

By: Hegar, Patrick

S.B. No. 1298

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the provision of electronic courses in public schools,
3 electronic assessment of public school students, the state virtual
4 school network, and school district digital capabilities.

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

6 SECTION 1. Section 28.023, Education Code, is amended to
7 read as follows:

8 Sec. 28.023. CREDIT BY EXAMINATION. (a) Using guidelines
9 established by the State Board of Education, a school district
10 shall develop or select for board review examinations for
11 acceleration for each primary school grade level and for credit for
12 secondary school academic subjects. The guidelines must provide
13 for the examinations to thoroughly test comprehension of the
14 information presented in the applicable grade level or subject, and
15 must require a school district to develop multiple versions of an
16 examination for a particular grade level or subject for each
17 subsequent administration of the examination in the same school
18 year. The board shall approve examinations that satisfy board
19 guidelines.

20 (b) A school district shall give a student in a primary
21 grade level credit for a grade level and advance the student one
22 grade level on the basis of a board-approved examination for
23 acceleration if:

24 (1) the student scores in the 90th percentile or above

1 on each section of the examination; and

2 (2) [~~a district representative recommends that the~~
3 ~~student be advanced; and~~

4 [~~3~~] the student's parent or guardian gives written
5 approval of the advancement.

6 (c) A school district shall give a student in grade level
7 six or above credit for a subject on the basis of a board-approved
8 examination for credit in the subject if the student scores in the
9 90th percentile or above on the examination. If a student is given
10 credit in a subject on the basis of an examination, the district
11 shall enter the examination score on the student's transcript, and
12 the student is not required to take an end-of-course assessment
13 instrument adopted under Section 39.023(c) for that subject.

14 (d) Each district shall administer each examination:

15 (1) not later than the 30th day after the date the
16 district receives a written request from the student's parent, if
17 the test is offered electronically; and

18 (2) on at least four scheduled occasions per year, if
19 the examination is not offered electronically [~~not less than once a~~
20 ~~year, at times to be determined by the State Board of Education~~].

21 SECTION 2. Section 28.025(b-1), Education Code, is amended
22 to read as follows:

23 (b-1) The State Board of Education by rule shall require
24 that:

25 (1) except as provided by Subsection (b-2), the
26 curriculum requirements for the recommended and advanced high
27 school programs under Subsection (a) include a requirement that

1 students successfully complete:

2 (A) four credits in each subject of the
3 foundation curriculum under Section 28.002(a)(1), including at
4 least one-half credit in government and at least one-half credit in
5 economics to meet the social studies requirement;

6 (B) for the recommended high school program, two
7 credits in the same language in a language other than English under
8 Section 28.002(a)(2)(A) and, for the advanced high school program,
9 three credits in the same language in a language other than English
10 under Section 28.002(a)(2)(A); and

11 (C) for the recommended high school program, six
12 elective credits and, for the advanced high school program, five
13 elective credits;

14 (2) one or more credits offered in the required
15 curriculum for the recommended and advanced high school programs
16 include a research writing component; and

17 (3) the curriculum requirements for the minimum,
18 recommended, and advanced high school programs under Subsection (a)
19 include a requirement that students successfully complete:

20 (A) one credit in fine arts under Section
21 28.002(a)(2)(D); ~~and~~

22 (B) except as provided by Subsection (b-11), one
23 credit in physical education under Section 28.002(a)(2)(C); and

24 (C) one credit earned in an electronic course
25 taken in the sixth or a higher grade and offered:

26 (i) through the state virtual school
27 network;

1 (ii) by the student's school; or
2 (iii) pursuant to an articulation agreement
3 between the student's school and a college, university, or
4 technical school for a dual enrollment course.

5 SECTION 3. Section 30A.001(7), Education Code, is amended
6 to read as follows:

7 (7) "Course provider" [~~"Provider school district or~~
8 ~~school"~~] means:

9 (A) a school district or open-enrollment charter
10 school that provides an electronic course through the state virtual
11 school network to:

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

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

16 (B) a public or private institution of higher
17 education that provides a course through the state virtual school
18 network; or

19 (C) any other entity that provides a course
20 through the state virtual school network and that satisfies
21 eligibility requirements under Section 30A.101(c).

