A BILL TO BE ENTITLED

AN ACT

relating to the state online learning system; changing a fee.

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

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

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

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

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

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

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

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

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

SECTION 3. Section 25.007(b), Education Code, is amended to read as follows:
(b) In recognition of the challenges faced by students who are homeless or in substitute care, the agency shall assist the transition of students who are homeless or in substitute care from one school to another by:

1. Ensuring that school records for a student who is homeless or in substitute care are transferred to the student's new school not later than the 10th working day after the date the student begins enrollment at the school;
2. Developing systems to ease transition of a student who is homeless or in substitute care during the first two weeks of enrollment at a new school;
3. Developing procedures for awarding credit, including partial credit if appropriate, for course work, including electives, completed by a student who is homeless or in substitute care while enrolled at another school;
4. Developing procedures to ensure that a new school relies on decisions made by the previous school regarding placement in courses or educational programs of a student who is homeless or in substitute care and places the student in comparable courses or educational programs at the new school, if those courses or programs are available;
5. Promoting practices that facilitate access by a student who is homeless or in substitute care to extracurricular programs, summer programs, credit transfer services, electronic courses provided under Chapter 30B [30A], and after-school tutoring programs at nominal or no cost;
6. Establishing procedures to lessen the adverse impact of the movement of a student who is homeless or in substitute care to a new school;
7. Entering into a memorandum of understanding with the Department of Family and Protective Services regarding the exchange of information as appropriate to facilitate the transition of students in substitute care from one school to another;
8. Encouraging school districts and open-enrollment charter schools to provide services for a student who is homeless or in substitute care in transition when applying for admission to postsecondary study and when seeking sources of funding for postsecondary study;
9. Requiring school districts, campuses, and open-enrollment charter schools to accept a referral for special education services made for a student who is homeless or in substitute care by a school previously attended by the student, and to provide comparable services to the student during the referral process or until the new school develops an individualized education program for the student;
10. Requiring school districts, campuses, and open-enrollment charter schools to provide notice to the child's educational decision-maker and caseworker regarding events that may significantly impact the education of a child, including:
   - Requests or referrals for an evaluation under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or special education under Section 29.003;
   - Admission, review, and dismissal committee meetings;
   - Manifestation determination reviews required by Section 37.004(b);
   - Any disciplinary actions under Chapter 37 for offenses on school property or at school-sponsored activities;
   - Reports of restraint and seclusion required by Section 37.0021;
   - Use of corporal punishment as provided by Section 37.0011;
   - Appointment of a surrogate parent for the child under Section 29.0151;
11. Developing procedures for allowing a student who is homeless or in substitute care who was previously enrolled in a course required for graduation the opportunity, to the extent...
practicable, to complete the course, at no cost to the student, before the beginning of the next school year;

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

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

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

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

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

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

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

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

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

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

(3) the district or school offers a substantially similar course.

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

(1) limit the ability of the student to enroll in additional electronic courses at the student's cost; or

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

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

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

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

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

CHAPTER 30B. STATE ONLINE LEARNING SYSTEM STATEWIDE COURSE CATALOG AND FULL-TIME VIRTUAL PROGRAMS

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

SUBCHAPTER A. GENERAL PROVISIONS

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

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

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

(2) "Board" means the State Board of Education.

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

(4) "Electronic course" means a course in which:

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

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

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

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

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

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

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

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

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

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

(7) "Full-time virtual program" means a public school program provided to enrolled students primarily over the Internet that is authorized under Subchapter D.

(8) "Course provider" means:

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

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

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

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

(C) an entity that provides an electronic professional development course through the state online learning network.
A "Public or private institution of higher education" means an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section 61.003 (20 U.S.C. Section 1001).

"Statewide course catalog" means a program of supplemental courses offered by state-approved course providers that is delivered through the state online learning system.

