- 17 (2) the school year calendar for the course, including
18 any options for continued participation outside of the standard
19 school year calendar;
- 20 (3) the entity that developed the course;
- 21 (4) the entity that provided the course;
- 22 (5) the course completion rate;
- 23 (6) aggregate student performance on an assessment
24 instrument administered under Section 39.023 to students enrolled
25 in the course;
- 26 (7) aggregate student performance on all assessment
27 instruments administered under Section 39.023 to students who

1 completed the course provider's courses; and

2 (8) other information determined by the commissioner.

3 Sec. 30B.113 [~~30A.109~~]. COMPULSORY ATTENDANCE. The
4 commissioner by rule shall adopt procedures for reporting and
5 verifying the attendance of a student enrolled in an electronic
6 course provided through the statewide course catalog [~~state virtual~~
7 ~~school network~~]. The rules may modify the application of Sections
8 25.085, 25.086, and 25.087 for a student enrolled in an electronic
9 course but must require participation in an educational program
10 equivalent to the requirements prescribed by those sections.

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

17 (b) The performance of a student described by Section
18 30B.111(c) shall be considered for purposes of accountability for a
19 school district or charter school if the student takes more than
20 three statewide course catalog courses through the school district
21 or charter school in a school year.

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

1 to the student enrolled in the electronic course must be supervised
2 by a proctor.

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

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

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

16 (2) successfully complete the appropriate
17 professional development course provided under Section 30B.116(a)
18 [~~30A.112(a)~~] or 30B.117 [~~30A.1121~~] before teaching an electronic
19 course offered through the statewide course catalog [~~network~~].

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

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

1 other credit.

2 Sec. 30B.116 [~~30A.112~~]. EDUCATOR PROFESSIONAL DEVELOPMENT.

3 (a) The state virtual school network shall provide or authorize
4 providers of electronic professional development courses or
5 programs to provide professional development for teachers who are
6 teaching electronic courses through the statewide course catalog
7 [~~network~~].

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

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

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

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

24 (b) The agency shall review each professional development
25 course sought to be provided by a course provider under Subsection
26 (a) to determine if the course meets the quality standards
27 established under Section 30B.118 [~~30A.113~~]. If a course meets

1 those standards, the course provider may provide the course for
2 purposes of enabling a teacher to comply with Section 30B.115(a)(2)
3 [~~30A.111(a)(2)~~].

4 Sec. 30B.118 [~~30A.113~~]. CRITERIA FOR ELECTRONIC
5 PROFESSIONAL DEVELOPMENT COURSES. The commissioner by rule shall
6 establish objective standard criteria for quality of an electronic
7 professional development course provided under Section 30B.116
8 [~~30A.112~~].

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

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

22 Sec. 30B.121 [~~30A.151~~]. COSTS TO BE BORNE BY STATE.
23 (a) Except as authorized by Sections 30B.007, 30B.107, [~~Section~~
24 ~~30A.152~~] or this section, the state shall pay the cost of operating
25 the state virtual school network.

26 (b) Except as provided by Section 30B.107, the [~~The~~]
27 operating costs of the state virtual school network may not be

1 charged to a school district or [~~open-enrollment~~] charter school.

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

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

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

17 [~~(1) hours of contact with the student,~~

18 [~~(2) the student's successful completion of a course,~~

19 ~~or~~

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

21 Sec. 30B.122 [~~30A.153~~]. FOUNDATION SCHOOL PROGRAM FUNDING.

22 (a) A [~~Subject to the limitation imposed under Subsection (a-1),~~
23 ~~a]~~ school district or open-enrollment charter school in which a
24 student is enrolled is entitled to funding under Chapter 42 or in
25 accordance with the terms of a charter granted under Section 12.101
26 for the student's enrollment in an electronic course offered
27 through the statewide course catalog [~~state virtual school network~~]

1 in the same manner that the district or school is entitled to
2 funding for the student's enrollment in courses provided in a
3 traditional classroom setting, provided that the student
4 successfully completes the electronic course.

