

1-1 By: Taylor, Bettencourt S.B. No. 1455  
 1-2 (In the Senate - Filed March 4, 2019; March 14, 2019, read  
 1-3 first time and referred to Committee on Education; April 15, 2019,  
 1-4 reported adversely, with favorable Committee Substitute by the  
 1-5 following vote: Yeas 11, Nays 0; April 15, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Taylor	X			
1-8 Lucio	X			
1-9 Bettencourt	X			
1-10 Campbell	X			
1-11 Fallon	X			
1-12 Hall	X			
1-13 Hughes	X			
1-14 Paxton	X			
1-15 Powell	X			
1-16 Watson	X			
1-17 West	X			

1-19 COMMITTEE SUBSTITUTE FOR S.B. No. 1455 By: Taylor

1-20 A BILL TO BE ENTITLED  
 1-21 AN ACT

1-22 relating to the state virtual school network; changing a fee.  
 1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-24 SECTION 1. Section 1.001(b), Education Code, is amended to  
 1-25 read as follows:  
 1-26 (b) Except as provided by Chapter 18, Chapter 19, Subchapter  
 1-27 A of Chapter 29, Subchapter E of Chapter 30, or Chapter 30B [~~30A~~],  
 1-28 this code does not apply to students, facilities, or programs under  
 1-29 the jurisdiction of the Department of Aging and Disability  
 1-30 Services, the Department of State Health Services, the Health and  
 1-31 Human Services Commission, the Texas Juvenile Justice Department,  
 1-32 the Texas Department of Criminal Justice, a Job Corps program  
 1-33 operated by or under contract with the United States Department of  
 1-34 Labor, or any juvenile probation agency.  
 1-35 SECTION 2. Section 7.0561(f), Education Code, is amended to  
 1-36 read as follows:  
 1-37 (f) In consultation with interested school districts,  
 1-38 [~~open-enrollment~~] charter schools, and other appropriate  
 1-39 interested persons, the commissioner shall adopt rules applicable  
 1-40 to the consortium, according to the following principles for a next  
 1-41 generation of higher performing public schools:  
 1-42 (1) engagement of students in digital learning,  
 1-43 including engagement through the use of electronic textbooks and  
 1-44 instructional materials adopted under Subchapters B and B-1,  
 1-45 Chapter 31, and courses offered through the state virtual school  
 1-46 network under Chapter 30B [~~Subchapter 30A~~];  
 1-47 (2) emphasis on learning standards that focus on  
 1-48 high-priority standards identified in coordination with districts  
 1-49 and charter schools participating in the consortium;  
 1-50 (3) use of multiple assessments of learning capable of  
 1-51 being used to inform students, parents, districts, and charter  
 1-52 schools on an ongoing basis concerning the extent to which learning  
 1-53 is occurring and the actions consortium participants are taking to  
 1-54 improve learning; and  
 1-55 (4) reliance on local control that enables communities  
 1-56 and parents to be involved in the important decisions regarding the  
 1-57 education of their children.  
 1-58 SECTION 3. Section 25.007(b), Education Code, is amended to  
 1-59 read as follows:  
 1-60 (b) In recognition of the challenges faced by students who

- 2-1 are homeless or in substitute care, the agency shall assist the  
 2-2 transition of students who are homeless or in substitute care from  
 2-3 one school to another by:
- 2-4 (1) ensuring that school records for a student who is  
 2-5 homeless or in substitute care are transferred to the student's new  
 2-6 school not later than the 10th working day after the date the  
 2-7 student begins enrollment at the school;
- 2-8 (2) developing systems to ease transition of a student  
 2-9 who is homeless or in substitute care during the first two weeks of  
 2-10 enrollment at a new school;
- 2-11 (3) developing procedures for awarding credit,  
 2-12 including partial credit if appropriate, for course work, including  
 2-13 electives, completed by a student who is homeless or in substitute  
 2-14 care while enrolled at another school;
- 2-15 (4) developing procedures to ensure that a new school  
 2-16 relies on decisions made by the previous school regarding placement  
 2-17 in courses or educational programs of a student who is homeless or  
 2-18 in substitute care and places the student in comparable courses or  
 2-19 educational programs at the new school, if those courses or  
 2-20 programs are available;
- 2-21 (5) promoting practices that facilitate access by a  
 2-22 student who is homeless or in substitute care to extracurricular  
 2-23 programs, summer programs, credit transfer services, electronic  
 2-24 courses provided under Chapter 30B [30A], and after-school tutoring  
 2-25 programs at nominal or no cost;
- 2-26 (6) establishing procedures to lessen the adverse  
 2-27 impact of the movement of a student who is homeless or in substitute  
 2-28 care to a new school;
- 2-29 (7) entering into a memorandum of understanding with  
 2-30 the Department of Family and Protective Services regarding the  
 2-31 exchange of information as appropriate to facilitate the transition  
 2-32 of students in substitute care from one school to another;
- 2-33 (8) encouraging school districts and open-enrollment  
 2-34 charter schools to provide services for a student who is homeless or  
 2-35 in substitute care in transition when applying for admission to  
 2-36 postsecondary study and when seeking sources of funding for  
 2-37 postsecondary study;
- 2-38 (9) requiring school districts, campuses, and  
 2-39 open-enrollment charter schools to accept a referral for special  
 2-40 education services made for a student who is homeless or in  
 2-41 substitute care by a school previously attended by the student, and  
 2-42 to provide comparable services to the student during the referral  
 2-43 process or until the new school develops an individualized  
 2-44 education program for the student;
- 2-45 (10) requiring school districts, campuses, and  
 2-46 open-enrollment charter schools to provide notice to the child's  
 2-47 educational decision-maker and caseworker regarding events that  
 2-48 may significantly impact the education of a child, including:
- 2-49 (A) requests or referrals for an evaluation under  
 2-50 Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or  
 2-51 special education under Section 29.003;
- 2-52 (B) admission, review, and dismissal committee  
 2-53 meetings;
- 2-54 (C) manifestation determination reviews required  
 2-55 by Section 37.004(b);
- 2-56 (D) any disciplinary actions under Chapter 37 for  
 2-57 which parental notice is required;
- 2-58 (E) citations issued for Class C misdemeanor  
 2-59 offenses on school property or at school-sponsored activities;
- 2-60 (F) reports of restraint and seclusion required  
 2-61 by Section 37.0021; and
- 2-62 (G) use of corporal punishment as provided by  
 2-63 Section 37.0011;
- 2-64 (11) developing procedures for allowing a student who  
 2-65 is homeless or in substitute care who was previously enrolled in a  
 2-66 course required for graduation the opportunity, to the extent  
 2-67 practicable, to complete the course, at no cost to the student,  
 2-68 before the beginning of the next school year;
- 2-69 (12) ensuring that a student who is homeless or in

3-1 substitute care who is not likely to receive a high school diploma  
3-2 before the fifth school year following the student's enrollment in  
3-3 grade nine, as determined by the district, has the student's course  
3-4 credit accrual and personal graduation plan reviewed;

3-5 (13) ensuring that a student in substitute care who is  
3-6 in grade 11 or 12 be provided information regarding tuition and fee  
3-7 exemptions under Section 54.366 for dual-credit or other courses  
3-8 provided by a public institution of higher education for which a  
3-9 high school student may earn joint high school and college credit;

3-10 (14) designating at least one agency employee to act  
3-11 as a liaison officer regarding educational issues related to  
3-12 students in the conservatorship of the Department of Family and  
3-13 Protective Services; and

3-14 (15) providing other assistance as identified by the  
3-15 agency.

3-16 SECTION 4. Section 26.0031, Education Code, is amended to  
3-17 read as follows:

3-18 Sec. 26.0031. RIGHTS CONCERNING STATE VIRTUAL SCHOOL  
3-19 NETWORK STATEWIDE COURSE CATALOG. (a) At the time and in the  
3-20 manner that a school district or ~~[open-enrollment]~~ charter school  
3-21 informs students and parents about courses that are offered in the  
3-22 district's or school's traditional classroom setting, the district  
3-23 or school shall notify parents and students of the option to enroll  
3-24 in an electronic course offered through the state virtual school  
3-25 network statewide course catalog under Chapter 30B [30A].

3-26 (b) Except as provided by Subsection (c), a school district  
3-27 or ~~[open-enrollment]~~ charter school in which a student is enrolled  
3-28 as a full-time student may not deny the request of a parent of a  
3-29 student to enroll the student in an electronic course offered  
3-30 through the state virtual school network statewide course catalog  
3-31 under Chapter 30B [30A].