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

(1) the student [on September 1 of the school year:

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

(B) is younger than 26 years of age and entitled to the benefits of the Foundation School Program under Section 48.003;

(2) has not graduated from high school; and

(3) is [otherwise] eligible to enroll in a public school in this state; or

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

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

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

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

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

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

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

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

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

(1) require a school district, a [an open-enrollment] charter school, a course provider, a full-time virtual program, or the state to provide a student with home computer equipment or Internet access for a course provided through the state online learning system [virtual school network]; or

(2) prohibit a school district [or open-enrollment] charter school, course provider, or full-time virtual program from providing a student with home computer equipment or Internet access for a course provided through the state online learning system [virtual school network].

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

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

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

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

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

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

(b) [30A.007] A school district or [open-enrollment] charter school shall, at least once per school year, send to a parent of each district or school student enrolled at the middle or high school level a copy of the policy adopted under Subsection (a). A district or school may send the policy with any other information that the district or school sends to a parent.

(c) [30A.007] For purposes of a policy adopted under Subsection (a), the determination of whether or not an electronic course will meet the needs of a student with a disability shall be made by the student’s admission, review, and dismissal committee in a manner consistent with state and federal law, including the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) and Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794).

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

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

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

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

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

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

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

(1) administer the state online learning system statewide course catalog and full-time virtual programs [school network]; and

(2) ensure:

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

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

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

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

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

(2) adoption of rules under Subsection (b).

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

(b) The commissioner has exclusive jurisdiction over the assets of the state online learning system [network] and shall administer and spend appropriations made for the benefit of the system [network].

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

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

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

SUBCHAPTER C. STATEWIDE COURSE CATALOG

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

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

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

(2) to another student in the state:

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

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

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

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

(2) demonstrates financial solvency; [and]

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

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

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

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

(a) The agency [administering authority] shall:

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

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

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

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

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

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

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

3. may develop or authorize the development of additional electronic courses that:
   (A) are needed to complete high school graduation requirements; and
   (B) are not otherwise available through the statewide course catalog;

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

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

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

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

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

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

(b) The criteria must be consistent with Section 30B.105 [30A.104] and may not include any requirements that are
The commissioner by rule may:

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The agency [administering authority] shall:

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

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

(b) [a-1]. The agency [administering authority] shall:

(1) publish the submission and approval process for electronic courses established under Subsection (a)(1), including any deadlines and guidelines applicable to the process.

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

(d) [b]. The agency [administering authority] shall:

(1) establish the cost of providing an electronic course approved under Subsection (a) [30B.104], which may not exceed $400 per student per course or $4,800 per full-time student.

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

(1) courses that satisfy high school graduation requirements.
(2) courses that would likely benefit a student in obtaining admission to a postsecondary institution;
(3) courses, including dual credit courses, that allow a student to earn college credit or other advanced credit;
(4) courses in subject areas most likely to be highly beneficial to students receiving educational services under the supervision of a juvenile probation department, the Texas Juvenile Justice Department, or the Texas Department of Criminal Justice; and
(5) courses in subject areas designated by the commissioner as commonly experiencing a shortage of teachers.

(a)(1) If the agency determines that the costs of evaluating and approving a submitted electronic course will not be paid by the agency due to a shortage of funds available for that purpose, the school district, charter school, public or private institution of higher education or other eligible entity that submits a course for evaluation and approval shall pay a fee equal to the amount of the costs of evaluating and approving the course in order to ensure that evaluation of the course occurs. The agency shall establish and publish a fee schedule for purposes of this subsection.

(f) [Intentionally blank]

(f) The agency [administering authority] shall require a course provider to apply for renewed approval of a previously approved course in accordance with a schedule designed to coincide with revisions to the required curriculum under Section 30B.002(a) but not later than the 10th anniversary of the previous approval.

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

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

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

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

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

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

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

1. students and adults who reside in this state; and
2. students who reside outside this state and who meet the eligibility requirements under Section 30B.002(a).