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

14 ~~[(a-1) For purposes of Subsection (a), a school district or~~
15 ~~open-enrollment charter school is limited to the funding described~~
16 ~~by that subsection for a student's enrollment in not more than three~~
17 ~~electronic courses during any school year, unless the student is~~
18 ~~enrolled in a full-time online program that was operating on~~
19 ~~January 1, 2013.]~~

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

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

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

- 6 (1) the district or school requests from the
7 commissioner permission to modify the standard agreement; and
8 (2) the commissioner authorizes the modification.

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

12 Sec. 30B.123 [~~30A.155~~]. FEES. (a) A school district or
13 [~~open-enrollment~~] charter school may charge a fee for enrollment in
14 an electronic course provided through the statewide course catalog
15 [~~state virtual school network~~] to a student who resides in this
16 state and[~~+~~

17 [~~(1)~~] is enrolled in a school district or
18 [~~open-enrollment~~] charter school as a full-time student with a
19 course load greater than that normally taken by students in the
20 equivalent grade level in other school districts or
21 [~~open-enrollment~~] charter schools[~~, or~~

22 [~~(2)~~] ~~elects to enroll in an electronic course provided~~
23 ~~through the network for which the school district or~~
24 ~~open-enrollment charter school in which the student is enrolled as~~
25 ~~a full-time student declines to pay the cost, as authorized by~~
26 ~~Section 26.0031(c-1)~~].

27 (b) [~~(a-1)~~] A school district or [~~open-enrollment~~] charter

1 school may charge a fee for enrollment in an electronic course
2 provided through the statewide course catalog [~~state virtual school~~
3 ~~network~~] during the summer.

4 (c) [~~(b)~~] A school district or [~~open-enrollment~~] charter
5 school shall charge a fee for enrollment in an electronic course
6 provided through the statewide course catalog [~~state virtual school~~
7 ~~network~~] to a student who does not satisfy the criteria of Section
8 30B.002(1) [~~who resides in this state and is not enrolled in a~~
9 ~~school district or open-enrollment charter school as a full-time~~
10 ~~student~~].

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

- 15 (1) the cost of providing the course; or
16 (2) an amount set by the commissioner [~~\$400~~].

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

27 (f) [~~(d)~~] Except as provided by this section, the state

1 virtual school network may not charge a fee to students for
2 electronic courses provided through the statewide course catalog
3 ~~[network]~~.

4 ~~[(c) This chapter does not entitle a student who is not~~
5 ~~enrolled on a full-time basis in a school district or~~
6 ~~open-enrollment charter school to the benefits of the Foundation~~
7 ~~School Program.]~~

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

10 SUBCHAPTER D. FULL-TIME VIRTUAL SCHOOL

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

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

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

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

24 (2) demonstrates financial solvency;

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

1 commissioner;

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

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

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

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

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

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

17 (f) An entity that operates a full-time virtual school may
18 not offer a course or subject for a grade level below grade level
19 three.

20 (g) The provisions of this section may not be waived by the
21 commissioner.

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

25 (1) for the 2020-2021 school year, 120 percent of the
26 total number of students enrolled in full-time online programs
27 offered through the state virtual school network under former

1 Chapter 30A for the 2019-2020 school year; or

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

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

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

12 (1) fill the available positions by lottery;

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

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

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

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

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

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

26 (4) provide notice to each student enrolled in a
27 full-time virtual school and the student's parent of the name and

1 contact information of the operator of the full-time virtual school
2 in which the student is enrolled; and

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

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

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

13 Sec. 30B.204. INDUCEMENTS FOR ENROLLMENT PROHIBITED.

14 (a) An entity that operates a full-time virtual school may not
15 promise or provide equipment or any other thing of value to a
16 student or a student's parent as an inducement for the student to
17 enroll in the full-time virtual school.