3-32 (c) A school district or ~~[open-enrollment]~~ charter school  
3-33 may deny a request to enroll a student in an electronic course if:

3-34 (1) a high school student attempts to enroll in a  
3-35 course load that is inconsistent with the student's high school  
3-36 graduation plan or requirements for college admission or earning an  
3-37 industry certification; or

3-38 (2) the student requests permission to enroll in an  
3-39 electronic course at a time that is not consistent with the  
3-40 enrollment period established by the school district or  
3-41 ~~[open-enrollment]~~ charter school providing the course~~;~~ or

3-42 ~~[(3) the district or school offers a substantially~~  
3-43 ~~similar course].~~

3-44 ~~[(c-1) A school district or open-enrollment charter school~~  
3-45 ~~may decline to pay the cost for a student of more than three~~  
3-46 ~~yearlong electronic courses, or the equivalent, during any school~~  
3-47 ~~year. This subsection does not:~~

3-48 ~~[(1) limit the ability of the student to enroll in~~  
3-49 ~~additional electronic courses at the student's cost; or~~

3-50 ~~[(2) apply to a student enrolled in a full-time online~~  
3-51 ~~program that was operating on January 1, 2013.]~~

3-52 (d) Notwithstanding Subsection (c)(2), a school district or  
3-53 ~~[open-enrollment]~~ charter school that provides an electronic  
3-54 course through the state virtual school network statewide course  
3-55 catalog under Chapter 30B [30A] shall make all reasonable efforts  
3-56 to accommodate the enrollment of a student in the course under  
3-57 special circumstances.

3-58 (e) A parent may appeal to the commissioner a school  
3-59 district's or ~~[open-enrollment]~~ charter school's decision to deny a  
3-60 request to enroll a student in an electronic course offered through  
3-61 the state virtual school network statewide course catalog. The  
3-62 commissioner's decision under this subsection is final and may not  
3-63 be appealed.

3-64 (f) A school district or ~~[open-enrollment]~~ charter school  
3-65 from which a parent of a student requests permission to enroll the  
3-66 student in an electronic course offered through the state virtual  
3-67 school network statewide course catalog under Chapter 30B [30A] has  
3-68 discretion to select a course provider approved by the agency  
3-69 ~~[network's administering authority]~~ for the course in which the

4-1 student will enroll based on factors including the informed choice  
4-2 report in Section 30B.112(b) [~~30A.108(b)~~].

4-3 SECTION 5. Subtitle F, Title 2, Education Code, is amended  
4-4 by adding Chapter 30B, and a heading is added to that chapter to  
4-5 read as follows:

4-6 CHAPTER 30B. STATE VIRTUAL SCHOOL NETWORK STATEWIDE COURSE CATALOG  
4-7 AND FULL-TIME VIRTUAL SCHOOLS

4-8 SECTION 6. Chapter 30B, Education Code, as added by this  
4-9 Act, is amended by adding Subchapter A, and a heading is added to  
4-10 that subchapter to read as follows:

4-11 SUBCHAPTER A. GENERAL PROVISIONS

4-12 SECTION 7. Sections ~~30A.001~~, ~~30A.002~~, ~~30A.003~~, ~~30A.004~~,  
4-13 ~~30A.005~~, and ~~30A.007~~, Education Code, are transferred to Subchapter  
4-14 A, Chapter 30B, Education Code, as added by this Act, redesignated  
4-15 as Sections 30B.001, 30B.002, 30B.003, 30B.004, 30B.005, and  
4-16 30B.006, Education Code, and amended to read as follows:

4-17 Sec. ~~30B.001~~ [~~30A.001~~]. DEFINITIONS. In this chapter:

4-18 ~~(1) ["Administering authority" means the entity~~  
4-19 ~~designated under Section 30A.053 to administer the state virtual~~  
4-20 ~~school network.~~

4-21 ~~(2)~~ "Board" means the State Board of Education.

4-22 ~~(2)~~ [~~(3)~~] "Course" means a course of study that meets  
4-23 the requirements of Section 30B.105 [~~30A.104~~].

4-24 ~~(3)~~ [~~(4)~~] "Electronic course" means a course in which:

4-25 (A) instruction and content are delivered  
4-26 primarily over the Internet;

4-27 (B) a student and teacher are in different  
4-28 locations for a majority of the student's instructional period;

4-29 (C) most instructional activities take place in  
4-30 an online environment;

4-31 (D) the online instructional activities are  
4-32 integral to the academic program;

4-33 (E) extensive communication between a student  
4-34 and a teacher and among students is emphasized; and

4-35 (F) a student is not required to be located on the  
4-36 physical premises of a school district or [~~open-enrollment~~] charter  
4-37 school.

4-38 ~~(4)~~ [~~(5)~~] "~~Electronic diagnostic assessment~~" means a  
4-39 ~~formative or instructional assessment used in conjunction with an~~  
4-40 ~~electronic course to ensure that:~~

4-41 ~~[(A) a teacher of an electronic course has~~  
4-42 ~~information related to a student's academic performance in that~~  
4-43 ~~course; and~~

4-44 ~~[(B) a student enrolled in an electronic course~~  
4-45 ~~makes documented progress in mastering the content of the course.~~

4-46 ~~(6)~~ "Electronic professional development course"  
4-47 means a professional development course in which instruction and  
4-48 content are delivered primarily over the Internet.

4-49 ~~(5)~~ "Full-time virtual school" means a campus  
4-50 authorized by the commissioner to provide a full-time virtual  
4-51 school program to enrolled students under this chapter.

4-52 ~~(6)~~ [~~(7)~~] "Course provider" means:

4-53 (A) a school district or [~~open-enrollment~~]  
4-54 charter school that provides an electronic course through the  
4-55 statewide course catalog [~~state virtual school network~~] to:

4-56 (i) students enrolled in that district or  
4-57 school; or

4-58 (ii) students enrolled in another school  
4-59 district or school;

4-60 (B) a public or private institution of higher  
4-61 education, nonprofit entity, or private entity that provides a  
4-62 course through the statewide course catalog [~~state virtual school~~  
4-63 ~~network~~]; or

4-64 (C) an entity that provides an electronic  
4-65 professional development course through the state virtual school  
4-66 network.

4-67 ~~(7)~~ [~~(8)~~] "Public or private institution of higher  
4-68 education" means an institution of higher education or a private or  
4-69 independent institution of higher education, as those terms are

5-1 defined by Section 61.003 [~~20 U.S.C. Section 1001~~].

5-2 (8) "Statewide course catalog" means a program of  
 5-3 supplemental courses offered by state-approved course providers  
 5-4 that is delivered through the state virtual school network.

5-5 Sec. 30B.002 [~~30A.002~~]. STUDENT ELIGIBILITY. [~~(a)~~] A  
 5-6 student is eligible to enroll in a course provided through the  
 5-7 statewide course catalog or in a full-time [~~state~~] virtual school  
 5-8 [~~network~~] only if [~~the student~~]:

5-9 (1) the student [~~on September 1 of the school year:~~  
 5-10 [~~(A) is younger than 21 years of age; or~~  
 5-11 [~~(B) is younger than 26 years of age and entitled~~  
 5-12 ~~to the benefits of the Foundation School Program under Section~~  
 5-13 ~~42.003,~~

5-14 [~~(2) has not graduated from high school; and~~  
 5-15 [~~(3)~~] is [~~otherwise~~] eligible to enroll in a public  
 5-16 school in this state; or

5-17 (2) the student does not qualify under Subdivision  
 5-18 (1), including a student who is an adult or who resides in another  
 5-19 state or country, and the student pays fees in accordance with this  
 5-20 chapter.

5-21 [~~(b) A student is eligible to enroll full-time in courses~~  
 5-22 ~~provided through the state virtual school network only if the~~  
 5-23 ~~student:~~

5-24 [~~(1) was enrolled in a public school in this state in~~  
 5-25 ~~the preceding school year;~~

5-26 [~~(2) is a dependent of a member of the United States~~  
 5-27 ~~military who has been deployed or transferred to this state and was~~  
 5-28 ~~enrolled in a publicly funded school outside of this state in the~~  
 5-29 ~~preceding school year; or~~

5-30 [~~(3) has been placed in substitute care in this state,~~  
 5-31 ~~regardless of whether the student was enrolled in a public school in~~  
 5-32 ~~this state in the preceding school year.~~

5-33 [~~(c) Notwithstanding Subsection (a)(3) or (b), a student is~~  
 5-34 ~~eligible to enroll in one or more courses provided through the state~~  
 5-35 ~~virtual school network or enroll full-time in courses provided~~  
 5-36 ~~through the network if the student:~~

5-37 [~~(1) is a dependent of a member of the United States~~  
 5-38 ~~military;~~

5-39 [~~(2) was previously enrolled in high school in this~~  
 5-40 ~~state; and~~

5-41 [~~(3) does not reside in this state due to a military~~  
 5-42 ~~deployment or transfer.]~~

5-43 Sec. 30B.003 [~~30A.003~~]. PROVISION OF COMPUTER EQUIPMENT OR  
 5-44 INTERNET SERVICE. This chapter does not:

5-45 (1) require a school district, a [~~an open-enrollment~~]  
 5-46 charter school, a course provider, a full-time virtual school, or  
 5-47 the state to provide a student with home computer equipment or  
 5-48 Internet access for a course provided through the state virtual  
 5-49 school network; or

5-50 (2) prohibit a school district or [~~open-enrollment~~]  
 5-51 charter school from providing a student with home computer  
 5-52 equipment or Internet access for a course provided through the  
 5-53 state virtual school network.

5-54 Sec. 30B.004 [~~30A.004~~]. APPLICABILITY OF CHAPTER.

5-55 (a) Except as provided by Subsection (c), this chapter does not  
 5-56 affect the provision of a course to a student while the student is  
 5-57 located on the physical premises of a school district or  
 5-58 [open-enrollment] charter school.

