

By: Taylor

S.B. No. 27

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;

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

26 (H) appointment of a surrogate parent for the
27 child under Section 29.0151;

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

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

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

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

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

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

24 Sec. 26.0031. RIGHTS CONCERNING STATE VIRTUAL SCHOOL
25 NETWORK STATEWIDE COURSE CATALOG. (a) At the time and in the
26 manner that a school district or [~~open-enrollment~~] charter school
27 informs students and parents about courses that are offered in the

1 district's or school's traditional classroom setting, the district
2 or school shall notify parents and students of the option to enroll
3 in an electronic course offered through the state virtual school
4 network statewide course catalog under Chapter 30B [~~30A~~].

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

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

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

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

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

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

27 [~~(1) limit the ability of the student to enroll in~~

1 ~~additional electronic courses at the student's cost, or~~

2 ~~[(2) apply to a student enrolled in a full-time online~~
3 ~~program that was operating on January 1, 2013.]~~

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

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

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

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

27 CHAPTER 30B. STATE VIRTUAL SCHOOL NETWORK STATEWIDE COURSE CATALOG

1 AND FULL-TIME VIRTUAL SCHOOLS

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

5 SUBCHAPTER A. GENERAL PROVISIONS

6 SECTION 7. Sections 30A.001, 30A.002, 30A.003, 30A.004,
7 30A.005, and 30A.007, Education Code, are transferred to Subchapter
8 A, Chapter 30B, Education Code, as added by this Act, redesignated
9 as Sections 30B.001, 30B.002, 30B.003, 30B.004, 30B.005, and
10 30B.006, Education Code, and amended to read as follows:

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

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

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

16 (2) [~~(3)~~] "Course" means a course of study that meets
17 the requirements of Section 30B.105 [~~30A.104~~].

18 (3) [~~(4)~~] "Electronic course" means a course in which:

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

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

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

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

27 (E) extensive communication between a student

1 and a teacher and among students is emphasized; and

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

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

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

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

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

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

19 (6) [~~(7)~~] "Course provider" means:

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

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

25 (ii) students enrolled in another [~~school~~]
26 district or school;

27 (B) a public or private institution of higher

1 education, nonprofit entity, or private entity that provides a
2 course through the statewide course catalog [~~state virtual school~~
3 ~~network~~]; or

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

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

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

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

18 (1) the student [~~on September 1 of the school year:~~
19 [~~(A) is younger than 21 years of age; or~~
20 [~~(B) is younger than 26 years of age and entitled~~
21 ~~to the benefits of the Foundation School Program under Section~~
22 ~~48.003,~~

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

26 (2) the student does not qualify under Subdivision
27 (1), including a student who is an adult or who resides in another

1 state or country, and the student pays fees in accordance with this
2 chapter.

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

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

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

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

15 ~~[(c)]~~ Notwithstanding Subsection (a)(1) ~~[(a)(3) or (b)]~~, a
16 student who enrolled in a course ~~[is eligible to enroll in one or~~
17 ~~more courses]~~ provided through the statewide course catalog ~~[state~~
18 ~~virtual school network]~~ or in a ~~[enroll]~~ full-time virtual school
19 may remain enrolled in that course or school for the duration of the
20 course or school year, as applicable, ~~[in courses provided through~~
21 ~~the network]~~ if, during the course or school year, the student
22 becomes ineligible to enroll in a course or school under Subsection
23 (a)(1) because the student:

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

26 (2) no longer resides ~~[was previously enrolled in high~~
27 ~~school in this state; and~~

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

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

5 (1) require a school district, a [~~an open-enrollment~~]
6 charter school, a course provider, a full-time virtual school, or
7 the state to provide a student with home computer equipment or
8 Internet access for a course provided through the state virtual
9 school network; or

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

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

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

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

25 (c) A school district or [~~open-enrollment~~] charter school
26 may choose to participate in providing an electronic course or an
27 electronic diagnostic assessment under this chapter to a student

1 who is located on the physical premises of a school district or
2 [~~open-enrollment~~] charter school.