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

(c) A student who resides in this state but who is not enrolled in a school district or [open-enrollment] charter school in this state [as a full-time student] may, subject to Section 30B.109 [30A.1052], take one or more electronic courses through the state virtual school network.
30B.123 [30A.155], enroll in electronic courses through the
statewide course catalog [state virtual school network]. A student

to whom this subsection applies:

(1) may not in any semester enroll in more than three
electronic courses offered through the state online learning
system [virtual school network];

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

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

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

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

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

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

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

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

(1) course requirements;

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

(3) the entity that developed the course;

(4) the entity that provided the course;

(5) the course completion rate;

(6) aggregate student performance on an assessment
instrument administered under Section 39.023 to students enrolled
in the course;

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

(8) other information determined by the commissioner.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The agency shall review each professional development
course sought to be provided by a course provider under Subsection
(a) to determine if the course meets the quality standards
established under Section 30B.118 [30A.113]. If a course meets
those standards, the course provider may provide the course for
purposes of enabling a teacher to comply with Section 30B.115(a)(2)
[30A.112(a)(2)].

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

Sec. 30B.119  [30A.114]. REGIONAL EDUCATION SERVICE
CENTERS. The commissioner by rule shall allow regional education
Sec. 30B.120 [30A.115]. ADDITIONAL RESOURCES. The commissioner by rule may establish procedures for providing additional resources, such as an online library, to students and educators served through the statewide course catalog [state virtual school network]. The agency [administrating authority] may provide the additional resources only if the commissioner receives an appropriation, gift, or grant sufficient to pay the costs of providing those resources.

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

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

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

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

30A.155. The costs of providing electronic professional development courses to students and educators served through the state online learning system [state virtual school network] may not be charged to a school district or open-enrollment charter school.

30B.121. The state online learning system [virtual school network] may not be used in a manner that violates Section 7, Article I, Texas Constitution.

30A.121. The costs of providing electronic professional development courses may be paid by state funds appropriated by the legislature or federal funds that may be used for that purpose.

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

30B.122 [30A.153]. FOUNDATION SCHOOL PROGRAM FUNDING. (a) Subject to the limitation imposed under Subsection (b) [30A.111], a school district or open-enrollment charter school in which a student is enrolled is entitled to funding under Chapter 48 or in accordance with the terms of a charter granted under Section 30B.121 for the student's enrollment in an electronic course offered through the statewide course catalog [state virtual school network] in the same manner that the district or school is entitled to funding for the student's enrollment in courses provided in a traditional classroom setting, provided that the student successfully completes the electronic course.

(b) [30A.111] For purposes of Subsection (a), a school district or open-enrollment charter school is limited to the funding described by that subsection for a student's enrollment in not more than three electronic courses during any school year unless the student is enrolled in a full-time online program that was operating on January 1, 2013.

(c) [30A.111] The commissioner, after considering comments from school district and open-enrollment charter school representatives, shall adopt a standard agreement that governs the costs, payment of funds, and other matters relating to a student's enrollment in an electronic course offered through the statewide course catalog [state virtual school network]. The agreement may not require a school district or [open-enrollment] charter school to pay the provider the full amount until the student has successfully completed the electronic course, and the full amount may not exceed the limits specified by Section 30A.105(b).

(d) [30A.112] A school district or [open-enrollment] charter school shall use the standard agreement adopted under Subsection (c) [30A.111] unless:

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

The commissioner shall adopt rules necessary to implement this section, including rules regarding attendance accounting.

Sec. 30B.123 [30A.155]. FEES. (a) A school district or 
[open-enrollment] charter school may charge a fee for enrollment in an 
electronic course provided through the statewide course catalog 
[state virtual school network] to a student who resides in this 
state and: (1) is enrolled in a school district or 
[open-enrollment] charter school as a full-time student with a 
course load greater than that normally taken by students in the 
equivalent grade level in other school districts or 
[open-enrollment] charter schools; or 
(2) elects to enroll in an electronic course provided 
through the network for which the school district or 
open-enrollment charter school in which the student is enrolled as 
a full-time student declines to pay the cost, as authorized by 
Section 26.0031(c-1).