5-59 (b) [~~This chapter does not affect the provision of distance~~  
 5-60 ~~learning courses offered under other law.~~

5-61 [~~(b-1)~~] Requirements imposed by or under this chapter do not  
 5-62 apply to a virtual course provided by a school district only to  
 5-63 district students if the course is not provided as part of the state  
 5-64 virtual school network.

5-65 (c) A school district or [~~open-enrollment~~] charter school  
 5-66 may choose to participate in providing an electronic course or an  
 5-67 electronic diagnostic assessment under this chapter to a student  
 5-68 who is located on the physical premises of a school district or  
 5-69 [open-enrollment] charter school.

6-1           Sec. 30B.005 [~~30A.005~~]. TELECOMMUNICATIONS OR INFORMATION  
6-2 SERVICES NETWORK NOT CREATED. This chapter does not create or  
6-3 authorize the creation of a telecommunications or information  
6-4 services network.

6-5           Sec. 30B.006 [~~30A.007~~]. LOCAL POLICY ON ELECTRONIC  
6-6 COURSES. (a) A school district or [~~open-enrollment~~] charter  
6-7 school shall adopt a written policy that provides district or  
6-8 school students with the opportunity to enroll in electronic  
6-9 courses provided through the statewide course catalog [~~state~~  
6-10 ~~virtual school network~~]. The policy must be consistent with the  
6-11 requirements imposed by Section 26.0031.

6-12           (b) [~~(a-1)~~] A school district or [~~open-enrollment~~] charter  
6-13 school shall, at least once per school year, send to a parent of  
6-14 each district or school student enrolled at the middle or high  
6-15 school level a copy of the policy adopted under Subsection (a). A  
6-16 district or school may send the policy with any other information  
6-17 that the district or school sends to a parent.

6-18           (c) [~~(b)~~] For purposes of a policy adopted under Subsection  
6-19 (a), the determination of whether or not an electronic course will  
6-20 meet the needs of a student with a disability shall be made by the  
6-21 student's admission, review, and dismissal committee in a manner  
6-22 consistent with state and federal law, including the Individuals  
6-23 with Disabilities Education Act (20 U.S.C. Section 1400 et seq.)  
6-24 and Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section  
6-25 794).

6-26           SECTION 8. Subchapter A, Chapter 30B, Education Code, as  
6-27 added by this Act, is amended by adding Section 30B.007 to read as  
6-28 follows:

6-29           Sec. 30B.007. GRANTS AND FEDERAL FUNDS. (a) The  
6-30 commissioner may solicit and accept a gift, grant, or donation from  
6-31 any source for the implementation of the statewide course catalog  
6-32 and full-time virtual schools.

6-33           (b) The commissioner may accept federal funds for purposes  
6-34 of this chapter and shall use those funds in compliance with  
6-35 applicable federal law, regulations, and guidelines.

6-36           SECTION 9. Chapter 30B, Education Code, as added by this  
6-37 Act, is amended by adding Subchapter B, and a heading is added to  
6-38 that subchapter to read as follows:

6-39           SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

6-40           SECTION 10. Sections 30A.051, 30A.052, and 30A.054,  
6-41 Education Code, are transferred to Subchapter B, Chapter 30B,  
6-42 Education Code, as added by this Act, redesignated as Sections  
6-43 30B.051, 30B.052, and 30B.053, Education Code, and amended to read  
6-44 as follows:

6-45           Sec. 30B.051 [~~30A.051~~]. GOVERNANCE [~~OF NETWORK~~]. (a) The  
6-46 commissioner shall:

6-47           (1) administer the state virtual school network  
6-48 statewide course catalog and full-time virtual schools; and

6-49           (2) ensure:  
6-50           (A) high-quality education for students in this  
6-51 state who are being educated through electronic courses provided  
6-52 through the statewide course catalog or a full-time virtual school  
6-53 [state virtual school network]; and

6-54           (B) equitable access by students to those courses  
6-55 and schools.

6-56           (b) The commissioner may adopt rules necessary to implement  
6-57 this chapter.

6-58           ~~[(c) To the extent practicable, the commissioner shall~~  
6-59 ~~solicit advice from school districts concerning:~~

6-60           ~~[(1) administration of the state virtual school~~  
6-61 ~~network; and~~

6-62           ~~[(2) adoption of rules under Subsection (b).]~~

6-63           Sec. 30B.052 [~~30A.052~~]. GENERAL POWERS AND DUTIES OF  
6-64 COMMISSIONER. (a) The commissioner shall prepare or provide for  
6-65 preparation of a biennial budget request for the state virtual  
6-66 school network statewide course catalog and full-time virtual  
6-67 schools for presentation to the legislature.

6-68           (b) The commissioner has exclusive jurisdiction over the  
6-69 assets of the network and shall administer and spend appropriations

7-1 made for the benefit of the network.

7-2 ~~[(c) The commissioner shall employ a limited number of~~  
7-3 ~~administrative employees in connection with the network.]~~

7-4 Sec. 30B.053 [~~30A.054~~]. STUDENT PERFORMANCE INFORMATION.  
7-5 To the extent permitted under the Family Educational Rights and  
7-6 Privacy Act of 1974 (20 U.S.C. Section 1232g), the commissioner  
7-7 shall make information relating to the performance of students  
7-8 enrolled in electronic courses through the statewide course catalog  
7-9 or a full-time virtual school under this chapter available to  
7-10 school districts, ~~[open-enrollment]~~ charter schools, and the  
7-11 public.

7-12 SECTION 11. Chapter 30B, Education Code, as added by this  
7-13 Act, is amended by adding Subchapter C, and a heading is added to  
7-14 that subchapter to read as follows:

7-15 SUBCHAPTER C. STATEWIDE COURSE CATALOG

7-16 SECTION 12. Sections 30A.101, 30A.102, 30A.1021, 30A.103,  
7-17 30A.104, 30A.1041, 30A.105, 30A.1051, 30A.1052, 30A.106, 30A.107,  
7-18 30A.108, 30A.109, 30A.110, 30A.111, 30A.112, 30A.1121, 30A.113,  
7-19 30A.114, 30A.115, 30A.151, 30A.153, and 30A.155, Education Code,  
7-20 are transferred to Subchapter C, Chapter 30B, Education Code, as  
7-21 added by this Act, redesignated as Sections 30B.101, 30B.102,  
7-22 30B.103, 30B.104, 30B.105, 30B.106, 30B.107, 30B.108, 30B.109,  
7-23 30B.110, 30B.111, 30B.112, 30B.113, 30B.114, 30B.115, 30B.116,  
7-24 30B.117, 30B.118, 30B.119, 30B.120, 30B.121, 30B.122, and 30B.123,  
7-25 Education Code, and amended to read as follows:

7-26 Sec. 30B.101 [~~30A.101~~]. ELIGIBILITY TO ACT AS COURSE  
7-27 PROVIDER. (a) A school district or ~~[open-enrollment]~~ charter  
7-28 school is eligible to act as a course provider through the statewide  
7-29 course catalog ~~[under this chapter]~~ only if the district or school  
7-30 receives an overall performance rating of C or higher ~~[is rated~~  
7-31 ~~acceptable]~~ under Section 39.054.

7-32 (b) ~~[An open-enrollment charter school may serve as a course~~  
7-33 ~~provider only:~~

7-34 ~~[(1) to a student within its service area; or~~

7-35 ~~[(2) to another student in the state:~~

7-36 ~~[(A) through an agreement with the school district~~  
7-37 ~~in which the student resides; or~~

7-38 ~~[(B) if the student receives educational services~~  
7-39 ~~under the supervision of a juvenile probation department, the Texas~~  
7-40 ~~Juvenile Justice Department, or the Texas Department of Criminal~~  
7-41 ~~Justice, through an agreement with the applicable agency.~~

7-42 ~~[(c)]~~ A public or private institution of higher education,  
7-43 nonprofit entity, private entity, or corporation is eligible to act  
7-44 as a course provider through the statewide course catalog ~~[under~~  
7-45 ~~this chapter]~~ only if the institution, ~~[nonprofit]~~ entity, ~~[private~~  
7-46 ~~entity,]~~ or corporation:

7-47 (1) complies with all applicable federal and state  
7-48 laws prohibiting discrimination;

7-49 (2) demonstrates financial solvency; ~~[and]~~

7-50 (3) provides evidence of prior successful experience  
7-51 offering online education ~~[courses]~~ to ~~[middle or high school]~~  
7-52 students, with demonstrated student success in course completion  
7-53 and performance, as determined by the commissioner; and

7-54 (4) complies with any other criteria established by  
7-55 the commissioner.

7-56 (c) ~~[(a)]~~ An entity other than a school district or  
7-57 ~~[open-enrollment]~~ charter school is not authorized to award course  
7-58 credit or a diploma for courses taken through the statewide course  
7-59 catalog ~~[state virtual school network]~~.

7-60 (d) This section may not be waived by the commissioner.

7-61 Sec. 30B.102 [~~30A.102~~]. LISTING OF ELECTRONIC COURSES.

7-62 (a) The agency ~~[administering authority]~~ shall:

7-63 (1) publish the criteria required by Section 30B.104  
7-64 [30A.103] for electronic courses that may be offered through the  
7-65 statewide course catalog ~~[state virtual school network]~~;

7-66 (2) using the criteria required by Section 30B.104  
7-67 [30A.103], evaluate electronic courses submitted by a course  
7-68 provider to be offered through the statewide course catalog  
7-69 ~~[network]~~;

8-1 (3) create a list of electronic courses approved by  
8-2 the agency [~~administering authority~~]; and

8-3 (4) publish in a prominent location on the state  
8-4 virtual school network's Internet website the list of approved  
8-5 electronic courses offered through the statewide course catalog  
8-6 [~~network~~] and a detailed description of the courses that complies  
8-7 with Section 30B.112 [~~30A.108~~].