22 SECTION 4. Section 30A.002(c), Education Code, is amended
23 to read as follows:

24 (c) Notwithstanding Subsection (a)(3) [~~or (b)~~], a student
25 is eligible to enroll in one or more courses provided through the
26 state virtual school network or enroll full-time in courses
27 provided through the network if the student:

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

3 (2) was previously enrolled in high school in this
4 state; and

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

7 SECTION 5. Section 30A.003, Education Code, is amended to
8 read as follows:

9 Sec. 30A.003. PROVISION OF COMPUTER EQUIPMENT OR INTERNET
10 SERVICE. This chapter does not:

11 (1) require a school district, an open-enrollment
12 charter school, a course provider [~~school district or school~~], or
13 the state to provide a student with home computer equipment or
14 Internet access for a course provided through the state virtual
15 school network; or

16 (2) prohibit a school district or open-enrollment
17 charter school from providing a student with home computer
18 equipment or Internet access for a course provided through the
19 state virtual school network.

20 SECTION 6. Section 30A.007, Education Code, is amended by
21 amending Subsection (a) and adding Subsection (a-1) to read as
22 follows:

23 (a) A school district or open-enrollment charter school
24 shall adopt a policy that provides district or school students in
25 kindergarten through grade 12 with the opportunity to enroll
26 part-time or full-time in electronic courses provided through
27 various means, including:

1 (1) courses provided through the state virtual school
2 network;

3 (2) other virtual courses provided by a school
4 district or open-enrollment charter school for students attending
5 that district or school; and

6 (3) virtual courses provided by a school district
7 other than the one in which the student resides, or an
8 open-enrollment charter school that the student does not attend.

9 (a-1) The policy adopted under Subsection (a) must be
10 consistent with the requirements imposed by Section 26.0031.

11 SECTION 7. Section 30A.056(a), Education Code, is amended
12 to read as follows:

13 (a) Each contract between a course provider [~~school~~
14 ~~district, an open-enrollment charter school, or a public or private~~
15 ~~institution of higher education]~~ and the administering authority
16 must:

17 (1) provide that the administering authority may
18 cancel the contract without penalty if legislative authorization
19 for the provider [~~district, school, or institution~~]
20 electronic course through the state virtual school network is
21 revoked; and

22 (2) be submitted to the commissioner.

23 SECTION 8. The heading to Section 30A.101, Education Code,
24 is amended to read as follows:

25 Sec. 30A.101. ELIGIBILITY TO ACT AS COURSE PROVIDER [~~SCHOOL~~
26 ~~DISTRICT OR SCHOOL~~].

27 SECTION 9. Section 30A.101(a), Education Code, is amended

1 to read as follows:

2 (a) In addition to satisfying eligibility requirements
3 under Subsection (c), a [A] school district is eligible to act as a
4 course provider [school district] under this chapter only if the
5 district is rated acceptable or higher under Section 39.054.

6 SECTION 10. Section 30A.101(b), Education Code, as amended
7 by Chapters 895 (H.B. 3) and 1328 (H.B. 3646), Acts of the 81st
8 Legislature, Regular Session, 2009, is reenacted and amended to
9 read as follows:

10 (b) In addition to satisfying eligibility requirements
11 under Subsection (c), an [An] open-enrollment charter school campus
12 is eligible to act as a course provider [school] under this chapter
13 only if the campus was awarded a distinction designation under
14 Subchapter G, Chapter 39, for the most recent year for which
15 accountability ratings are available [is rated recognized or higher
16 under Section 39.072], except that a campus may act as a course
17 provider [school] to students receiving educational services under
18 the supervision of a juvenile probation department, the Texas
19 Juvenile Justice Department [Youth Commission], or the Texas
20 Department of Criminal Justice if the campus is rated
21 [academically] acceptable under Section 39.054 [or higher. A
22 campus may serve as a provider school only:

23 [~~(1) to a student within the school district in which~~
24 ~~the campus is located or within its service area, whichever is~~
25 ~~smaller, or~~

