

AN ACT

relating to the operation of the state virtual school network and courses provided through other distance learning arrangements.

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

SECTION 1. Section 26.0031, Education Code, is amended by amending Subsections (b), (c), and (d) and adding Subsections (c-1) and (f) to read as follows:

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

(c) A [~~For purposes of Subsection (b), a~~] school district or open-enrollment charter school may deny [~~is not considered to have unreasonably denied~~] a request to enroll a student in an electronic course if:

(1) [~~the district or school can demonstrate that the course does not meet state standards or standards of the district or school that are of equivalent rigor as the district's or school's standards for the same course provided in a traditional classroom setting,~~

[~~2~~] a student attempts to enroll in a course load that [~~+~~

1                    [~~(A)~~] is inconsistent with the student's high  
2 school graduation plan or requirements for college admission or  
3 earning an industry certification;

4                    (2) [~~or~~  
5                    [~~(B)~~ could reasonably be expected to negatively  
6 affect the student's performance on an assessment instrument  
7 administered under Section 39.023; or

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

12                    (3) the district or school offers a substantially  
13 similar course.

14                    (c-1) A school district or open-enrollment charter school  
15 may decline to pay the cost for a student of more than three  
16 yearlong electronic courses, or the equivalent, during any school  
17 year. This subsection does not:

18                    (1) limit the ability of the student to enroll in  
19 additional electronic courses at the student's cost; or

20                    (2) apply to a student enrolled in a full-time online  
21 program that was operating on January 1, 2013.

22                    (d) Notwithstanding Subsection (c)(2) [~~(c)(3)~~], a school  
23 district or open-enrollment charter school that provides an  
24 electronic course through the state virtual school network under  
25 Chapter 30A shall make all reasonable efforts to accommodate the  
26 enrollment of a student in the course under special circumstances.

27                    (f) A school district or open-enrollment charter school

1 from which a parent of a student requests permission to enroll the  
2 student in an electronic course offered through the state virtual  
3 school network under Chapter 30A has discretion to select a course  
4 provider approved by the network's administering authority for the  
5 course in which the student will enroll based on factors including  
6 the informed choice report in Section 30A.108(b).

7 SECTION 2. Subchapter Z, Chapter 29, Education Code, is  
8 amended by adding Section 29.909 to read as follows:

9 Sec. 29.909. DISTANCE LEARNING COURSES. (a) A school  
10 district or open-enrollment charter school that provides a course  
11 through distance learning and seeks to inform other districts or  
12 schools of the availability of the course may submit information to  
13 the agency regarding the course, including the number of positions  
14 available for student enrollment in the course. The district or  
15 school may submit updated information at the beginning of each  
16 semester.

17 (b) The agency shall make information submitted under this  
18 section available on the agency's Internet website.

19 (c) The commissioner may adopt rules necessary to implement  
20 this section, including rules governing student enrollment. The  
21 commissioner may not adopt rules governing course pricing, and the  
22 price for a course shall be determined by the school districts or  
23 open-enrollment charter schools involved.

24 SECTION 3. Sections 30A.001(7) and (8), Education Code, are  
25 amended to read as follows:

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

1 (A) a school district or open-enrollment charter  
2 school that provides an electronic course through the state virtual  
3 school network to:

4 (i) students enrolled in that district or  
5 school; or

6 (ii) students enrolled in another school  
7 district or school; ~~or~~

8 (B) a public or private institution of higher  
9 education, nonprofit entity, or private entity that provides a  
10 course through the state virtual school network; or

11 (C) an entity that provides an electronic  
12 professional development course through the state virtual school  
13 network.

14 (8) "Public or private institution of higher  
15 education" means~~+~~

16 [~~(A)~~] an institution of higher education, as  
17 defined by 20 U.S.C. Section 1001 [~~Section 61.003, or~~

18 [~~(B) a private or independent institution of~~  
19 ~~higher education, as defined by Section 61.003]~~.