8-8 (b) To ensure that a full range of electronic courses,  
8-9 including advanced placement courses, are offered to students in  
8-10 this state, the agency [~~administering authority~~]:

8-11 (1) shall create a list of those subjects and courses  
8-12 designated by the board under Subchapter A, Chapter 28, for which  
8-13 the board has identified essential knowledge and skills or for  
8-14 which the board has designated content requirements under  
8-15 Subchapter A, Chapter 28;

8-16 (2) shall enter into agreements with school districts,  
8-17 [~~open-enrollment~~] charter schools, public or private institutions  
8-18 of higher education, and other eligible entities for the purpose of  
8-19 offering the courses through the statewide course catalog [~~state~~  
8-20 ~~virtual school network~~]; [~~and~~]

8-21 (3) may develop or authorize the development of  
8-22 additional electronic courses that:

8-23 (A) are needed to complete high school graduation  
8-24 requirements; and

8-25 (B) are not otherwise available through the  
8-26 statewide course catalog; and

8-27 (4) may develop or authorize the development of an  
8-28 orientation course [~~state virtual school network~~].

8-29 (c) The agency [~~administering authority~~] shall develop a  
8-30 comprehensive course numbering system for all courses offered  
8-31 through the statewide course catalog [~~state virtual school network~~]  
8-32 to ensure, to the greatest extent possible, consistent numbering of  
8-33 similar courses offered across all course providers.

8-34 Sec. 30B.103 [~~30A.1021~~]. PUBLIC ACCESS TO USER COMMENTS  
8-35 REGARDING ELECTRONIC COURSES. (a) The agency [~~administering~~  
8-36 ~~authority~~] shall provide students who have completed or withdrawn  
8-37 from electronic courses offered through the statewide course  
8-38 catalog [~~virtual school network~~] and their parents with a mechanism  
8-39 for providing comments regarding the courses.

8-40 (b) The mechanism required by Subsection (a) must include a  
8-41 quantitative rating system and a list of verbal descriptors that a  
8-42 student or parent may select as appropriate.

8-43 (c) The agency [~~administering authority~~] shall provide  
8-44 public access to the comments submitted by students and parents  
8-45 under this section. The comments must be in a format that permits a  
8-46 person to sort the comments by teacher, electronic course, and  
8-47 course provider.

8-48 Sec. 30B.104 [~~30A.103~~]. CRITERIA FOR ELECTRONIC COURSES.

8-49 (a) The commissioner [~~board~~] by rule shall establish an objective  
8-50 standard criteria for an electronic course to ensure alignment with  
8-51 the essential knowledge and skills requirements identified or  
8-52 content requirements established under Subchapter A, Chapter 28.  
8-53 The criteria may not permit the agency [~~administering authority~~] to  
8-54 prohibit a course provider from applying for approval for an  
8-55 electronic course for a course for which essential knowledge and  
8-56 skills have been identified.

8-57 (b) The criteria must be consistent with Section 30B.105  
8-58 [~~30A.104~~] and may not include any requirements that are  
8-59 developmentally inappropriate for students.

8-60 (c) The commissioner by rule may:

8-61 (1) establish additional quality-related criteria for  
8-62 electronic courses; and

8-63 (2) provide for a period of public comment regarding  
8-64 the criteria.

8-65 (d) The criteria must be in place at least six months before  
8-66 the agency [~~administering authority~~] uses the criteria in  
8-67 evaluating an electronic course under Section 30B.107 [~~30A.105~~].

8-68 Sec. 30B.105 [~~30A.104~~]. COURSE ELIGIBILITY IN GENERAL.

8-69 (a) A course offered through the statewide course catalog [~~state~~

9-1 ~~virtual school network~~] must:

9-2 (1) be in a specific subject that is part of the  
9-3 required curriculum under Section 28.002(a);

9-4 (2) be aligned with the essential knowledge and skills  
9-5 identified under Section 28.002(c) for the [a] grade level [~~at or~~  
9-6 ~~above grade level three~~]; and

9-7 (3) be the equivalent in instructional rigor and scope  
9-8 to a course that is provided in a traditional classroom setting  
9-9 during a semester of 90 instructional days.

9-10 (b) If the essential knowledge and skills with which an  
9-11 approved course is aligned in accordance with Subsection (a)(2) are  
9-12 modified, the course provider must be provided the same [~~time~~]  
9-13 period to revise the course to achieve alignment with the modified  
9-14 essential knowledge and skills as is provided for the modification  
9-15 of a course provided in a traditional classroom setting.

9-16 Sec. 30B.106 [~~30A.1041~~]. DRIVER EDUCATION COURSES. (a) A  
9-17 school district, [~~open-enrollment~~] charter school, public or  
9-18 private institution of higher education, or other eligible entity  
9-19 may seek approval to offer through the statewide course catalog  
9-20 [~~state virtual school network~~] the classroom portion of a driver  
9-21 education and traffic safety course that complies with the  
9-22 requirements for the program developed under Section 29.902.

9-23 (b) A school district, [~~open-enrollment~~] charter school,  
9-24 public or private institution of higher education, or other  
9-25 eligible entity may not offer through the statewide course catalog  
9-26 [~~state virtual school network~~] the laboratory portion of a driver  
9-27 education and traffic safety course.

9-28 (c) A driver education and traffic safety course offered in  
9-29 compliance with this section must be the equivalent in  
9-30 instructional rigor and scope to a course that is provided in a  
9-31 traditional classroom setting for a period of 56 hours.

9-32 Sec. 30B.107 [~~30A.105~~]. APPROVAL OF ELECTRONIC COURSES.

9-33 (a) The agency [~~administering authority~~] shall:

9-34 (1) establish a submission and approval process for  
9-35 electronic courses that occurs on a rolling basis; and

9-36 (2) evaluate or provide for the evaluation by one or  
9-37 more organizations designated by the agency of electronic courses  
9-38 to be offered through the statewide course catalog or a full-time  
9-39 [state] virtual school [network].

9-40 (b) [~~(a-1)~~] The agency [~~administering authority~~] shall  
9-41 publish the submission and approval process for electronic courses  
9-42 established under Subsection (a)(1), including any deadlines and  
9-43 guidelines applicable to the process.

9-44 (c) [~~(a-2)~~] The evaluation required by Subsection (a)(2)  
9-45 must include review of each electronic course component, including  
9-46 off-line material proposed to be used in the course.

9-47 (d) [~~(b)~~] The agency [~~administering authority~~] shall  
9-48 establish the cost of providing an electronic course approved under  
9-49 Subsection (a) [~~, which may not exceed \$400 per student per course or~~  
9-50 ~~\$4,800 per full-time student~~].

9-51 (e) The [~~(c)~~] ~~The agency shall pay the reasonable costs of~~  
9-52 ~~evaluating and approving electronic courses. If funds available~~  
9-53 ~~to the agency for that purpose are insufficient to pay the costs of~~  
9-54 ~~evaluating and approving all electronic courses submitted for~~  
9-55 ~~evaluation and approval, the agency shall give priority to paying~~  
9-56 ~~the costs of evaluating and approving the following courses:~~

9-57 [(1) ~~courses that satisfy high school graduation~~  
9-58 ~~requirements;~~

9-59 [(2) ~~courses that would likely benefit a student in~~  
9-60 ~~obtaining admission to a postsecondary institution;~~

9-61 [(3) ~~courses, including dual credit courses, that~~  
9-62 ~~allow a student to earn college credit or other advanced credit;~~

9-63 [(4) ~~courses in subject areas most likely to be highly~~  
9-64 ~~beneficial to students receiving educational services under the~~  
9-65 ~~supervision of a juvenile probation department, the Texas Juvenile~~  
9-66 ~~Justice Department, or the Texas Department of Criminal Justice;~~  
9-67 ~~and~~

9-68 [(5) ~~courses in subject areas designated by the~~  
9-69 ~~commissioner as commonly experiencing a shortage of teachers.~~

10-1 ~~[(d) If the agency determines that the costs of evaluating~~  
 10-2 ~~and approving a submitted electronic course will not be paid by the~~  
 10-3 ~~agency due to a shortage of funds available for that purpose, the]~~  
 10-4 ~~school district, [open-enrollment] charter school, public or~~  
 10-5 ~~private institution of higher education, or other eligible entity~~  
 10-6 ~~that submits a [submitted the] course for evaluation and approval~~  
 10-7 ~~shall [may] pay a fee equal to the amount of the costs of evaluating~~  
 10-8 ~~and approving the course in order to ensure that evaluation of the~~  
 10-9 ~~course occurs. The agency shall establish and publish a fee~~  
 10-10 ~~schedule for purposes of this subsection.~~

10-11 ~~(f) [(e)]~~ The agency ~~[administering authority]~~ shall  
 10-12 require a course provider to apply for renewed approval of a  
 10-13 previously approved course in accordance with a schedule designed  
 10-14 to coincide with revisions to the required curriculum under Section  
 10-15 28.002(a) but not later than the 10th anniversary of the previous  
 10-16 approval.