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

27 [~~(A) through an agreement with the school~~

1 ~~district in which the student resides, or~~
2 ~~[(B) if the student receives educational~~
3 ~~services under the supervision of a juvenile probation department,~~
4 ~~the Texas Youth Commission, or the Texas Department of Criminal~~
5 ~~Justice, through an agreement with the applicable agency].~~

6 SECTION 11. Section 30A.101, Education Code, is amended by
7 adding Subsections (c), (d), and (e) to read as follows:

8 (c) An entity that provides virtual education, including a
9 school district, an open-enrollment charter school, a private
10 elementary or secondary institution, an education service agency, a
11 private or nonprofit education provider, and a corporation that
12 offers vocational or technical course work in the corporation's
13 field may be a course provider if:

14 (1) the entity applies to the administering authority;

15 (2) the entity complies with all local, state, and
16 federal discrimination prohibitions;

17 (3) the entity has adopted measures to ensure that the
18 entity's courses maintain alignment with the essential knowledge
19 and skills requirements identified or content requirements
20 established under Subchapter A, Chapter 28, or with any other
21 quality-related criteria the commissioner has established under
22 Section 30A.103(b);

23 (4) the entity satisfies any other criteria that the
24 commissioner establishes, including accreditation requirements or
25 course quality standards; and

26 (5) the administering authority approves the entity's
27 application.

1 (d) In addition to satisfying eligibility requirements
2 under Subsection (c), an entity that is not a school district or
3 open-enrollment charter school is eligible to be a course provider
4 only if the entity possesses prior successful experiences offering
5 online courses that demonstrate student learning gains in each
6 subject and grade level for which the entity provides courses.

7 (e) Once approved, a course provider shall:

8 (1) annually provide to the commissioner student
9 performance results for each subject area and grade level for which
10 the entity provides courses;

11 (2) continually make available to the commissioner and
12 the public detailed and updated curriculum and student performance
13 accountability plans for each subject area and grade level for
14 which the entity provides courses; and

15 (3) keep published on the entity's Internet website:

16 (A) updated information and data about the
17 curriculum of each course the entity offers and about any full-time
18 or part-time program the entity offers;

19 (B) updated policies and procedures for each
20 course;

21 (C) any relevant certifications, licenses, and
22 accreditations of the entity;

23 (D) the physical location of all administrative
24 and instructional personnel;

25 (E) the times at which instructional personnel
26 are available to students and parents;

27 (F) student-teacher ratios for each of the

1 entity's courses;

2 (G) student completion and promotion rates for
3 students enrolled in the entity's courses; and

4 (H) student, educator, and school performance
5 accountability outcomes.

6 SECTION 12. Subchapter C, Chapter 30A, Education Code, is
7 amended by adding Section 30A.1011 to read as follows:

8 Sec. 30A.1011. DURATION OF APPROVAL STATUS; APPROVAL
9 MONITORING AND REPORTING. (a) An entity that is approved as a course
10 provider may operate as a course provider for an initial
11 authorization period lasting until the end of the third full school
12 year after the course provider's approval.

13 (b) At the expiration of an initial authorization period,
14 the administering authority may approve a course provider for
15 subsequent authorization periods using eligibility criteria under
16 Section 30A.101. A subsequent authorization period may not be for
17 less than three or more than 10 school years.

18 (c) Following the second full school year of an initial
19 authorization period, the administering authority shall review the
20 course provider's activities and the academic performance of the
21 students enrolled in courses offered by the course provider using
22 applicable accountability provisions under Chapter 39. If the
23 course provider does not comply with applicable standards
24 established by the commissioner, the administering authority shall
25 place the course provider on probation. A course provider on
26 probation:

27 (1) may continue to offer electronic courses for the

1 remainder of the authorization period;

2 (2) shall submit to the administering authority an
3 improvement plan in accordance with rules adopted by the
4 commissioner;

5 (3) shall publish on the provider's Internet website
6 its probationary status along with a copy of the improvement plan
7 submitted to the administering authority; and

8 (4) may be removed from probation after the provider
9 is able to demonstrate to the administering authority the
10 provider's compliance with applicable accountability provisions
11 under Chapter 39.

12 (d) The administering authority shall continually monitor
13 and evaluate the course provider in accordance with performance
14 standards established by the commissioner using student academic
15 performance as the main criterion.

