

1-1 By: Hughes S.B. No. 1045  
 1-2 (In the Senate - Filed February 22, 2019; March 7, 2019,  
 1-3 read first time and referred to Committee on Education;  
 1-4 April 29, 2019, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 10, Nays 0; April 29, 2019,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Taylor	X			
1-9 Lucio			X	
1-10 Bettencourt	X			
1-11 Campbell	X			
1-12 Fallon	X			
1-13 Hall	X			
1-14 Hughes	X			
1-15 Paxton	X			
1-16 Powell	X			
1-17 Watson	X			
1-18 West	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 1045 By: Hughes

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

1-23 relating to academic accountability ratings for certain school  
 1-24 districts, open-enrollment charter schools, and contracted  
 1-25 entities that offer full-time online programs through the state  
 1-26 virtual school network.

1-27 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-28 SECTION 1. Subchapter C, Chapter 30A, Education Code, is  
 1-29 amended by adding Sections 30A.1011, 30A.1012, and 30A.1013 to read  
 1-30 as follows:

1-31 Sec. 30A.1011. AUTHORITY TO OPERATE FULL-TIME ONLINE  
 1-32 PROGRAM. (a) A school district or open-enrollment charter school  
 1-33 may not operate more than one full-time online program under this  
 1-34 chapter.

1-35 (b) The provisions of this section may not be waived by the  
 1-36 commissioner.

1-37 Sec. 30A.1012. CONTRACTING FOR FULL-TIME ONLINE PROGRAM.  
 1-38 (a) A school district or open-enrollment charter school that  
 1-39 contracts with an entity to operate a full-time online program for  
 1-40 the district or school shall report to the agency:

1-41 (1) the identity of the contracted entity each year  
 1-42 the contracted entity operates the full-time online program; and

1-43 (2) information required to be reported under Section  
 1-44 42.006 regarding staff and finances as if the full-time online  
 1-45 program were a campus.

1-46 (b) A school district or open-enrollment charter school  
 1-47 shall revoke a contract with an entity to operate a full-time online  
 1-48 program for the district or school if the entity has received for  
 1-49 the three most recent school years a campus or district  
 1-50 accountability rating of D or F under Subchapter C, Chapter 39. A  
 1-51 school district or open-enrollment charter school shall include a  
 1-52 contract revocation provision in each contract entered into with an  
 1-53 entity to operate a full-time online program for the district or  
 1-54 school under this section.

1-55 (c) The agency shall notify a school district or  
 1-56 open-enrollment charter school that the district or school is  
 1-57 subject to Subsection (b) if its full-time online program has  
 1-58 received for the three most recent school years accountability  
 1-59 ratings described by Subsection (b). Failure to receive notice  
 1-60 under this subsection does not affect the requirement imposed on

2-1 the district or school under Subsection (b).  
2-2 (d) A school district or open-enrollment charter school may  
2-3 not contract with an entity to operate a full-time online program  
2-4 for the district or school if the contracted entity operated a  
2-5 full-time online program for a district or school and the  
2-6 contracting entity was subject to a contract revocation under  
2-7 Subsection (b) within the preceding 10 years.

2-8 (e) The administering authority shall include a list of  
2-9 entities subject to a contract revocation under Subsection (b) on  
2-10 the state virtual school network Internet website.

2-11 (f) An entity under this section includes a corporate  
2-12 affiliate or an entity that is substantially related to the entity.

2-13 (g) The provisions of this section may not be waived by the  
2-14 commissioner.

2-15 Sec. 30A.1013. REVOCATION OF APPROVAL FOR FULL-TIME ONLINE  
2-16 PROGRAM. If the commissioner revokes approval for a school  
2-17 district or open-enrollment charter school to operate a full-time  
2-18 online program under this chapter, the district or school may not  
2-19 operate a full-time online program under this chapter during the  
2-20 10-year period following the revocation.

2-21 SECTION 2. Section 30A.110, Education Code, is amended by  
2-22 adding Subsections (d), (d-1), and (d-2) to read as follows:

2-23 (d) An entity that operates a full-time online program shall  
2-24 receive an accountability rating under Chapter 39. An entity that  
2-25 operates multiple full-time online programs shall receive an  
2-26 accountability rating for:

2-27 (1) each full-time online program as if the program  
2-28 were a campus; and

2-29 (2) the entity as if the entity were a school district  
2-30 or open-enrollment charter school and each full-time online program  
2-31 were a campus of the district or school.

2-32 (d-1) This subsection applies only to a school district or  
2-33 open-enrollment charter school that provides instruction to  
2-34 students while students are located on the physical premises of a  
2-35 district or school campus and provides separate instruction to  
2-36 students enrolled full-time in courses provided through a district  
2-37 or school full-time online program. In determining the performance  
2-38 ratings under Section 39.054 of a school district or  
2-39 open-enrollment charter school subject to this subsection, the  
2-40 commissioner shall evaluate the performance of students enrolled in  
2-41 a district or school full-time online program separately from the  
2-42 performance of other district or school students and assign:

2-43 (1) separate district or school overall and domain  
2-44 performance ratings for the district's or school's full-time online  
2-45 program if the district or school operates multiple full-time  
2-46 online programs; and

2-47 (2) separate campus overall and domain performance  
2-48 ratings for each full-time online program.

2-49 (d-2) Subsection (d-1) and this subsection expire September  
2-50 1, 2021.

2-51 SECTION 3. Sections 30A.110(d-1) and (d-2), Education Code,  
2-52 as added by this Act, apply beginning with the 2019-2020 school  
2-53 year.

2-54 SECTION 4. Sections 30A.1011, 30A.1012, 30A.1013, and  
2-55 30A.110(d), Education Code, as added by this Act, apply beginning  
2-56 with the 2020-2021 school year.

2-57 SECTION 5. This Act takes effect immediately if it receives  
2-58 a vote of two-thirds of all the members elected to each house, as  
2-59 provided by Section 39, Article III, Texas Constitution. If this  
2-60 Act does not receive the vote necessary for immediate effect, this  
2-61 Act takes effect September 1, 2019.

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