10-17 Sec. 30B.108 [30A.1051]. ELECTRONIC COURSE PORTABILITY. A  
 10-18 student who transfers from one educational setting to another after  
 10-19 beginning enrollment in an electronic course is entitled to  
 10-20 continue enrollment in the course.

10-21 Sec. 30B.109 [30A.1052]. INDUCEMENTS FOR ENROLLMENT  
 10-22 PROHIBITED. (a) A course provider may not promise or provide  
 10-23 equipment or any other thing of value to a student or a student's  
 10-24 parent as an inducement for the student to enroll in an electronic  
 10-25 course offered through the statewide course catalog [~~state virtual~~  
 10-26 ~~school network~~].

10-27 (b) The commissioner shall revoke approval under this  
 10-28 chapter of electronic courses offered by a course provider that  
 10-29 violates this section.

10-30 (c) The commissioner's action under this section is final  
 10-31 and may not be appealed.

10-32 Sec. 30B.110 [30A.106]. APPEAL TO COMMISSIONER. (a) A  
 10-33 course provider may appeal to the commissioner the agency's  
 10-34 ~~[administering authority's]~~ refusal to approve an electronic  
 10-35 course under Section 30B.107 [30A.105].

10-36 (b) If the commissioner determines that the agency's  
 10-37 ~~[administering authority's]~~ evaluation did not follow the criteria  
 10-38 or was otherwise irregular, the commissioner may overrule the  
 10-39 agency ~~[administering authority]~~ and place the course on a list of  
 10-40 approved courses. The commissioner's decision under this section  
 10-41 is final and may not be appealed.

10-42 Sec. 30B.111 [30A.107]. OPTIONS FOR PROVIDERS AND  
 10-43 STUDENTS. (a) A student who does not qualify under Section  
 10-44 30B.002(1) may take one or more electronic courses through the  
 10-45 statewide course catalog if the student pays the fees for the course  
 10-46 in accordance with Section 30B.123 [~~A course provider may offer~~  
 10-47 ~~electronic courses to:~~

10-48 ~~[(1) students and adults who reside in this state, and~~  
 10-49 ~~[(2) students who reside outside this state and who~~  
 10-50 ~~meet the eligibility requirements under Section 30A.002(c)].~~

10-51 (b) A student who is enrolled in a school district or  
 10-52 ~~[open-enrollment] charter school in this state [as a full-time~~  
 10-53 ~~student]~~ may take one or more electronic courses through the state  
 10-54 virtual school network.

10-55 (c) A student who resides in this state but who is not  
 10-56 enrolled in a school district or ~~[open-enrollment] charter school~~  
 10-57 ~~in this state [as a full-time student]~~ may, subject to Section  
 10-58 30B.123 [30A.155], enroll in electronic courses through the  
 10-59 statewide course catalog [~~state virtual school network~~]. A student  
 10-60 to whom this subsection applies:

10-61 (1) ~~[may not in any semester enroll in more than two~~  
 10-62 ~~electronic courses offered through the state virtual school~~  
 10-63 ~~network,~~

10-64 ~~[(2)]~~ is not considered enrolled at the ~~[to be a]~~  
 10-65 public school campus but shall be considered for purposes of:

10-66 (A) accountability in accordance with Section  
 10-67 30B.114; and

10-68 (B) state funding as provided by Section 30B.122  
 10-69 ~~[student];~~

11-1 (2) [~~3~~] must obtain access to a course provided  
 11-2 through the statewide course catalog either [~~network~~] through a  
 11-3 [~~the~~] school district or [~~open-enrollment~~] charter school  
 11-4 [~~attendance zone in which the student resides~~];

11-5 (3) [~~4~~] is not entitled to enroll in a course  
 11-6 offered by a school district or [~~open-enrollment~~] charter school  
 11-7 other than an electronic course provided through the statewide  
 11-8 course catalog [~~network~~]; and

11-9 (4) [~~5~~] is not entitled to any right, privilege,  
 11-10 activities, or services available to a student enrolled in a public  
 11-11 school, other than the right to receive the appropriate unit of  
 11-12 credit for completing an electronic course.

11-13 (d) A school district or [~~open-enrollment~~] charter school  
 11-14 may not require a student to enroll in an electronic course.

11-15 (e) A school district or charter school shall require  
 11-16 students to take a student orientation course to access the  
 11-17 statewide course catalog.

11-18 Sec. 30B.112 [~~30A.108~~]. INFORMED CHOICE REPORTS. (a) Not  
 11-19 later than a date determined by the commissioner, the agency  
 11-20 [~~administering authority~~] shall create and maintain on the state  
 11-21 virtual school network's Internet website an "informed choice"  
 11-22 report as provided by commissioner rule.

11-23 (b) Each report under this section must describe each  
 11-24 electronic course offered through the statewide course catalog  
 11-25 [~~state virtual school network~~] and include the following  
 11-26 information:

11-27 (1) course requirements;

11-28 (2) the school year calendar for the course, including  
 11-29 any options for continued participation outside of the standard  
 11-30 school year calendar;

11-31 (3) the entity that developed the course;

11-32 (4) the entity that provided the course;

11-33 (5) the course completion rate;

11-34 (6) aggregate student performance on an assessment  
 11-35 instrument administered under Section 39.023 to students enrolled  
 11-36 in the course;

11-37 (7) aggregate student performance on all assessment  
 11-38 instruments administered under Section 39.023 to students who  
 11-39 completed the course provider's courses; and

11-40 (8) other information determined by the commissioner.

11-41 Sec. 30B.113 [~~30A.109~~]. COMPULSORY ATTENDANCE. The  
 11-42 commissioner by rule shall adopt procedures for reporting and  
 11-43 verifying the attendance of a student enrolled in an electronic  
 11-44 course provided through the statewide course catalog [~~state virtual~~  
 11-45 ~~school network~~]. The rules may modify the application of Sections  
 11-46 25.085, 25.086, and 25.087 for a student enrolled in an electronic  
 11-47 course but must require participation in an educational program  
 11-48 equivalent to the requirements prescribed by those sections.

11-49 Sec. 30B.114 [~~30A.110~~]. APPLICABILITY OF ACCOUNTABILITY  
 11-50 REQUIREMENTS. (a) Chapter 39 applies to an electronic course  
 11-51 offered through the statewide course catalog [~~state virtual school~~  
 11-52 ~~network~~] in the same manner that that chapter applies to any other  
 11-53 course offered by a school district or open-enrollment charter  
 11-54 school.

11-55 (b) The performance of a student described by Section  
 11-56 30B.111(c) shall be considered for purposes of accountability for a  
 11-57 school district or charter school if the student takes more than  
 11-58 three statewide course catalog courses through the school district  
 11-59 or charter school in a school year.

11-60 (c) Each student enrolled under this chapter in an  
 11-61 electronic course offered through the statewide course catalog  
 11-62 [~~state virtual school network~~] must take any assessment instrument  
 11-63 under Section 39.023 that is administered to students who are  
 11-64 provided instruction in the course material in the traditional  
 11-65 classroom setting. The administration of the assessment instrument  
 11-66 to the student enrolled in the electronic course must be supervised  
 11-67 by a proctor.

11-68 (d) [~~c~~] A school district or [~~open-enrollment~~] charter  
 11-69 school shall report to the commissioner through the Public

12-1 Education Information Management System (PEIMS) the results of  
 12-2 assessment instruments administered to students enrolled in an  
 12-3 electronic course offered through the statewide course catalog  
 12-4 [~~state virtual school network~~] separately from the results of  
 12-5 assessment instruments administered to other students.

12-6 Sec. 30B.115 [30A.111]. TEACHER AND INSTRUCTOR  
 12-7 QUALIFICATIONS. (a) Each teacher of an electronic course offered  
 12-8 by a school district or [~~open-enrollment~~] charter school through  
 12-9 the statewide course catalog [~~state virtual school network~~] must:

12-10 (1) be certified under Subchapter B, Chapter 21, to  
 12-11 teach that course and grade level; and

12-12 (2) successfully complete the appropriate  
 12-13 professional development course provided under Section 30B.116(a)  
 12-14 [30A.112(a)] or 30B.117 [30A.1121] before teaching an electronic  
 12-15 course offered through the statewide course catalog [~~network~~].

12-16 (b) The commissioner by rule shall establish procedures for  
 12-17 verifying successful completion by a teacher of the appropriate  
 12-18 professional development course required by Subsection (a)(2).

12-19 (c) The commissioner by rule shall establish qualifications  
 12-20 and professional development requirements applicable to college  
 12-21 instructors providing instruction in dual credit courses through  
 12-22 the statewide course catalog [~~state virtual school network~~] that  
 12-23 allow a student to earn high school credit and college credit or  
 12-24 other credit.

12-25 Sec. 30B.116 [30A.112]. EDUCATOR PROFESSIONAL DEVELOPMENT.

12-26 (a) The state virtual school network shall provide or authorize  
 12-27 providers of electronic professional development courses or  
 12-28 programs to provide professional development for teachers who are  
 12-29 teaching electronic courses through the statewide course catalog  
 12-30 [~~network~~].