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

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

14 (b) [~~(a-1)~~] A school district or [~~open-enrollment~~] charter
15 school shall, at least once per school year, send to a parent of
16 each district or school student enrolled at the middle or high
17 school level a copy of the policy adopted under Subsection (a). A
18 district or school may send the policy with any other information
19 that the district or school sends to a parent.

20 (c) [~~(b)~~] For purposes of a policy adopted under Subsection
21 (a), the determination of whether or not an electronic course will
22 meet the needs of a student with a disability shall be made by the
23 student's admission, review, and dismissal committee in a manner
24 consistent with state and federal law, including the Individuals
25 with Disabilities Education Act (20 U.S.C. Section 1400 et seq.)
26 and Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section
27 794).

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

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

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

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

14 SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

15 SECTION 10. Sections 30A.051, 30A.052, and 30A.054,
16 Education Code, are transferred to Subchapter B, Chapter 30B,
17 Education Code, as added by this Act, redesignated as Sections
18 30B.051, 30B.052, and 30B.053, Education Code, and amended to read
19 as follows:

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

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

24 (2) ensure:

25 (A) high-quality education for students in this
26 state who are being educated through electronic courses provided
27 through the statewide course catalog or a full-time virtual school

1 ~~[state virtual school network]~~; and

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

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

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

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

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

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

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

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

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

1 public.

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

5 SUBCHAPTER C. STATEWIDE COURSE CATALOG

6 SECTION 12. Sections 30A.101, 30A.102, 30A.1021, 30A.103,
7 30A.104, 30A.1041, 30A.105, 30A.1051, 30A.1052, 30A.106, 30A.107,
8 30A.108, 30A.109, 30A.110, 30A.111, 30A.112, 30A.1121, 30A.113,
9 30A.114, 30A.115, 30A.151, 30A.153, and 30A.155, Education Code,
10 are transferred to Subchapter C, Chapter 30B, Education Code, as
11 added by this Act, redesignated as Sections 30B.101, 30B.102,
12 30B.103, 30B.104, 30B.105, 30B.106, 30B.107, 30B.108, 30B.109,
13 30B.110, 30B.111, 30B.112, 30B.113, 30B.114, 30B.115, 30B.116,
14 30B.117, 30B.118, 30B.119, 30B.120, 30B.121, 30B.122, and 30B.123,
15 Education Code, and amended to read as follows:

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

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

24 [~~(1) to a student within its service area, or~~

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

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

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

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

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

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

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

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

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

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

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

25 (1) publish the criteria required by Section 30B.104
26 ~~[30A.103]~~ for electronic courses that may be offered through the
27 statewide course catalog ~~[state virtual school network];~~

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

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

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

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

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

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

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

27 (A) are needed to complete high school graduation

1 requirements; and

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

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

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

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

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

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

25 Sec. 30B.104 [~~30A.103~~]. CRITERIA FOR ELECTRONIC COURSES.

26 (a) The commissioner [~~board~~] by rule shall establish [~~an~~] objective
27 standard criteria for an electronic course to ensure alignment with

1 the essential knowledge and skills requirements identified or
2 content requirements established under Subchapter A, Chapter 28.
3 The criteria may not permit the agency [~~administering authority~~] to
4 prohibit a course provider from applying for approval for an
5 electronic course for a course for which essential knowledge and
6 skills have been identified.

7 (b) The criteria must be consistent with Section 30B.105
8 [30A.104] and may not include any requirements that are
9 developmentally inappropriate for students.

10 (c) The commissioner by rule may:

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

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

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

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

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

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

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

26 (3) be the equivalent in instructional rigor and scope
27 to a course that is provided in a traditional classroom setting

1 during a semester of 90 instructional days.

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

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

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

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

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

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

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

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

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

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

12 **(d)** ~~[(b)]~~ The agency ~~[administering authority]~~ shall
13 establish the cost of providing an electronic course approved under
14 Subsection (a) ~~[, which may not exceed \$400 per student per course or~~
15 ~~\$4,800 per full-time student]~~.