16 SECTION 13. Section 30A.102, Education Code, is amended to
17 read as follows:

18 Sec. 30A.102. LISTING OF ELECTRONIC COURSES. (a) The
19 administering authority shall:

20 (1) publish the criteria required by Section 30A.103
21 for electronic courses that may be offered through the state
22 virtual school network;

23 (2) using the criteria required by Section 30A.103,
24 evaluate electronic courses submitted by a course provider [~~school~~
25 ~~district or school~~] to be offered through the network;

26 (3) create a list of electronic courses approved by
27 the administering authority; and

1 (4) publish in a prominent location on the state
2 virtual school network's Internet website [~~provide public access~~
3 ~~to~~] the list of approved electronic courses offered through the
4 network and a detailed description of the courses that complies
5 with Section 30A.108.

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

9 (1) shall create a list of those subjects and courses
10 designated by the board under Subchapter A, Chapter 28, for which
11 the board has identified essential knowledge and skills or for
12 which the board has designated content requirements under
13 Subchapter A, Chapter 28;

14 (2) shall enter into agreements with course providers
15 [~~school districts, open-enrollment charter schools, and public or~~
16 ~~private institutions of higher education~~] for the purpose of
17 offering the courses through the state virtual school network; and

18 (3) may develop or authorize the development of
19 additional electronic courses or enter into contracts with course
20 providers for licensing, development, or purchasing of additional
21 electronic courses that:

22 (A) are needed to allow students to:
23 (i) complete high school graduation
24 requirements; or
25 (ii) achieve state academic standards for
26 any grade; and

27 (B) are not otherwise available through the state

1 virtual school network.

2 (c) The administering authority shall develop a
3 comprehensive course numbering system for all courses offered
4 through the state virtual school network to ensure, to the greatest
5 extent possible, consistent numbering of similar courses offered
6 across all course providers.

7 SECTION 14. Section 30A.1021(c), Education Code, is amended
8 to read as follows:

9 (c) The administering authority shall provide public access
10 to the comments submitted by students and parents under this
11 section. The comments must be in a format that permits a person to
12 sort the comments by teacher, electronic course, and course
13 provider [~~school district or school~~].

14 SECTION 15. Section 30A.103(a), Education Code, is amended
15 to read as follows:

16 (a) The board by rule shall establish an objective standard
17 criteria for an electronic course to ensure alignment with the
18 essential knowledge and skills requirements identified or content
19 requirements established under Subchapter A, Chapter 28. The
20 criteria may not permit the administering authority to prohibit
21 course providers [~~provider school districts or schools~~] from
22 applying for approval for an electronic course for a course for
23 which essential knowledge and skills have been identified.

24 SECTION 16. Sections 30A.104(a) and (b), Education Code,
25 are amended to read as follows:

26 (a) A course offered through the state virtual school
27 network must:

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

3 (2) be aligned with the essential knowledge and skills
4 identified under Section 28.002(c) for kindergarten through grade
5 12 [~~a grade level at or above grade level three~~]; and

6 (3) be the equivalent in instructional rigor and scope
7 to a course that is provided in a traditional classroom setting
8 during:

9 (A) a semester of 90 instructional days; and

10 (B) a school day that meets the minimum length of
11 a school day required under Section 25.082.

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

19 SECTION 17. Section 30A.1041, Education Code, is amended to
20 read as follows:

21 Sec. 30A.1041. DRIVER EDUCATION COURSES. (a) A course
22 provider [~~school district, open-enrollment charter school, or~~
23 ~~public or private institution of higher education~~] may seek
24 approval to offer through the state virtual school network the
25 classroom portion of a driver education and traffic safety course
26 that complies with the requirements for the program developed under
27 Section 29.902.

1 (b) A course provider [~~school district, open-enrollment~~
2 ~~charter school, or public or private institution of higher~~
3 ~~education~~] may not offer through the state virtual school network
4 the laboratory portion of a driver education and traffic safety
5 course.