12-31 (b) The state virtual school network may provide or  
 12-32 authorize providers of electronic professional development courses  
 12-33 to provide professional development for:

12-34 (1) teachers who are teaching subjects or grade levels  
 12-35 for which the teachers are not certified; or

12-36 (2) teachers who must become qualified under the  
 12-37 Individuals with Disabilities Education Act (20 U.S.C. Section 1400  
 12-38 et seq.).

12-39 Sec. 30B.117 [30A.1121]. ALTERNATIVE EDUCATOR PROFESSIONAL  
 12-40 DEVELOPMENT. (a) Subject to Subsection (b), a course provider may  
 12-41 provide professional development courses to teachers seeking to  
 12-42 become authorized to teach electronic courses provided through the  
 12-43 statewide course catalog [~~state virtual school network~~]. A course  
 12-44 provider may provide a professional development course that is  
 12-45 approved under Subsection (b) to any interested teacher, regardless  
 12-46 of the teacher's employer.

12-47 (b) The agency shall review each professional development  
 12-48 course sought to be provided by a course provider under Subsection  
 12-49 (a) to determine if the course meets the quality standards  
 12-50 established under Section 30B.118 [30A.113]. If a course meets  
 12-51 those standards, the course provider may provide the course for  
 12-52 purposes of enabling a teacher to comply with Section 30B.115(a)(2)  
 12-53 [30A.111(a)(2)].

12-54 Sec. 30B.118 [30A.113]. CRITERIA FOR ELECTRONIC  
 12-55 PROFESSIONAL DEVELOPMENT COURSES. The commissioner by rule shall  
 12-56 establish objective standard criteria for quality of an electronic  
 12-57 professional development course provided under Section 30B.116  
 12-58 [30A.112].

12-59 Sec. 30B.119 [30A.114]. REGIONAL EDUCATION SERVICE  
 12-60 CENTERS. The commissioner by rule shall allow regional education  
 12-61 service centers to participate in the statewide course catalog  
 12-62 [~~state virtual school network~~] in the same manner as course  
 12-63 providers.

12-64 Sec. 30B.120 [30A.115]. ADDITIONAL RESOURCES. The  
 12-65 commissioner by rule may establish procedures for providing  
 12-66 additional resources, such as an online library, to students and  
 12-67 educators served through the statewide course catalog [~~state~~  
 12-68 ~~virtual school network~~]. The agency [~~administering authority~~] may  
 12-69 provide the additional resources only if the commissioner receives

13-1 an appropriation, gift, or grant sufficient to pay the costs of  
 13-2 providing those resources.

13-3 Sec. 30B.121 [~~30A.151~~]. COSTS TO BE BORNE BY STATE.  
 13-4 (a) Except as authorized by Sections 30B.007, 30B.107, [~~Section~~  
 13-5 ~~30A.152~~] or this section, the state shall pay the cost of operating  
 13-6 the state virtual school network.

13-7 (b) Except as provided by Section 30B.107, the [~~The~~]  
 13-8 operating costs of the state virtual school network may not be  
 13-9 charged to a school district or [~~open-enrollment~~] charter school.

13-10 (c) The costs of providing electronic professional  
 13-11 development courses may be paid by state funds appropriated by the  
 13-12 legislature or federal funds that may be used for that purpose.

13-13 (d) [~~(e)~~] State funds provided in connection with the state  
 13-14 virtual school network may not be used in a manner that violates  
 13-15 Section 7, Article I, Texas Constitution.

13-16 [~~(f) For a full-time electronic course program offered~~  
 13-17 ~~through the state virtual school network for a grade level at or~~  
 13-18 ~~above grade level three but not above grade level eight, a school~~  
 13-19 ~~district or open-enrollment charter school is entitled to receive~~  
 13-20 ~~federal, state, and local funding for a student enrolled in the~~  
 13-21 ~~program in an amount equal to the funding the district or school~~  
 13-22 ~~would otherwise receive for a student enrolled in the district or~~  
 13-23 ~~school. The district or school may calculate the average daily~~  
 13-24 ~~attendance of a student enrolled in the program based on:~~

13-25 [~~(1) hours of contact with the student;~~

13-26 [~~(2) the student's successful completion of a course;~~

13-27 ~~or~~

13-28 [~~(3) a method approved by the commissioner.~~]

13-29 Sec. 30B.122 [~~30A.153~~]. FOUNDATION SCHOOL PROGRAM FUNDING.

13-30 (a) A [~~Subject to the limitation imposed under Subsection (a-1),~~  
 13-31 ~~a]~~ school district or open-enrollment charter school in which a  
 13-32 student is enrolled is entitled to funding under Chapter 42 or in  
 13-33 accordance with the terms of a charter granted under Section 12.101  
 13-34 for the student's enrollment in an electronic course offered  
 13-35 through the statewide course catalog [~~state virtual school network~~]  
 13-36 in the same manner that the district or school is entitled to  
 13-37 funding for the student's enrollment in courses provided in a  
 13-38 traditional classroom setting, provided that the student  
 13-39 successfully completes the electronic course.

13-40 (b) For purposes of funding a school district or charter  
 13-41 school that provides access to an electronic course to a student  
 13-42 described by Section 30B.111(c) who would be entitled to the  
 13-43 benefits of the Foundation School Program under Section 42.003 if  
 13-44 enrolled in a school district, the agency shall aggregate up to  
 13-45 three courses offered during the year to such students at the  
 13-46 district or school and divide by five to establish the number of  
 13-47 possible students in average daily attendance, rounding up to the  
 13-48 half-day average daily attendance.

13-49 [~~(a-1) For purposes of Subsection (a), a school district or~~  
 13-50 ~~open-enrollment charter school is limited to the funding described~~  
 13-51 ~~by that subsection for a student's enrollment in not more than three~~  
 13-52 ~~electronic courses during any school year, unless the student is~~  
 13-53 ~~enrolled in a full-time online program that was operating on~~  
 13-54 ~~January 1, 2013.~~]

13-55 (c) [~~(b)~~] The commissioner[, ~~after considering comments~~  
 13-56 ~~from school district and open-enrollment charter school~~  
 13-57 ~~representatives,~~] shall adopt a standard agreement that governs the  
 13-58 costs, payment of funds, and other matters relating to a student's  
 13-59 enrollment in an electronic course offered through the statewide  
 13-60 course catalog [~~state virtual school network~~]. The agreement may  
 13-61 not require a school district or [~~open-enrollment~~] charter school  
 13-62 to pay the provider the full amount until the student has  
 13-63 successfully completed the electronic course[, ~~and the full amount~~  
 13-64 ~~may not exceed the limits specified by Section 30A.105(b)].~~

13-65 (d) [~~(c)~~] A school district or [~~open-enrollment~~] charter  
 13-66 school shall use the standard agreement adopted under Subsection  
 13-67 (c) [~~(b)~~] unless:

13-68 (1) the district or school requests from the  
 13-69 commissioner permission to modify the standard agreement; and

14-1 (2) the commissioner authorizes the modification.  
 14-2 (e) ~~(d)~~ The commissioner shall adopt rules necessary to  
 14-3 implement this section, including rules regarding attendance  
 14-4 accounting.  
 14-5 Sec. 30B.123 ~~[30A.155]~~. FEES. (a) A school district or  
 14-6 ~~[open-enrollment]~~ charter school may charge a fee for enrollment in  
 14-7 an electronic course provided through the statewide course catalog  
 14-8 ~~[state virtual school network]~~ to a student who resides in this  
 14-9 state and ~~[+~~  
 14-10 ~~(1)~~ is enrolled in a school district or  
 14-11 ~~[open-enrollment]~~ charter school as a full-time student with a  
 14-12 course load greater than that normally taken by students in the  
 14-13 equivalent grade level in other school districts or  
 14-14 ~~[open-enrollment]~~ charter schools ~~[, or~~  
 14-15 ~~(2)~~ elects to enroll in an electronic course provided  
 14-16 through the network for which the school district or  
 14-17 ~~open-enrollment~~ charter school in which the student is enrolled as  
 14-18 a full-time student declines to pay the cost, as authorized by  
 14-19 Section 26.0031(c-1).  
 14-20 (b) ~~(a-1)~~ A school district or ~~[open-enrollment]~~ charter  
 14-21 school may charge a fee for enrollment in an electronic course  
 14-22 provided through the statewide course catalog ~~[state virtual school~~  
 14-23 ~~network]~~ during the summer.  
 14-24 (c) ~~(b)~~ A school district or ~~[open-enrollment]~~ charter  
 14-25 school shall charge a fee for enrollment in an electronic course  
 14-26 provided through the statewide course catalog ~~[state virtual school~~  
 14-27 ~~network]~~ to a student who does not satisfy the criteria of Section  
 14-28 30B.002(1) ~~[who resides in this state and is not enrolled in a~~  
 14-29 ~~school district or open-enrollment charter school as a full-time~~  
 14-30 ~~student]~~.  
 14-31 (d) ~~(c)~~ The amount of a fee charged a student under  
 14-32 Subsection (a), ~~(a-1), or~~ (b), or (c) for each electronic course  
 14-33 in which the student enrolls through the statewide course catalog  
 14-34 ~~[state virtual school network]~~ may not exceed the lesser of:  
 14-35 (1) the cost of providing the course; or  
 14-36 (2) an amount set by the commissioner [\$400].  
 14-37 (e) ~~(c-1)~~ A school district or ~~[open-enrollment]~~ charter  
 14-38 school that is not the course provider may charge a student enrolled  
 14-39 in the district or school a nominal fee, not to exceed the amount  
 14-40 specified by the commissioner, if the student enrolls in an  
 14-41 electronic course provided through the statewide course catalog  
 14-42 ~~[state virtual school network]~~ that exceeds the course load  
 14-43 normally taken by students in the equivalent grade level. A  
 14-44 juvenile probation department or state agency may charge a  
 14-45 comparable fee to a student under the supervision of the department  
 14-46 or agency.  
 14-47 (f) ~~(d)~~ Except as provided by this section, the state  
 14-48 virtual school network may not charge a fee to students for  
 14-49 electronic courses provided through the statewide course catalog  
 14-50 ~~[network]~~.  
 14-51 ~~(c)~~ This chapter does not entitle a student who is not  
 14-52 enrolled on a full-time basis in a school district or  
 14-53 ~~open-enrollment~~ charter school to the benefits of the Foundation  
 14-54 School Program.]  
 14-55 SECTION 13. Chapter 30B, Education Code, as added by this  
 14-56 Act, is amended by adding Subchapter D to read as follows:  
 14-57 SUBCHAPTER D. FULL-TIME VIRTUAL SCHOOL  
 14-58 Sec. 30B.201. ELIGIBILITY TO OPERATE FULL-TIME VIRTUAL  
 14-59 SCHOOL. (a) The commissioner may establish criteria for,  
 14-60 authorize the operation of, and approve an expansion of a full-time  
 14-61 virtual school under this subchapter.  
 14-62 (b) A school district or charter school is eligible to  
 14-63 operate a full-time virtual school under this subchapter only if  
 14-64 the district or school receives an overall performance rating of C  
 14-65 or higher under Section 39.054.  
 14-66 (c) A public or private institution of higher education is  
 14-67 eligible to operate a full-time virtual school under this  
 14-68 subchapter only if the institution:  
 14-69 (1) complies with all applicable federal and state