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

22 ~~[(1) courses that satisfy high school graduation~~
23 ~~requirements,~~

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

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

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

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

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

18 (f) ~~[(e)]~~ The agency ~~[administering authority]~~ shall
19 require a course provider to apply for renewed approval of a
20 previously approved course in accordance with a schedule designed
21 to coincide with revisions to the required curriculum under Section
22 [28.002](#)(a) but not later than the 10th anniversary of the previous
23 approval.

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

1 Sec. 30B.109 [~~30A.1052~~]. INDUCEMENTS FOR ENROLLMENT
2 PROHIBITED. (a) A course provider may not promise or provide
3 equipment or any other thing of value to a student or a student's
4 parent as an inducement for the student to enroll in an electronic
5 course offered through the statewide course catalog [~~state virtual~~
6 ~~school network~~].

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

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

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

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

22 Sec. 30B.111 [~~30A.107~~]. OPTIONS FOR PROVIDERS AND
23 STUDENTS. (a) A student who does not qualify under Section
24 30B.002(a)(1) may take one or more electronic courses through the
25 statewide course catalog if the student pays the fees for the course
26 in accordance with Section 30B.123 [~~A course provider may offer~~
27 ~~electronic courses to:~~

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

4 (b) A student who is enrolled in a school district or
5 ~~[open-enrollment]~~ charter school in this state ~~[as a full-time~~
6 ~~student]~~ may not take ~~[one or]~~ more than three electronic courses in
7 any semester through the state virtual school network.

8 (c) A student who resides in this state but who is not
9 enrolled in a school district or ~~[open-enrollment]~~ charter school
10 in this state ~~[as a full-time student]~~ may, subject to Section
11 30B.123 ~~[30A.155]~~, enroll in electronic courses through the
12 statewide course catalog ~~[state virtual school network]~~. A student
13 to whom this subsection applies:

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

17 (2) is not considered enrolled at the ~~[to be a]~~ public
18 school campus but shall be considered for purposes of state funding
19 as provided by Section 30B.122 ~~[student]~~;

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

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

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

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

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

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

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

19 (1) course requirements;

20 (2) the school year calendar for the course, including
21 any options for continued participation outside of the standard
22 school year calendar;

23 (3) the entity that developed the course;

24 (4) the entity that provided the course;

25 (5) the course completion rate;

26 (6) aggregate student performance on an assessment
27 instrument administered under Section 39.023 to students enrolled

1 in the course;

2 (7) aggregate student performance on all assessment
3 instruments administered under Section 39.023 to students who
4 completed the course provider's courses; and

5 (8) other information determined by the commissioner.

6 Sec. 30B.113 [~~30A.109~~]. COMPULSORY ATTENDANCE. The
7 commissioner by rule shall adopt procedures for reporting and
8 verifying the attendance of a student enrolled in an electronic
9 course provided through the statewide course catalog [~~state virtual~~
10 ~~school network~~]. The rules may modify the application of Sections
11 25.085, 25.086, and 25.087 for a student enrolled in an electronic
12 course but must require participation in an educational program
13 equivalent to the requirements prescribed by those sections.

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

20 (b) The performance of a student described by Section
21 30B.111(c) may not be considered for purposes of accountability for
22 a school district or charter school.

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

1 classroom setting. The administration of the assessment instrument
 2 to the student enrolled in the electronic course must be supervised
 3 by a proctor.

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

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

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

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

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

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

1 allow a student to earn high school credit and college credit or
2 other credit.

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

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

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

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

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

25 (b) The agency shall review each professional development
26 course sought to be provided by a course provider under Subsection
27 (a) to determine if the course meets the quality standards

1 established under Section 30B.118 [~~30A.113~~]. If a course meets
2 those standards, the course provider may provide the course for
3 purposes of enabling a teacher to comply with Section 30B.115(a)(2)
4 [~~30A.111(a)(2)~~].