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

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

(d) The amount of a fee charged a student under 
Subsection (a), (a-1), or (b), or (c) for each electronic course 
in which the student enrolls through the statewide course catalog [state virtual school network] may not exceed the lesser of: (1) the cost of providing the course; or 
(2) an amount set by the commissioner [400].

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

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

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

SUBCHAPTER D. FULL-TIME VIRTUAL PROGRAM

Sec. 30B.201. ELIGIBILITY TO OPERATE FULL-TIME VIRTUAL 
PROGRAM. (a) A school district or charter school may operate one 
or more full-time virtual programs under this subchapter only if 
the district or school receives an overall performance rating of C 
or higher under Section 39.054.

(b) A public or private institution of higher education may 
operate one or more full-time virtual programs under this subchapter only if 
the institution:

(i) complies with all applicable federal and state 
laws prohibiting discrimination; and
An entity may not operate more than one full-time virtual program at any elementary, middle school or junior high, or high school grade levels.

An entity that operates a full-time virtual program must offer:

1. At least one grade level in which an assessment instrument is required to be administered under Section 39.023(a), including each subject for which an assessment instrument is required; or
2. A complete high school program, including each course for which an end-of-course assessment instrument is required to be administered under Section 39.023(c).

Notwithstanding any other provision of this chapter, a school district or charter school that operated a full-time online program during the 2020-2021 school year under former Chapter 30A or with commissioner approval may continue to operate the program as a full-time virtual program under this subchapter.

Sec. 30B.202. FULL-TIME VIRTUAL PROGRAM ENROLLMENT AND ADMISSION. (a) If a full-time virtual program receives more acceptable applications for admission than available positions in the program for a school year, the program shall:

1. Fill the available positions by lottery;
2. Create a waitlist for any students not admitted under Subdivision (1); and
3. Provide to the agency the number of students on the program’s waitlist under Subdivision (2), if applicable.

(b) A school district or charter school operating a full-time virtual program may elect to:

1. By majority vote of the board of trustees of the district or governing body of the school, offer admission to the program only to students who reside in the district or the geographic area served by the school; or
2. Notwithstanding Subsection (a), admit the following students to the program before conducting a lottery to fill remaining available positions:
   A. For a district or school that does not elect to restrict admission to the program as provided by Subdivision (1), a student who resides in the district or the geographic area served by the school;
   B. A sibling of a student enrolled in the program;
   C. A child under the conservatorship of the Department of Family and Protective Services who resides with a student enrolled in the program; or
   D. A child of an employee of the district or school.

(c) A school district or charter school that elects to restrict admission to the district’s or school’s full-time virtual program as provided by Subsection (b)(1) shall post on the district’s or school’s Internet website a notice stating that the district or school restricts admission to the program as provided by that subdivision.

Sec. 30B.203. FULL-TIME VIRTUAL PROGRAM LIST. The agency shall:

1. Create a list of full-time virtual programs; and
2. Publish in a prominent location on the state online learning system’s Internet website a list of and contact and waitlist information for all full-time virtual programs and include a statement for each listed program indicating whether the program restricts admission under Section 30B.202(b)(1).

Sec. 30B.204. INDUCEMENTS FOR ENROLLMENT PROHIBITED. An entity that operates a full-time virtual program may not promise or provide equipment or any other thing of value to a student or a student’s parent as an inducement for the student to enroll in the full-time virtual program.

Sec. 30B.205. FULL-TIME VIRTUAL PROGRAM DASHBOARD. (a) The agency shall develop and maintain on the agency’s Internet website a dashboard that provides to the public information...
regarding the performance of full-time virtual programs.