15-1 laws prohibiting discrimination;  
15-2 (2) demonstrates financial solvency;  
15-3 (3) provides evidence of prior successful experience  
15-4 offering online education to students, with demonstrated student  
15-5 success in course completion and performance, as determined by the  
15-6 commissioner;  
15-7 (4) has a charter granted under Subchapter D or E,  
15-8 Chapter 12, authorized to provide a full-time virtual school; and  
15-9 (5) has not been subject to contract revocation under  
15-10 Section 30B.211.  
15-11 (d) The commissioner may not authorize an entity to operate  
15-12 more than one full-time virtual school under this subchapter.  
15-13 (e) An entity that operates a full-time virtual school must  
15-14 offer:  
15-15 (1) at least one grade level in which an assessment  
15-16 instrument is required to be administered under Section 39.023(a),  
15-17 including each subject for which an assessment instrument is  
15-18 required; or  
15-19 (2) a complete high school program, including each  
15-20 course for which an end-of-course assessment instrument is required  
15-21 to be administered under Section 39.023(c).  
15-22 (f) The provisions of this section may not be waived by the  
15-23 commissioner.  
15-24 Sec. 30B.202. FULL-TIME VIRTUAL SCHOOL ENROLLMENT AND  
15-25 ADMISSION. (a) The total number of students enrolled in full-time  
15-26 virtual schools may not exceed:  
15-27 (1) for the 2020-2021 school year, 120 percent of the  
15-28 total number of students enrolled in full-time online programs  
15-29 offered through the state virtual school network under former  
15-30 Chapter 30A for the 2019-2020 school year; or  
15-31 (2) for each school year after the 2020-2021 school  
15-32 year, 102 percent of the total number of students enrolled in  
15-33 full-time virtual schools for the preceding school year.  
15-34 (b) To ensure compliance with the maximum number of enrolled  
15-35 students under Subsection (a), the commissioner by rule shall  
15-36 establish a method for determining the total number of students  
15-37 that each full-time virtual school may enroll for a school year.  
15-38 (c) If a full-time virtual school receives more acceptable  
15-39 applications for admission than available positions in the school  
15-40 for a school year, the school shall:  
15-41 (1) fill the available positions by lottery;  
15-42 (2) create a waitlist for any students not admitted  
15-43 under Subdivision (1); and  
15-44 (3) provide to the agency in accordance with  
15-45 commissioner rule the number of students on the school's waitlist  
15-46 under Subdivision (2), if applicable.  
15-47 Sec. 30B.203. FULL-TIME VIRTUAL SCHOOL LIST. (a) The  
15-48 agency shall:  
15-49 (1) create a list of full-time virtual schools;  
15-50 (2) publish in a prominent location on the state  
15-51 virtual school network's Internet website a list of and contact and  
15-52 waitlist information for all full-time virtual schools;  
15-53 (3) provide access to the accountability ratings of  
15-54 each full-time virtual school;  
15-55 (4) provide notice to each student enrolled in a  
15-56 full-time virtual school and the student's parent of the name and  
15-57 contact information of the operator of the full-time virtual school  
15-58 in which the student is enrolled; and  
15-59 (5) include any other information the commissioner  
15-60 determines necessary to inform student choice.  
15-61 (b) The agency shall provide students who have completed or  
15-62 withdrawn from a full-time virtual school and their parents with a  
15-63 method for providing comments regarding the school. The comment  
15-64 method must include a quantitative rating system and a list of  
15-65 verbal descriptors that a student or parent may select as  
15-66 appropriate.  
15-67 (c) The agency shall provide public access to the comments  
15-68 submitted by students and parents under this section.  
15-69 Sec. 30B.204. INDUCEMENTS FOR ENROLLMENT PROHIBITED.

16-1 (a) An entity that operates a full-time virtual school may not  
 16-2 promise or provide equipment or any other thing of value to a  
 16-3 student or a student's parent as an inducement for the student to  
 16-4 enroll in the full-time virtual school.

16-5 (b) The commissioner shall revoke an entity's authorization  
 16-6 to operate a full-time virtual school if the entity violates this  
 16-7 section.

16-8 (c) The commissioner's action under this section is final  
 16-9 and may not be appealed.

16-10 Sec. 30B.205. COMPULSORY ATTENDANCE. The commissioner by  
 16-11 rule shall adopt procedures for reporting and verifying the  
 16-12 attendance of a student enrolled in a full-time virtual school. The  
 16-13 rules may modify the application of Sections 25.085, 25.086, and  
 16-14 25.087 for a student enrolled in a full-time virtual school but must  
 16-15 require participation in an educational program equivalent to the  
 16-16 requirements prescribed by those sections.

16-17 Sec. 30B.206. APPLICABILITY OF ACCOUNTABILITY  
 16-18 REQUIREMENTS. (a) Chapter 39 applies to a full-time virtual  
 16-19 school in the same manner that the chapter applies to a school  
 16-20 district or open-enrollment charter school.

16-21 (b) Each student enrolled in a subject or course in a  
 16-22 full-time virtual school must take each assessment instrument under  
 16-23 Section 39.023 that is administered to students who are provided  
 16-24 instruction in the subject or course material in the traditional  
 16-25 classroom setting. The administration of the assessment instrument  
 16-26 to the student enrolled in the full-time virtual school must be  
 16-27 supervised by a proctor.

16-28 (c) An entity that operates multiple full-time virtual  
 16-29 schools under contracts described by Section 30B.211 shall receive  
 16-30 an accountability rating for:

16-31 (1) each full-time virtual school as if the school  
 16-32 were a campus; and

16-33 (2) the entity as if the entity were a school district  
 16-34 or open-enrollment charter school and each full-time virtual school  
 16-35 were a campus of the district or school.

16-36 Sec. 30B.207. TEACHER AND INSTRUCTOR QUALIFICATIONS.

16-37 (a) Each teacher at a full-time virtual school must:

16-38 (1) be certified under Subchapter B, Chapter 21, to  
 16-39 teach that course and grade level; and

16-40 (2) successfully complete the appropriate  
 16-41 professional development course provided under Section 30B.116(a)  
 16-42 or 30B.117 before teaching at a full-time virtual school.

16-43 (b) The commissioner by rule shall establish procedures for  
 16-44 verifying successful completion by a teacher of the appropriate  
 16-45 professional development course required by Subsection (a)(2).

16-46 (c) The commissioner by rule shall establish qualifications  
 16-47 and professional development requirements applicable to college  
 16-48 instructors providing instruction in dual credit courses through a  
 16-49 full-time virtual school that allow a student to earn high school  
 16-50 credit and college credit or other credit.

16-51 Sec. 30B.208. FUNDING. (a) A full-time virtual school in  
 16-52 which a student described by Section 30B.002(1) is enrolled is  
 16-53 entitled to funding under Chapter 42 or in accordance with the terms  
 16-54 of a charter granted under Chapter 12 for the student's enrollment  
 16-55 in electronic courses in a full-time virtual school in the same  
 16-56 manner that the district or school is entitled to funding for the  
 16-57 student's enrollment in courses provided in a traditional classroom  
 16-58 setting, provided that the student successfully completes the  
 16-59 electronic course.

16-60 (b) A full-time virtual school may charge a fee for a  
 16-61 student who does not qualify under Section 30B.002(1).

