

1-1 By: Taylor of Galveston S.B. No. 894
 1-2 (In the Senate - Filed March 3, 2015; March 9, 2015, read
 1-3 first time and referred to Committee on Education; April 27, 2015,
 1-4 reported adversely, with favorable Committee Substitute by the
 1-5 following vote: Yeas 6, Nays 3, 1 present not voting;
 1-6 April 27, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Taylor of Galveston	X			
1-9 Lucio	X			
1-10 Bettencourt	X			
1-11 Campbell	X			
1-12 Garcia		X		
1-13 Huffines	X			
1-14 Kolthorst		X		
1-15 Rodríguez		X		
1-16 Seliger			X	
1-17 Taylor of Collin	X			
1-18 West				X

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 894 By: Taylor of Galveston

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to the state virtual school network.
 1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-25 SECTION 1. Section 26.0031(c), Education Code, is amended
 1-26 to read as follows:
 1-27 (c) A school district or open-enrollment charter school may
 1-28 deny a request to enroll a student in an electronic course if:
 1-29 (1) a student attempts to enroll in a course load that
 1-30 is inconsistent with the student's high school graduation plan or
 1-31 requirements for college admission or earning an industry
 1-32 certification; or
 1-33 (2) the student requests permission to enroll in an
 1-34 electronic course at a time that is not consistent with the
 1-35 enrollment period established by the school district or
 1-36 open-enrollment charter school providing the course[~~, or~~
 1-37 ~~[(3) the district or school offers a substantially~~
 1-38 ~~similar course].~~
 1-39 SECTION 2. Sections 30A.002(a) and (c), Education Code, are
 1-40 amended to read as follows:
 1-41 (a) A student is eligible to enroll in one or more courses [a
 1-42 course] provided through the state virtual school network or,
 1-43 except as provided by Section 30A.107(c), enroll full-time in
 1-44 courses provided through the network only if the student:
 1-45 (1) on September 1 of the school year:
 1-46 (A) is younger than 21 years of age; or
 1-47 (B) is younger than 26 years of age and entitled
 1-48 to the benefits of the Foundation School Program under Section
 1-49 42.003;
 1-50 (2) has not graduated from high school; and
 1-51 (3) is otherwise eligible to enroll in a public school
 1-52 in this state.
 1-53 (c) Notwithstanding Subsection (a)(3) [~~or (b)~~], a student
 1-54 is eligible to enroll in one or more courses provided through the
 1-55 state virtual school network or enroll full-time in courses
 1-56 provided through the network if the student:
 1-57 (1) is a dependent of a member of the United States
 1-58 military;
 1-59 (2) was previously enrolled in public [~~high~~]
 1-60 this state; and

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

2-3 SECTION 3. Section 30A.101, Education Code, is amended by
2-4 amending Subsections (a) and (c) and adding Subsections (a-1) and
2-5 (e) to read as follows:

2-6 (a) A school district or open-enrollment charter school is
2-7 eligible to act as a course provider under this chapter only if the
2-8 district or school is not rated unacceptable [~~acceptable~~] under
2-9 Section 39.054. An open-enrollment charter school may serve as a
2-10 course provider only:

2-11 (1) to a student within its service area; or

2-12 (2) to another student in the state:

2-13 (A) through an agreement with the school district
2-14 in which the student resides; or

2-15 (B) if the student receives educational services
2-16 under the supervision of a juvenile probation department, the Texas
2-17 Juvenile Justice Department, or the Texas Department of Criminal
2-18 Justice, through an agreement with the applicable agency.

2-19 (a-1) A vendor or contractor that contracts with a school
2-20 district or open-enrollment charter school to provide an electronic
2-21 course through the virtual school network on behalf of the district
2-22 or school must comply with all requirements under this chapter
2-23 applicable to a course provider described by Subsection (c).

2-24 (c) A nonprofit entity, private entity, or corporation is
2-25 eligible to act as a course provider under this chapter only if the
2-26 nonprofit entity, private entity, or corporation:

2-27 (1) complies with all applicable federal and state
2-28 laws prohibiting discrimination;

2-29 (2) demonstrates financial solvency; and

2-30 (3) either:

2-31 (A) provides evidence of prior successful
2-32 experience offering online courses to kindergarten or elementary,
2-33 middle, or high school students, with demonstrated student success
2-34 in course completion and performance, as determined by the
2-35 commissioner; or

2-36 (B) provides evidence that it is capable of
2-37 carrying out the responsibilities of a course provider and is
2-38 likely to provide high quality courses, as determined by the
2-39 commissioner.

2-40 (e) The commissioner shall establish measures to ensure
2-41 that a course provider does not continue to offer electronic
2-42 courses through the state virtual school network if:

2-43 (1) the course provider no longer satisfies
2-44 eligibility requirements under Subsection (a) or (c); or

2-45 (2) the course provider, for three consecutive
2-46 academic years, produces poor student performance outcomes, as
2-47 determined by the commissioner.