(b) The State Board of Education, with the agency's assistance, shall adopt a model achievement profile for use by the agency for purposes of providing the information required under Subsection (a). The model achievement profile must be developed to include:

(1) the name of the entity that operates the program;
(2) the entity's experience with operating other online educational programs;
(3) the program's mission;
(4) the accountability ratings of the program and each other full-time virtual program operated by the entity;
(5) the entity's performance history in operating full-time virtual programs for the preceding three years; and
(6) multiple measures of academic and educational performance, including:

(A) the performance of students enrolled in the program on:

(i) an assessment instrument in mathematics or reading administered under Section 39.023(a);

(ii) an end-of-course assessment instrument in Algebra I, English I, or English II administered under Section 39.023(c); or

(iii) an assessment instrument in mathematics or reading administered to students of limited English proficiency under Section 39.023(l);

(B) if the program offers one or more high school grade levels, student progress toward college and career readiness; and

(C) measures of education performance or other relevant indicators of program quality that assess the program's educational impact, including graduation rates and attendance rates.

(c) Not later than November 1 of each year, the agency shall develop and post on the dashboard required by Subsection (a) an achievement profile for each full-time virtual program, using the model achievement profile adopted by the State Board of Education under Subsection (b).

(d) For purposes of tracking academic mobility, a full-time virtual program shall solicit from the parent or guardian of each student enrolled in the program:

(1) the reasons for enrolling the student in the program; and

(2) the reasons for withdrawing the student from the program if the student has withdrawn from the program for a reason other than completion of the program.

(e) Each full-time virtual program shall collect and report to the agency the following information to be included in the program's achievement profile:

(1) the academic mobility information collected under Subsection (d);

(2) data demonstrating student progress toward graduation, including measures of progress that account for the characteristics of each enrolled student consistent with evidence-based best practices, including a comparison of the student's age and number of course credits before and after enrolling in the program;

(3) for a program that offers grade 12, the high school graduation rate of each student cohort; and

(4) data relating to academic achievement and growth, including the duration of each student's enrollment in the program to facilitate a comparison of academic achievement and growth between student cohorts enrolled in the program for similar durations.

Sec. 30B.206. INFORMATION REGARDING ENTITY CONTRACTED TO OPERATE FULL-TIME VIRTUAL PROGRAM. A school district, charter school, or public or private institution of higher education that contracts with an entity to operate a full-time virtual program for the district, school, or institution shall post on the district's,
school's, or institution's Internet website:

(1) the name of the entity that operates the program;

(2) the entity's experience with operating other online educational programs;

(3) the program's mission;

(4) the accountability ratings of the program; and

(5) the entity's performance history in operating the full-time virtual program for the preceding three years.

Sec. 30B.207. COMPULSORY ATTENDANCE. The commissioner by rule shall adopt procedures for reporting and verifying the attendance of a student enrolled in a full-time virtual program.

The rules:

(1) must include procedures for reporting and verifying the attendance of a student during the periods the student receives synchronous instruction, asynchronous instruction, or both synchronous and asynchronous instruction; and

(2) may modify the application of Sections 25.085, 25.086, and 25.087 for a student enrolled in a full-time virtual program but must require participation in an educational program equivalent to the requirements prescribed by those sections.

Sec. 30B.208. OPTION TO PROVIDE IN-PERSON INSTRUCTION. An entity operating a full-time virtual program may elect to offer a portion of a student's instruction in person.

Sec. 30B.209. COURSE ELIGIBILITY. (a) A course offered by a full-time virtual program must be aligned with the essential knowledge and skills identified under Section 28.002(c) for the grade level.

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

Sec. 30B.210. APPLICABILITY OF ACCOUNTABILITY REQUIREMENTS. (a) Chapter 39 applies to a full-time virtual program in the same manner that the chapter applies to a school district or open-enrollment charter school.

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

Sec. 30B.211. TEACHER AND INSTRUCTOR QUALIFICATIONS. (a) Each teacher at a full-time virtual program must:

(1) be certified under Subchapter B, Chapter 21, to teach that course and grade level, if that certification would be required to teach equivalent in-person courses at:

(A) a school district, if the teacher is employed by a school district; or

(B) an open-enrollment charter school, if the teacher is employed by a charter school or public or private institution of higher education; and

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

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

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

(d) Each full-time virtual program shall establish clear requirements relating to teacher responsiveness.