5 Sec. 30B.118 [~~30A.113~~]. CRITERIA FOR ELECTRONIC
6 PROFESSIONAL DEVELOPMENT COURSES. The commissioner by rule shall
7 establish objective standard criteria for quality of an electronic
8 professional development course provided under Section 30B.116
9 [~~30A.112~~].

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

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

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

27 (b) Except as provided by Section 30B.107, the [~~The~~]

1 operating costs of the state virtual school network may not be
2 charged to a school district or ~~[open-enrollment]~~ charter school.

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

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

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

- 18 ~~[(1) hours of contact with the student,~~
19 ~~[(2) the student's successful completion of a course,~~
20 ~~or~~
21 ~~[(3) a method approved by the commissioner.]~~

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

23 (a) Subject to the limitation imposed under Subsection (b)
24 ~~[(a-1)]~~, a school district or open-enrollment charter school in
25 which a student is enrolled is entitled to funding under Chapter 48
26 or in accordance with the terms of a charter granted under Section
27 12.101 for the student's enrollment in an electronic course offered

1 through the statewide course catalog [~~state virtual school network~~]
2 in the same manner that the district or school is entitled to
3 funding for the student's enrollment in courses provided in a
4 traditional classroom setting, provided that the student
5 successfully completes the electronic course.

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

12 (c) For purposes of funding a school district or charter
13 school that provides access to an electronic course to a student
14 described by Section 30B.111(c) who would be entitled to the
15 benefits of the Foundation School Program under Section 48.003 if
16 enrolled in a school district, the agency shall aggregate up to
17 three courses offered during the year to such students at the
18 district or school and divide by five to establish the number of
19 possible students in average daily attendance, rounding up to the
20 half-day average daily attendance.

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

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

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

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

9 (2) the commissioner authorizes the modification.

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

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

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

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

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

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

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

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

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

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

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

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

11 SUBCHAPTER D. FULL-TIME VIRTUAL SCHOOL

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

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

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

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

25 (2) demonstrates financial solvency;

26 (3) provides evidence of prior successful experience
27 offering online education to students, with demonstrated student

1 success in course completion and performance, as determined by the
2 commissioner;

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

5 (5) has not been subject to contract revocation under
6 Section 30B.212.

7 (d) The commissioner may not authorize an entity to operate
8 more than one full-time virtual school under this subchapter unless
9 the additional full-time virtual school will be designated as a
10 dropout recovery school under Section 39.0548.

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

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

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

20 (f) Notwithstanding any other provision of this chapter, a
21 school district or charter school that operated a full-time online
22 program during the 2020-2021 school year under former Chapter 30A
23 may continue to operate the program as a full-time virtual school
24 under this subchapter for a term of three years. At the end of that
25 term, the district or charter school must submit a petition for
26 renewal under Section 30B.213(c) to continue operating the
27 full-time virtual school. This subsection expires September 1,

1 2024.

2 Sec. 30B.202. FULL-TIME VIRTUAL SCHOOL ENROLLMENT AND
3 ADMISSION. (a) Subject to Subsection (b), the total number of
4 students enrolled in full-time virtual schools may not exceed:

5 (1) for the 2021-2022 school year, 120 percent of the
6 total number of students enrolled in full-time online programs
7 offered through the state virtual school network under former
8 Chapter 30A for the 2020-2021 school year; or

9 (2) for each school year after the 2021-2022 school
10 year, 102 percent of the total number of students enrolled in
11 full-time virtual schools for the preceding school year.

12 (b) The limit under Subsection (a) does not apply to
13 students who:

14 (1) are enrolled in a full-time virtual school to
15 which admission is restricted under Subsection (f); or

16 (2) were enrolled in a school district or charter
17 school in the state during the preceding school year.

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

22 (d) The commissioner shall adopt rules requiring full-time
23 virtual schools to prioritize the admission of students who were
24 enrolled in a school district or charter school during the
25 preceding school year.