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

10 SECTION 18. Section 30A.105, Education Code, is amended by
11 amending Subsections (a), (a-1), (c), and (d) and adding Subsection
12 (a-3) to read as follows:

13 (a) The administering authority shall:

14 (1) establish a [~~schedule for an annual~~] submission
15 and approval process for electronic courses that occurs on a
16 rolling basis;

17 (2) evaluate electronic courses to be offered through
18 the state virtual school network; and

19 (3) not later than the 90th day after the date the
20 course was submitted for approval [~~August 1 of each year~~], either:

21 (A) approve an electronic course [~~courses~~] that:

22 (i) meets [~~(A) meet~~] the criteria
23 established under Section 30A.103; and

24 (ii) provides [~~(B) provide~~] the minimum
25 instructional rigor and scope required under Section 30A.104; or

26 (B) if the administering authority does not
27 approve an electronic course, provide to the course provider that

1 submitted the course a written explanation of the reason for which
2 the course was not approved.

3 (a-1) The administering authority shall publish the
4 submission and approval process for electronic courses [~~schedule~~]
5 established under Subsection (a)(1), including any deadlines
6 [~~specified in that schedule,~~] and [~~any~~] guidelines applicable to
7 the [~~submission and approval~~] process [~~for electronic courses~~].

8 (a-3) If the administering authority determines that
9 changes may be made to a proposed course to either improve the
10 course or bring the course into compliance with established
11 eligibility criteria, the administering authority may grant
12 approval of that course that is conditional on the course provider
13 implementing the changes identified by the administering
14 authority.

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

21 (1) courses that satisfy high school graduation
22 requirements;

23 (2) courses that would likely benefit a student in
24 obtaining admission to a postsecondary institution;

25 (3) courses, including dual credit courses, that allow
26 a student to earn college credit or other advanced credit;

27 (4) courses in subject areas most likely to be highly

1 beneficial to students receiving educational services under the
2 supervision of a juvenile probation department, the Texas Juvenile
3 Justice Department [~~Youth Commission~~], or the Texas Department of
4 Criminal Justice; [~~and~~]

5 (5) courses in subject areas designated by the
6 commissioner as commonly experiencing a shortage of teachers; and

7 (6) courses in subject areas designated by the
8 commissioner as a high priority.

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

18 SECTION 19. Subchapter C, Chapter 30A, Education Code, is
19 amended by adding Section 30A.1052 to read as follows:

20 Sec. 30A.1052. INTERSTATE COURSE RECIPROCAL AGREEMENTS.
21 The commissioner shall adopt a process for approving reciprocal
22 agreements with agencies in other states to allow students residing
23 in this state to enroll through the state virtual school network in
24 electronic courses provided in other states. The process must
25 include provisions that ensure that:

26 (1) electronic courses provided in other states meet
27 course eligibility guidelines under Section 30A.104; and

1 (2) each teacher of an electronic course provided in
2 another state:

3 (A) possesses certification credentials similar
4 to those required under Subchapter B, Chapter 21; and

5 (B) successfully completes the appropriate
6 professional development course provided under Section 30A.112 or
7 30A.1121 before teaching an electronic course offered through the
8 network.

9 SECTION 20. Section 30A.106, Education Code, is amended to
10 read as follows:

11 Sec. 30A.106. APPEAL TO COMMISSIONER. (a) An entity
12 seeking approval to act as a course provider or a course [A]
13 provider seeking approval of an electronic course [~~school district~~
14 or ~~school~~] may appeal to the commissioner the administering
15 authority's refusal to approve the entity as a course provider
16 under Section 30A.101 or approve an electronic course under Section
17 30A.105.

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

24 (c) If an entity's application and appeal to act as a course
25 provider are denied, the entity may resubmit an application to
26 become a course provider at any time.

27 SECTION 21. Sections 30A.107(a) and (d), Education Code,

1 are amended to read as follows:

2 (a) A course provider [~~school district or school~~] may offer
3 electronic courses to:

4 (1) students and adults who reside in this state; and

5 (2) students who reside outside this state and who
6 meet the eligibility requirements under Section 30A.002(c).

7 (d) A school district or open-enrollment charter school may
8 not require a student to enroll in an electronic course for any
9 reason other than to comply with Section 28.025(b-1)(3)(C).