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

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

23 Sec. 30B.205. COMPULSORY ATTENDANCE. The commissioner by
24 rule shall adopt procedures for reporting and verifying the
25 attendance of a student enrolled in a full-time virtual school. The
26 rules may modify the application of Sections [25.085](#), [25.086](#), and
27 [25.087](#) for a student enrolled in a full-time virtual school but must

1 require participation in an educational program equivalent to the
2 requirements prescribed by those sections.

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

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

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

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

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

22 Sec. 30B.207. TEACHER AND INSTRUCTOR QUALIFICATIONS.

23 (a) Each teacher at a full-time virtual school must:

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

26 (2) successfully complete the appropriate
27 professional development course provided under Section 30B.116(a)

1 or 30B.117 before teaching at a full-time virtual school.

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

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

10 Sec. 30B.208. FUNDING. (a) A full-time virtual school in
11 which a student described by Section 30B.002(1) is enrolled is
12 entitled to funding under Chapter 42 or in accordance with the terms
13 of a charter granted under Chapter 12 for the student's enrollment
14 in electronic courses in a full-time virtual school in the same
15 manner that the district or school is entitled to funding for the
16 student's enrollment in courses provided in a traditional classroom
17 setting, provided that the student successfully completes the
18 electronic course.

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

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

25 Sec. 30B.210. PARENT-TEACHER CONFERENCE. (a) Each
26 full-time virtual school, on a periodic basis throughout each
27 school year, shall communicate with each parent of or person

1 standing in parental relation to an enrolled student regarding the
2 performance and progress of the student. The school shall:

3 (1) provide opportunities for parent-teacher
4 conferences;

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

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

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

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

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

17 (2) information required to be reported under Section
18 42.006 regarding staff and finances as if the full-time virtual
19 school were a campus.

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

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

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

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

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

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

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

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

25 (b) The commissioner by rule shall develop a procedure for
26 the renewal, denial of renewal, and expiration of an authorization
27 to operate a full-time virtual school at the end of the

1 authorization's term. The procedure must include consideration of
2 the accountability rating under Chapter 39 of the full-time virtual
3 school.

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

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

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

12 Sec. 30B.213. BASIS FOR REVOCATION OF FULL-TIME VIRTUAL
13 SCHOOL AUTHORIZATION. (a) The commissioner may revoke

14 authorization for an entity to operate a full-time virtual school
15 under this subchapter if the commissioner determines that:

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

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

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

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

27 for:

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

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

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

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

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

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

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

27 (1) each endorsement described by Section

1 28.025(c-1), including:

2 (A) the course requirements for each
3 endorsement; and

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

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

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

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

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

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

23 (b-1) A student receiving a full-time virtual education
24 [~~through the state virtual school network~~] may be included in
25 determining the number of educationally disadvantaged students
26 under Subsection (b) if the school district or full-time virtual
27 school submits to the commissioner a plan detailing the enhanced

1 services that will be provided to the student and the commissioner
2 approves the plan.

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

- 5 (1) the heading to Chapter 30A;
- 6 (2) the heading to Subchapter A, Chapter 30A;
- 7 (3) Section 30A.006;
- 8 (4) the heading to Subchapter B, Chapter 30A;
- 9 (5) Section 30A.053;
- 10 (6) Section 30A.055;
- 11 (7) Section 30A.056;
- 12 (8) the heading to Subchapter C, Chapter 30A;
- 13 (9) Section 30A.1042;
- 14 (10) the heading to Subchapter D, Chapter 30A; and
- 15 (11) Section 30A.152.

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

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

25 SECTION 19. This Act takes effect immediately if it
26 receives a vote of two-thirds of all the members elected to each
27 house, as provided by Section 39, Article III, Texas Constitution.

S.B. No. 1455

1 If this Act does not receive the vote necessary for immediate
2 effect, this Act takes effect September 1, 2019.