26 (e) If a full-time virtual school receives more acceptable
27 applications for admission than available positions in the school

1 for a school year, the school shall:

2 (1) fill the available positions by lottery;

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

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

8 (f) A school district or charter school operating a
9 full-time virtual school may elect to offer admission to the school
10 only to students who reside in the district or the geographic area
11 served by the charter school.

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

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

15 (2) publish in a prominent location on the state
16 virtual school network's Internet website a list of and contact and
17 waitlist information for all full-time virtual schools and include
18 a statement for each listed school indicating whether the school
19 restricts admission under Section 30B.202(f);

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

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

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

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

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

9 Sec. 30B.204. INDUCEMENTS FOR ENROLLMENT PROHIBITED. (a)
10 An entity that operates a full-time virtual school may not promise
11 or provide equipment or any other thing of value to a student or a
12 student's parent as an inducement for the student to enroll in the
13 full-time virtual school.

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

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

19 Sec. 30B.205. COMPULSORY ATTENDANCE. The commissioner by
20 rule shall adopt procedures for reporting and verifying the
21 attendance of a student enrolled in a full-time virtual school. The
22 rules may modify the application of Sections 25.085, 25.086, and
23 25.087 for a student enrolled in a full-time virtual school but must
24 require participation in an educational program equivalent to the
25 requirements prescribed by those sections.

26 Sec. 30B.206. COURSE ELIGIBILITY. (a) A course offered by
27 a full-time virtual school must be aligned with the essential

1 knowledge and skills identified under Section 28.002(c) for the
2 grade level.

3 (b) If the essential knowledge and skills with which a
4 course is aligned in accordance with Subsection (a) are modified,
5 the entity operating the full-time virtual school must be provided
6 the same period to revise the course to achieve alignment with the
7 modified essential knowledge and skills as is provided for the
8 modification of a course provided in a traditional classroom
9 setting.

10 Sec. 30B.207. APPLICABILITY OF ACCOUNTABILITY
11 REQUIREMENTS. (a) Chapter 39 applies to a full-time virtual school
12 in the same manner that the chapter applies to a school district or
13 open-enrollment charter school.

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

21 (c) An entity that operates multiple full-time virtual
22 schools under contracts described by Section 30B.212 shall receive
23 an accountability rating for:

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

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

1 were a campus of the district or school.

2 Sec. 30B.208. TEACHER AND INSTRUCTOR QUALIFICATIONS. (a)

3 Each teacher at a full-time virtual school must:

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

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

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

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

17 Sec. 30B.209. FUNDING. (a) A full-time virtual school in
18 which a student described by Section 30B.002(a)(1) is enrolled is
19 entitled to funding under Chapter 48 or in accordance with the terms
20 of a charter granted under Chapter 12 for the student's enrollment
21 in electronic courses in a full-time virtual school in the same
22 manner that a school district or charter school would be entitled to
23 funding for the student's enrollment in courses provided in a
24 traditional classroom setting, provided that the student
25 successfully completes the electronic course.

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

1 Sec. 30B.210. ORIENTATION COURSE. Each full-time virtual
2 school shall require a student to take an orientation course before
3 enrolling in the school. The agency shall provide guidance
4 regarding the development and delivery of an orientation course.

5 Sec. 30B.211. PARENT-TEACHER CONFERENCE. (a) Each
6 full-time virtual school, on a periodic basis throughout each
7 school year, shall communicate with each parent of or person
8 standing in parental relation to an enrolled student regarding the
9 performance and progress of the student. The school shall:

10 (1) provide opportunities for parent-teacher
11 conferences;

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

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

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

18 Sec. 30B.212. CONTRACTING FOR FULL-TIME VIRTUAL SCHOOL
19 SERVICES. (a) A school district or charter school authorized to
20 operate a full-time virtual school under Section 30B.201 that
21 contracts with an entity to operate the full-time virtual school
22 shall report to the agency:

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

25 (2) information required to be reported under Section
26 48.008 regarding staff and finances as if the full-time virtual
27 school were a campus.