10 SECTION 22. Section 30A.108(b), Education Code, is amended
11 to read as follows:

12 (b) Each report under this section must be updated not later
13 than the 30th day after the date an electronic course is approved
14 and must describe each electronic course offered through the state
15 virtual school network and include information such as course
16 requirements and the school year calendar for the course, including
17 any options for continued participation outside of the standard
18 school year calendar.

19 SECTION 23. Section 30A.111(a), Education Code, is amended
20 to read as follows:

21 (a) Each teacher of an electronic course offered by a course
22 provider [~~school district or open-enrollment charter school~~]
23 through the state virtual school network must:

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

26 (2) successfully complete the appropriate
27 professional development course provided under Section 30A.112(a)

1 or 30A.1121 before teaching an electronic course offered through
2 the network.

3 SECTION 24. Section 30A.1121, Education Code, is amended to
4 read as follows:

5 Sec. 30A.1121. ALTERNATIVE EDUCATOR PROFESSIONAL
6 DEVELOPMENT. (a) Subject to Subsection (b), a course provider
7 [~~school district or open-enrollment charter school~~] may provide
8 professional development courses to teachers seeking to become
9 authorized to teach electronic courses provided through the state
10 virtual school network. A course provider [~~district or school~~] may
11 provide a professional development course that is approved under
12 Subsection (b) to any interested teacher, regardless of [~~whether~~]
13 the teacher's employer [~~teacher is employed by the district or~~
14 ~~school~~].

15 (b) The agency shall review each professional development
16 course sought to be provided by a course provider [~~school district~~
17 ~~or open-enrollment charter school~~] under Subsection (a) to
18 determine if the course meets the quality standards established
19 under Section 30A.113. If a course meets those standards, the
20 course provider [~~district or school~~] may provide the course for
21 purposes of enabling a teacher to comply with Section
22 30A.111(a)(2).

23 SECTION 25. Section 30A.114, Education Code, is amended to
24 read as follows:

25 Sec. 30A.114. REGIONAL EDUCATION SERVICE CENTERS. The
26 commissioner by rule shall allow regional education service centers
27 to participate in the state virtual school network in the same

1 manner as course providers [~~provider school districts and schools~~].

2 SECTION 26. Subchapter D, Chapter 30A, Education Code, is
3 amended by adding Section 30A.154 to read as follows:

4 Sec. 30A.154. FOUNDATION SCHOOL PROGRAM FUNDING. (a) A
5 course provider is entitled to funding based on a per-course amount
6 for each student enrolled in a class provided by the course
7 provider. The per-course amount is equal to the market rate for
8 enrollment in an electronic course, as determined by the course
9 provider and approved by the commissioner, but may not exceed
10 one-sixth of 90 percent of the state and local funding to which the
11 school district or open-enrollment charter school in which the
12 student is enrolled or resides would otherwise be entitled for the
13 student's enrollment in courses provided in a traditional classroom
14 setting. The per-course amount shall be paid to the course provider
15 as follows:

16 (1) 50 percent of the per-course amount on the
17 student's enrollment in the electronic course; and

18 (2) either:

19 (A) 50 percent of the per-course amount on the
20 student's completion of the course if completed within the course's
21 prescribed course length; or

22 (B) 40 percent of the per-course amount on the
23 student's completion of the course if completed after the course's
24 prescribed course length but before the student graduates from high
25 school or withdraws from school.

26 (b) A school district or open-enrollment charter school in
27 which a student is enrolled or resides is entitled, for each

1 electronic course in which the student enrolls, to:

2 (1) funding equal to the amount of one-sixth of 10
3 percent of the state and local funding to which the school district
4 or open-enrollment charter school in which the student is enrolled
5 or resides would otherwise be entitled for the student's enrollment
6 in courses provided in a traditional classroom setting; and

7 (2) either:

8 (A) 10 percent of the per-course amount paid to
9 the course provider if the student completes the course within the
10 time prescribed by Subsection (a)(2)(B); or

11 (B) 50 percent of the per-course amount paid to
12 the course provider if the student does not complete the course
13 within the time prescribed by Subsection (a)(2)(A) or (B).

