

SENATE AMENDMENTS

2nd Printing

By: King of Hemphill, Bell of Kaufman

H.B. No. 3643

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation of the Texas Commission on Virtual
3 Education.

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

5 SECTION 1. Chapter 48, Education Code, is amended by adding
6 Subchapter I to read as follows:

7 SUBCHAPTER I. TEXAS COMMISSION ON VIRTUAL EDUCATION

8 Sec. 48.401. DEFINITION. In this subchapter, "commission"
9 means the Texas Commission on Virtual Education.

10 Sec. 48.402. TEXAS COMMISSION ON VIRTUAL EDUCATION. (a)
11 The commission is established to develop and make recommendations
12 regarding the delivery of virtual education in the public school
13 system and state funding for virtual education under the Foundation
14 School Program.

15 (b) The commission consists of 13 members appointed as
16 follows:

17 (1) four members appointed by the governor;

18 (2) four members appointed by the lieutenant governor;

19 (3) four members appointed by the speaker of the house
20 of representatives; and

21 (4) a member of the State Board of Education, as
22 designated by the chair of that board.

23 (c) The members appointed by the governor must have an
24 interest in public education and include at least:

1 (1) one current or retired classroom teacher with at
2 least 10 years of teaching experience;

3 (2) one member of the business community; and

4 (3) one member of the civic community.

5 (d) The appointments made by the lieutenant governor and the
6 speaker of the house of representatives must each consist of:

7 (1) three members of the applicable legislative
8 chamber; and

9 (2) an administrator in the public school system or an
10 elected member of the board of trustees of a school district.

11 (e) In making appointments under Subsections (b)(1), (2),
12 and (3), the governor, lieutenant governor, and speaker of the
13 house of representatives shall coordinate to ensure that the
14 membership of the commission reflects, to the extent possible, the
15 ethnic and geographic diversity of this state.

16 Sec. 48.403. PRESIDING OFFICER. The governor shall
17 designate the presiding officer of the commission.

18 Sec. 48.404. COMPENSATION AND REIMBURSEMENT. A member of
19 the commission is not entitled to compensation for service on the
20 commission but is entitled to reimbursement for actual and
21 necessary expenses incurred in performing commission duties.

22 Sec. 48.405. ADMINISTRATIVE SUPPORT AND FUNDING. (a) The
23 agency shall provide administrative support for the commission.

24 (b) Funding for the administrative and operational expenses
25 of the commission shall be provided by legislative appropriation
26 made to the agency for that purpose.

27 Sec. 48.406. RECOMMENDATIONS. (a) The commission shall

1 develop recommendations to address issues related to the delivery
2 of and funding for virtual education, including alternative
3 instructional delivery methods and alternative methods of funding.

4 (b) The commission may establish one or more working groups
5 composed of not more than five members of the commission to study,
6 discuss, and address specific policy issues and recommendations to
7 refer to the commission for consideration.

8 Sec. 48.407. REPORT. Not later than December 31, 2022, the
9 commission shall prepare and deliver a report to the governor and
10 the legislature that contains commission recommendations for
11 legislative action to improve the implementation of virtual
12 education.

13 Sec. 48.408. PUBLIC MEETINGS AND PUBLIC INFORMATION. (a)
14 The commission may hold public meetings as needed to fulfill its
15 duties under this subchapter.

16 (b) The commission is subject to Chapters 551 and 552,
17 Government Code.

18 Sec. 48.409. COMMISSION ABOLISHED; EXPIRATION OF
19 SUBCHAPTER. The commission is abolished and this subchapter expires
20 January 1, 2023.

21 SECTION 2. This Act applies beginning with the 2021-2022
22 school year.

23 SECTION 3. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2021.

ADOPTED

MAY 24 2021

Lacey Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: Taylor

1 Amend H.B. No. 3643 (senate committee printing) as follows:

2 (1) In SECTION 1 of the bill, adding Subchapter I, Chapter
3 48, Education Code (page 2, between lines 27 and 28), insert the
4 following:

5 Sec. 48.4085. GIFTS, GRANTS, AND DONATIONS. The agency may
6 accept gifts, grants, and donations from any source to support the
7 commission.

8 (2) Add the following appropriately numbered SECTION to the
9 bill and renumber subsequent SECTIONS of the bill accordingly:

10 SECTION ____ . The Texas Commission on Virtual Education, as
11 created by Subchapter I, Chapter 48, Education Code, as added by
12 this Act, is required to implement a provision of this Act only if
13 the legislature appropriates money specifically for that purpose.
14 If the legislature does not appropriate money specifically for
15 that purpose, the agency may, but is not required to, support the
16 commission using other appropriations available for that purpose.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 26, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3643 by King, Ken (Relating to the creation of the Texas Commission on Virtual Education.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3643, As Passed 2nd House : a negative impact of (\$379,851) through the biennium ending August 31, 2023.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

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

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2022	(\$183,658)
2023	(\$196,193)
2024	\$0
2025	\$0
2026	\$0

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable Savings/(Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2021
2022	(\$183,658)	1.0
2023	(\$196,193)	1.0
2024	\$0	0.0
2025	\$0	0.0
2026	\$0	0.0

Fiscal Analysis

The bill's provisions would establish a Texas Commission on Virtual Education to develop recommendations for legislative action regarding the delivery of and funding for virtual education. The commission's recommendations would be shared in a report by December 31, 2022, and the commission would expire

January 1, 2023.

Methodology

TEA estimates the need for 1 Education Specialist III FTE at a salary of \$63,616, benefits of \$20,688, and payroll contribution of \$956 for an annual total of \$85,260. Other operating expenses would be \$6,000 in FY 2022 and \$2,000 in FY 2023. The Education Specialist would provide support to the commission, including: research, meeting planning, responding to requests for assistance, coordinating with other agency staff, assisting with public information notices and hearings, assisting with public information requests, providing TEA requested data, taking minutes, and assisting with development of the required report.

TEA estimates commission meeting expenses for member travel expenses, room rental, supplies and materials to be \$61,950 in FY 2022 and \$39,360. Estimated costs associated with the development of the report would be \$50,000.

A fee for streaming of public meetings and archiving meetings on the TEA website would cost \$2,175 per meeting for a total of \$30,450 in FY 2022 and \$19,575 in FY 2023.

It is anticipated that total costs to support the commission would be \$183,658 in FY 2022 and \$196,193 in FY 2023.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Texas Education Agency

LBB Staff: JMc, AH, SL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 16, 2021

TO: Honorable Larry Taylor, Chair, Senate Committee on Education

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3643 by King, Ken (Relating to the creation of the Texas Commission on Virtual Education.), **As Engrossed**

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LBB Staff: JMc, SL

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 29, 2021

TO: Honorable Harold V. Dutton, Jr., Chair, House Committee on Public Education

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3643 by King, Ken (Relating to the creation of the Texas Commission on Virtual Education.), **As Introduced**

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