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

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

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

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

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

27 (g) The commissioner may adopt rules to implement this

1 section.

2 Sec. 30B.213. INITIAL TERM OF OPERATION; PROCEDURE FOR
3 RENEWAL, DENIAL OF RENEWAL, AND EXPIRATION. (a) The initial term
4 of operation for a full-time virtual school is five years.

5 (a-1) Notwithstanding Subsection (a), the initial term of
6 operation for a full-time virtual school is three years for a school
7 district or charter school that receives initial authorization to
8 operate the full-time virtual school for the 2021-2022 or 2022-2023
9 school year. This subsection expires September 1, 2025.

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

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

20 (d) If an entity authorized to operate a full-time virtual
21 school under Section 30B.201 has received for the three most recent
22 school years an accountability rating for the school of B or higher
23 under Subchapter C, Chapter 39, and submits a petition for renewal
24 under Subsection (c), the entity's authorization to operate the
25 school automatically renews unless, not later than the 60th day
26 after the date the entity submits the petition, the commissioner
27 provides written notice to the entity that automatic renewal is

1 denied.

2 (e) If an entity authorized to operate a full-time virtual
3 school under Section 30B.201 has received for the three most recent
4 school years an accountability rating for the school of C under
5 Subchapter C, Chapter 39, the commissioner may deny renewal of
6 authorization for the entity to operate the school.

7 (f) If an entity authorized to operate a full-time virtual
8 school under Section 30B.201 has received a campus or district
9 accountability rating of D or F under Subchapter C, Chapter 39, the
10 commissioner shall deny renewal of authorization for the entity to
11 operate a school.

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

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

16 Sec. 30B.214. BASIS FOR REVOCATION OF FULL-TIME VIRTUAL
17 SCHOOL AUTHORIZATION. (a) The commissioner may revoke
18 authorization for an entity to operate a full-time virtual school
19 under this subchapter if the commissioner determines that:

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

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

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

1 Chapter 39.

2 Sec. 30B.215. PROCEDURE FOR REVOCATION OR DENIAL OF
3 RENEWAL. (a) The procedure developed by the commissioner under
4 Section 30B.213(b) shall include an informal procedure for:

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

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

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

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

18 Sec. 30B.216. EFFECT OF REVOCATION OR DENIAL OF RENEWAL OF
19 AUTHORIZATION TO OPERATE FULL-TIME VIRTUAL SCHOOL. If the
20 commissioner revokes or denies the renewal of an entity's
21 authorization to operate a full-time virtual school under this
22 subchapter, the school may not continue to operate or receive state
23 funds under this subchapter.

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

26 (d) An academy developed under this section must provide
27 counselors and other postsecondary advisors with knowledge and

1 skills to provide counseling to students regarding postsecondary
2 success and productive career planning and must include information
3 relating to:

4 (1) each endorsement described by Section
5 28.025(c-1), including:

6 (A) the course requirements for each
7 endorsement; and

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

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

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

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

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

25 SECTION 15. Section 48.104(f), Education Code, is amended
26 to read as follows:

27 (f) A student receiving a full-time virtual education under

1 Chapter 30B [~~through the state virtual school network~~] may be
2 included in determining the number of students who are
3 educationally disadvantaged and reside in an economically
4 disadvantaged census block group under Subsection (b) or (e), as
5 applicable, if the school district or full-time virtual school
6 submits to the commissioner a plan detailing the enhanced services
7 that will be provided to the student and the commissioner approves
8 the plan.

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

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

22 SECTION 17. This Act applies beginning with the 2021-2022
23 school year.

24 SECTION 18. This Act takes effect immediately if it
25 receives a vote of two-thirds of all the members elected to each
26 house, as provided by Section 39, Article III, Texas Constitution.
27 If this Act does not receive the vote necessary for immediate

S.B. No. 27

1 effect, this Act takes effect September 1, 2021.