16-62 Sec. 30B.209. ORIENTATION COURSE. Each full-time virtual  
 16-63 school shall require a student to take an orientation course before  
 16-64 enrolling in the school. The agency shall provide guidance  
 16-65 regarding the development and delivery of an orientation course.

16-66 Sec. 30B.210. PARENT-TEACHER CONFERENCE. (a) Each  
 16-67 full-time virtual school, on a periodic basis throughout each  
 16-68 school year, shall communicate with each parent of or person  
 16-69 standing in parental relation to an enrolled student regarding the

17-1 performance and progress of the student. The school shall:

17-2 (1) provide opportunities for parent-teacher

17-3 conferences;

17-4 (2) document any requests for parent-teacher

17-5 conferences; and

17-6 (3) permit students to participate in the

17-7 parent-teacher conferences.

17-8 (b) Parent-teacher conferences may be conducted in person

17-9 or through electronic means.

17-10 Sec. 30B.211. CONTRACTING FOR FULL-TIME VIRTUAL SCHOOL

17-11 SERVICES. (a) A school district or charter school that contracts

17-12 with an entity to operate a full-time virtual school for the

17-13 district or school shall report to the agency:

17-14 (1) the identity of the contracted entity each year

17-15 the contracted entity operates the full-time virtual school; and

17-16 (2) information required to be reported under Section

17-17 42.006 regarding staff and finances as if the full-time virtual

17-18 school were a campus.

17-19 (b) A school district or charter school shall revoke a

17-20 contract with an entity to operate a full-time virtual school for

17-21 the district or school if the entity has received for the three most

17-22 recent school years a campus or district accountability rating of D

17-23 or F under Subchapter C, Chapter 39. A school district or charter

17-24 school shall include a contract revocation provision in each

17-25 contract entered into with an entity to operate a full-time virtual

17-26 school for the district or school under this section.

17-27 (c) The agency shall notify a district or school that the

17-28 district or school is subject to Subsection (b) if its full-time

17-29 virtual school campus has received for the three most recent school

17-30 years accountability ratings described by Subsection (b). Failure

17-31 to receive notice under this subsection does not affect the

17-32 requirement imposed on the district or school under Subsection (b).

17-33 (d) A school district or charter school may not contract

17-34 with an entity to operate a full-time virtual school for the

17-35 district or school if the contracted entity operated a full-time

17-36 virtual school for a district or school and the contracting entity

17-37 was subject to a contract revocation under Subsection (b) within

17-38 the preceding 10 years.

17-39 (e) The agency shall include a list of entities subject to a

17-40 contract revocation under Subsection (b) on the state virtual

17-41 school network Internet website.

17-42 (f) An entity under this section includes a corporate

17-43 affiliate or an entity that is substantially related to the entity.

17-44 (g) The commissioner may adopt rules to implement this

17-45 section.

17-46 (h) The provisions of this section may not be waived by the

17-47 commissioner.

17-48 Sec. 30B.212. INITIAL TERM OF OPERATION; PROCEDURE FOR

17-49 RENEWAL, DENIAL OF RENEWAL, AND EXPIRATION. (a) The initial term

17-50 of operation for a full-time virtual school is five years.

17-51 (b) The commissioner by rule shall develop a procedure for

17-52 the renewal, denial of renewal, and expiration of an authorization

17-53 to operate a full-time virtual school at the end of the

17-54 authorization's term. The procedure must include consideration of

17-55 the accountability rating under Chapter 39 of the full-time virtual

17-56 school.

17-57 (c) To renew an authorization to operate a full-time virtual

17-58 school at the end of a term of operation, the entity operating the

17-59 full-time virtual school shall submit a petition for renewal to the

17-60 commissioner in the time and manner developed under Subsection (b).

17-61 (d) The renewal term for a full-time virtual school under

17-62 this section is 10 years.

17-63 (e) Notwithstanding any other law, a determination by the

17-64 commissioner under this section is final and may not be appealed.

17-65 Sec. 30B.213. BASIS FOR REVOCATION OF FULL-TIME VIRTUAL

17-66 SCHOOL AUTHORIZATION. (a) The commissioner may revoke

17-67 authorization for an entity to operate a full-time virtual school

17-68 under this subchapter if the commissioner determines that:

17-69 (1) the school is not meeting the best interests of its

18-1 students; or  
 18-2 (2) the revocation is necessary to ensure that  
 18-3 full-time virtual schools are high quality.

18-4 (b) The commissioner shall revoke the authorization for an  
 18-5 entity to operate a full-time virtual school under this subchapter  
 18-6 if the entity has received for the three most recent years a campus  
 18-7 or district accountability rating of D or F under Subchapter C,  
 18-8 Chapter 39.

18-9 Sec. 30B.214. PROCEDURE FOR REVOCATION OR DENIAL OF  
 18-10 RENEWAL. (a) The commissioner shall adopt an informal procedure  
 18-11 for:

18-12 (1) revoking an authorization to operate a full-time  
 18-13 virtual school; and

18-14 (2) denying the renewal of an authorization to operate  
 18-15 a full-time virtual school.

18-16 (b) The procedure adopted under Subsection (a) must allow  
 18-17 representatives of the full-time virtual school to meet with the  
 18-18 commissioner to discuss the decision and allow the full-time  
 18-19 virtual school to submit additional information to the  
 18-20 commissioner. In a final decision issued by the commissioner, the  
 18-21 commissioner shall provide a written response to any information  
 18-22 the full-time virtual school submits under this subsection.

18-23 (c) A decision by the commissioner under this section is  
 18-24 final and may not be appealed.

18-25 Sec. 30B.215. EFFECT OF REVOCATION OR DENIAL OF RENEWAL OF  
 18-26 AUTHORIZATION TO OPERATE FULL-TIME VIRTUAL SCHOOL. If the  
 18-27 commissioner revokes or denies the renewal of an entity's  
 18-28 authorization to operate a full-time virtual school under this  
 18-29 subchapter, the school may not continue to operate or receive state  
 18-30 funds under this subchapter.

18-31 SECTION 14. Section 33.009(d), Education Code, is amended  
 18-32 to read as follows:

18-33 (d) An academy developed under this section must provide  
 18-34 counselors and other postsecondary advisors with knowledge and  
 18-35 skills to provide counseling to students regarding postsecondary  
 18-36 success and productive career planning and must include information  
 18-37 relating to:

18-38 (1) each endorsement described by Section  
 18-39 28.025(c-1), including:

18-40 (A) the course requirements for each  
 18-41 endorsement; and

18-42 (B) the postsecondary educational and career  
 18-43 opportunities associated with each endorsement;

18-44 (2) available methods for a student to earn credit for  
 18-45 a course not offered at the school in which the student is enrolled,  
 18-46 including enrollment in an electronic course provided through the  
 18-47 state virtual school network under Chapter 30B [30A];

18-48 (3) general academic performance requirements for  
 18-49 admission to an institution of higher education, including the  
 18-50 requirements for automatic admission to a general academic teaching  
 18-51 institution under Section 51.803;

18-52 (4) regional workforce needs, including information  
 18-53 about the required education and the average wage or salary for  
 18-54 careers that meet those workforce needs; and

18-55 (5) effective strategies for engaging students and  
 18-56 parents in planning for postsecondary education and potential  
 18-57 careers, including participation in mentorships and business  
 18-58 partnerships.

18-59 SECTION 15. Section 42.152(b-1), Education Code, is amended  
 18-60 to read as follows:

18-61 (b-1) A student receiving a full-time virtual education  
 18-62 [~~through the state virtual school network~~] may be included in  
 18-63 determining the number of educationally disadvantaged students  
 18-64 under Subsection (b) if the school district or full-time virtual  
 18-65 school submits to the commissioner a plan detailing the enhanced  
 18-66 services that will be provided to the student and the commissioner  
 18-67 approves the plan.

18-68 SECTION 16. The following provisions of the Education Code  
 18-69 are repealed:

- 19-1 (1) the heading to Chapter 30A;
- 19-2 (2) the heading to Subchapter A, Chapter 30A;
- 19-3 (3) Section 30A.006;
- 19-4 (4) the heading to Subchapter B, Chapter 30A;
- 19-5 (5) Section 30A.053;
- 19-6 (6) Section 30A.055;
- 19-7 (7) Section 30A.056;
- 19-8 (8) the heading to Subchapter C, Chapter 30A;
- 19-9 (9) Section 30A.1042;
- 19-10 (10) the heading to Subchapter D, Chapter 30A; and
- 19-11 (11) Section 30A.152.

19-12 SECTION 17. This Act applies beginning with the 2020-2021  
 19-13 school year.

19-14 SECTION 18. The Texas Education Agency is required to  
 19-15 implement a provision of this Act only if the legislature  
 19-16 appropriates money specifically for that purpose. If the  
 19-17 legislature does not appropriate money specifically for that  
 19-18 purpose, the Texas Education Agency may, but is not required to,  
 19-19 implement a provision of this Act using other appropriations  
 19-20 available for that purpose.

19-21 SECTION 19. This Act takes effect immediately if it  
 19-22 receives a vote of two-thirds of all the members elected to each  
 19-23 house, as provided by Section 39, Article III, Texas Constitution.  
 19-24 If this Act does not receive the vote necessary for immediate  
 19-25 effect, this Act takes effect September 1, 2019.

19-26 \* \* \* \* \*