Sec. 30B.212. FUNDING. (a) Except as provided by
Subsection (b), a full-time virtual program in which a student described by Section 30B.002(a)(1) is enrolled is entitled to funding under Chapter 48 or in accordance with the terms of a charter granted under Chapter 12 for the student's enrollment in electronic courses in a full-time virtual program in the same manner that a school district or charter school would be entitled to funding for the student's enrollment in courses provided in a traditional classroom setting.

(b) A student enrolled in a full-time virtual program operated by a school district or charter school who does not reside in the district or the geographic area served by the charter school may not be counted toward the district's or charter school's average daily attendance for purposes of an allotment under Section 12.106(a-2), 48.101, or 48.111, as applicable.

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

Sec. 30B.213. ENGAGEMENT POLICY. (a) Each full-time virtual program shall develop and adopt an engagement policy regarding the expectations for students enrolled in the program. The engagement policy must include:

1. academic and behavioral expectations;
2. intervention strategies, including a timeline for implementing the intervention strategies; and
3. the circumstances in which a student may be unenrolled from the program.

(b) Before enrolling a student, a full-time virtual program shall provide a copy of the engagement policy adopted under Subsection (a) to the parent or guardian of the student.

Sec. 30B.214. ORIENTATION COURSE. Each full-time virtual program shall require a student to take an orientation course before enrolling in the program. The agency shall provide guidance regarding the development and delivery of an orientation course.

Sec. 30B.215. PARENT-TEACHER CONFERENCE. (a) Each full-time virtual program, on a periodic basis throughout each school year, shall communicate with each parent of or person standing in parental relation to an enrolled student regarding the performance and progress of the student. The program shall:

1. provide opportunities for parent-teacher conferences;
2. document any requests for parent-teacher conferences; and
3. permit students to participate in the parent-teacher conferences.

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

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

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

1. each endorsement described by Section 28.025(c-1), including:
   (A) the course requirements for each endorsement; and
   (B) the postsecondary educational and career opportunities associated with each endorsement;
2. available methods for a student to earn credit for a course not offered at the school in which the student is enrolled, including enrollment in an electronic course provided through the state online learning system [virtual school network] under Chapter 30B (30A);
3. general academic performance requirements for admission to an institution of higher education, including the requirements for automatic admission to a general academic teaching institution under Section 51.803;
4. regional workforce needs, including information about the required education and the average wage or salary for...
careers that meet those workforce needs; and
parents in planning for postsecondary education and potential
careers, including participation in mentorships and business
partnerships.
SECTION 15. Section 48.104(f), Education Code, is amended
to read as follows:
(f) A student receiving a full-time virtual education under
Chapter 30B [through the state virtual school network] may be
included in determining the number of students who are
educationally disadvantaged and reside in an economically
disadvantaged census block group under Subsection (b) or (e), as
applicable, if the school district or full-time virtual program
submits to the commissioner a plan detailing the enhanced services
that will be provided to the student and the commissioner approves
the plan.

SECTION 16. The following provisions of the Education Code
are repealed:
(1) the heading to Chapter 30A;
(2) the heading to Subchapter A, Chapter 30A;
(3) Section 30A.006;
(4) the heading to Subchapter B, Chapter 30A;
(5) Section 30A.053;
(6) Section 30A.055;
(7) Section 30A.056;
(8) the heading to Subchapter C, Chapter 30A;
(9) Section 30A.1042;
(10) the heading to Subchapter D, Chapter 30A; and
(11) Section 30A.152.
SECTION 17. This Act applies beginning with the 2021-2022
school year.
SECTION 18. This Act takes effect immediately if it
receives a vote of two-thirds of all the members elected to each
house, as provided by Section 39, Article III, Texas Constitution.
If this Act does not receive the vote necessary for immediate
effect, this Act takes effect September 1, 2021.

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