14 (c) The amount of funding to which a course provider is
15 entitled for a student's enrollment in an electronic course shall
16 be reduced proportionally if the student withdraws from the course
17 during the course's prescribed length.

18 (d) The commissioner shall adopt rules necessary to
19 implement this section, including rules regarding attendance
20 accounting.

21 SECTION 27. The heading to Section 30A.155, Education Code,
22 is amended to read as follows:

23 Sec. 30A.155. FEES AND TUITION.

24 SECTION 28. Section 30A.155, Education Code, is amended by
25 amending Subsections (a), (a-1), (b), and (c-1) and adding
26 Subsection (e) to read as follows:

27 (a) A course provider [~~school district or open-enrollment~~

1 ~~charter school~~] may charge a fee for enrollment in an electronic
2 course provided through the state virtual school network to a
3 student who resides in this state and:

4 (1) is enrolled in a school district or
5 open-enrollment charter school as a full-time student; and

6 (2) is enrolled in a course load greater than that
7 normally taken by students in the equivalent grade level in other
8 school districts or open-enrollment charter schools.

9 (a-1) A course provider [~~school district or open-enrollment~~
10 ~~charter school~~] may charge a fee for enrollment in an electronic
11 course provided through the state virtual school network during the
12 summer.

13 (b) A course provider [~~school district or open-enrollment~~
14 ~~charter school~~] shall charge a fee for enrollment in an electronic
15 course provided through the state virtual school network to a
16 student who resides in this state and is not enrolled in a school
17 district or open-enrollment charter school as a full-time student.

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

27 (e) A course provider may charge tuition to any student who

1 enrolls in an electronic course provided by the course provider in
2 an amount equal to the per-course amount designated under Section
3 30A.154(a). If a course provider accepts a tuition charge under
4 this subsection, the provider is not otherwise entitled to funding
5 from any other source for the student's enrollment in the course.

6 SECTION 29. Subchapter A, Chapter 32, Education Code, is
7 amended by adding Section 32.005 to read as follows:

8 Sec. 32.005. STUDY ON SCHOOL DISTRICT NETWORK CAPABILITIES.

9 (a) The commissioner shall conduct a study to assess the network
10 capabilities of each school district. The study must gather
11 sufficient information to determine whether the network
12 connections of a district and school campuses in the district meet
13 the following targets:

14 (1) an external Internet connection to a campus's
15 Internet service provider featuring a bandwidth capable of a
16 broadband speed of at least 100 megabits per second for every 1,000
17 students and staff members; and

18 (2) an internal wide area network connection between
19 the district and each of the school campuses in the district
20 featuring a bandwidth capable of a broadband speed of at least one
21 gigabit per second for every 1,000 students and staff members.

22 (b) The commissioner may solicit and accept gifts and grants
23 from any public or private source to conduct the study. The
24 commissioner may also cooperate or collaborate with national
25 organizations conducting similar studies.

26 (c) The commissioner shall complete the study not later than
27 December 1, 2014. This section expires December 1, 2015.

1 SECTION 30. Sections 30A.002(b) and 30A.153, Education
2 Code, are repealed.

3 SECTION 31. This Act applies beginning with the 2013-2014
4 school year.

5 SECTION 32. Section 28.025(b-1)(3)(C), Education Code, as
6 added by this Act, applies beginning with students entering the
7 ninth grade in the 2013-2014 school year.

8 SECTION 33. Section 30A.101, Education Code, as amended by
9 this Act, applies only to an entity that seeks to become a course
10 provider through the state virtual school network on or after the
11 effective date of this Act.

12 SECTION 34. Section 30A.1011, Education Code, as added by
13 this Act, applies only to an entity that becomes a course provider
14 through the state virtual school network on or after the effective
15 date of this Act.

16 SECTION 35. Not later than January 1, 2014, the
17 commissioner of education shall adopt a process for approving
18 reciprocal agreements as required by Section 30A.1052, Education
19 Code, as added by this Act.

20 SECTION 36. This Act takes effect immediately if it
21 receives a vote of two-thirds of all the members elected to each
22 house, as provided by Section 39, Article III, Texas Constitution.
23 If this Act does not receive the vote necessary for immediate
24 effect, this Act takes effect September 1, 2013.