2-48 SECTION 4. Section 30A.104(a), Education Code, is amended
2-49 to read as follows:

2-50 (a) A course offered through the state virtual school
2-51 network must:

2-52 (1) be in a specific subject that is part of the
2-53 required curriculum under Section 28.002(a);

2-54 (2) be aligned with the essential knowledge and skills
2-55 identified under Section 28.002(c) for a grade level at or above
2-56 kindergarten [~~grade level three~~]; and

2-57 (3) be the equivalent in instructional rigor and scope
2-58 to a course that is provided in a traditional classroom setting
2-59 during:

2-60 (A) a semester of 90 instructional days; and

2-61 (B) a school day that meets the minimum length of
2-62 a school day required under Section 25.082.

2-63 SECTION 5. Section 30A.105(b), Education Code, is amended
2-64 to read as follows:

2-65 (b) The administering authority shall establish the cost of
2-66 providing each [~~an~~] electronic course approved under Subsection

2-67 (a) [~~, which may not exceed \$400 per student per course or \$4,800 per~~
2-68 ~~full-time student~~].

2-69 SECTION 6. Section 30A.151(f), Education Code, is amended

3-1 to read as follows:

3-2 (f) For a full-time electronic course program offered
 3-3 through the state virtual school network for a grade level at or
 3-4 above kindergarten [~~grade level three~~] but not above grade level
 3-5 eight, a school district or open-enrollment charter school is
 3-6 entitled to receive federal, state, and local funding for a student
 3-7 enrolled in the program in an amount equal to the funding the
 3-8 district or school would otherwise receive for a student enrolled
 3-9 in the district or school. The district or school may calculate the
 3-10 average daily attendance of a student enrolled in the program based
 3-11 on:

3-12 (1) hours of contact with the student;

3-13 (2) the student's successful completion of a course;

3-14 or

3-15 (3) a method approved by the commissioner.

3-16 SECTION 7. Sections 30A.153(a) and (b), Education Code, are
 3-17 amended to read as follows:

3-18 (a) A [~~Subject to the limitation imposed under Subsection~~
 3-19 ~~(a-1), a~~] school district or open-enrollment charter school in
 3-20 which a student is enrolled is entitled to funding under Chapter 42
 3-21 or in accordance with the terms of a charter granted under Section
 3-22 12.101 for the student's enrollment in an electronic course offered
 3-23 through the state virtual school network in the same manner that the
 3-24 district or school is entitled to funding for the student's
 3-25 enrollment in courses provided in a traditional classroom setting,
 3-26 provided that the student successfully completes the electronic
 3-27 course.

3-28 (b) The commissioner, after considering comments from
 3-29 school district and open-enrollment charter school
 3-30 representatives, shall adopt a standard agreement that governs the
 3-31 costs, payment of funds, and other matters relating to a student's
 3-32 enrollment in an electronic course offered through the state
 3-33 virtual school network. The agreement may not require a school
 3-34 district or open-enrollment charter school to pay the provider the
 3-35 full amount until the student has successfully completed the
 3-36 electronic course[, and the full amount may not exceed the limits
 3-37 specified by Section 30A.105(b)].

3-38 SECTION 8. Sections 30A.155(a) and (c), Education Code, are
 3-39 amended to read as follows:

3-40 (a) A school district or open-enrollment charter school may
 3-41 charge a fee for enrollment in an electronic course provided
 3-42 through the state virtual school network to a student who resides in
 3-43 this state and[+]

3-44 [~~(1)~~] is enrolled in a school district or
 3-45 open-enrollment charter school as a full-time student with a course
 3-46 load greater than that normally taken by students in the equivalent
 3-47 grade level in other school districts or open-enrollment charter
 3-48 schools[+or]

3-49 [~~(2) elects to enroll in an electronic course provided~~
 3-50 ~~through the network for which the school district or~~
 3-51 ~~open-enrollment charter school in which the student is enrolled as~~
 3-52 ~~a full-time student declines to pay the cost, as authorized by~~
 3-53 ~~Section 26.0031(c-1)].~~

3-54 (c) The amount of a fee charged a student under Subsection
 3-55 (a), (a-1), or (b) for each electronic course in which the student
 3-56 enrolls through the state virtual school network may not exceed
 3-57 [~~the lesser of:~~

3-58 [~~(1)~~] the cost of providing the course as established
 3-59 by the administering authority under Section 30A.105 [~~+or~~

3-60 [~~(2) \$400~~].

3-61 SECTION 9. The following sections of the Education Code are
 3-62 repealed:

3-63 (1) Section 26.0031(c-1);

3-64 (2) Section 30A.002(b); and

3-65 (3) Section 30A.153(a-1).

3-66 SECTION 10. This Act applies beginning with the 2015-2016
 3-67 school year.

3-68 SECTION 11. This Act takes effect immediately if it
 3-69 receives a vote of two-thirds of all the members elected to each

4-1 house, as provided by Section 39, Article III, Texas Constitution.
4-2 If this Act does not receive the vote necessary for immediate
4-3 effect, this Act takes effect September 1, 2015.

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