20 SECTION 4. Section 30A.003, Education Code, is amended to  
21 read as follows:

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

24 (1) require a school district, an open-enrollment  
25 charter school, a course provider [~~school district or school~~], or  
26 the state to provide a student with home computer equipment or  
27 Internet access for a course provided through the state virtual

1 school network; or

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

6 SECTION 5. Section 30A.007, Education Code, is amended by  
7 amending Subsection (a) and adding Subsection (a-1) to read as  
8 follows:

9 (a) A school district or open-enrollment charter school  
10 shall adopt a written policy that provides district or school  
11 students with the opportunity to enroll in electronic courses  
12 provided through the state virtual school network. The policy must  
13 be consistent with the requirements imposed by Section 26.0031.

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

20 SECTION 6. Section 30A.056(a), Education Code, is amended  
21 to read as follows:

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

26 (1) provide that the administering authority may  
27 cancel the contract without penalty if legislative authorization

1 for the course provider [~~district, school, or institution~~] to offer  
2 an electronic course through the state virtual school network is  
3 revoked; and

4 (2) be submitted to the commissioner.

5 SECTION 7. The heading to Section 30A.101, Education Code,  
6 is amended to read as follows:

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

9 SECTION 8. Section 30A.101, Education Code, is amended by  
10 amending Subsection (a) and adding Subsections (c) and (d) to read  
11 as follows:

12 (a) A school district or open-enrollment charter school is  
13 eligible to act as a course provider [~~school district~~] under this  
14 chapter only if the district or school is rated acceptable [~~or~~  
15 ~~higher~~] under Section 39.054. An open-enrollment charter school  
16 may serve as a course provider only:

17 (1) to a student within its service area; or

18 (2) to another student in the state:

19 (A) through an agreement with the school district  
20 in which the student resides; or

21 (B) if the student receives educational services  
22 under the supervision of a juvenile probation department, the Texas  
23 Juvenile Justice Department, or the Texas Department of Criminal  
24 Justice, through an agreement with the applicable agency.

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

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

3           (2) demonstrates financial solvency; and

4           (3) provides evidence of prior successful experience  
5 offering online courses to middle or high school students, with  
6 demonstrated student success in course completion and performance,  
7 as determined by the commissioner.

8           (d) An entity other than a school district or  
9 open-enrollment charter school is not authorized to award course  
10 credit or a diploma for courses taken through the state virtual  
11 school network.

12           SECTION 9. Section 30A.102, Education Code, is amended to  
13 read as follows:

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

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

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

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

24           (4) publish in a prominent location on the network's  
25 Internet website [~~provide public access to~~] the list of approved  
26 electronic courses offered through the network and a detailed  
27 description of the courses that complies with Section 30A.108.

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

4 (1) shall create a list of those subjects and courses  
5 designated by the board under Subchapter A, Chapter 28, for which  
6 the board has identified essential knowledge and skills or for  
7 which the board has designated content requirements under  
8 Subchapter A, Chapter 28;

9 (2) shall enter into agreements with school districts,  
10 open-enrollment charter schools, ~~and~~ public or private  
11 institutions of higher education, and other eligible entities for  
12 the purpose of offering the courses through the state virtual  
13 school network; and

14 (3) may develop or authorize the development of  
15 additional electronic courses that:

16 (A) are needed to complete high school graduation  
17 requirements; and

18 (B) are not otherwise available through the state  
19 virtual school network.

20 (c) The administering authority shall develop a  
21 comprehensive course numbering system for all courses offered  
22 through the state virtual school network to ensure, to the greatest  
23 extent possible, consistent numbering of similar courses offered  
24 across all course providers.

25 SECTION 10. Section 30A.1021(c), Education Code, is amended  
26 to read as follows:

27 (c) The administering authority shall provide public access

1 to the comments submitted by students and parents under this  
2 section. The comments must be in a format that permits a person to  
3 sort the comments by teacher, electronic course, and course  
4 provider [~~school district or school~~].

5 SECTION 11. Section 30A.103(a), Education Code, is amended  
6 to read as follows:

7 (a) The board by rule shall establish an objective standard  
8 criteria for an electronic course to ensure alignment with the  
9 essential knowledge and skills requirements identified or content  
10 requirements established under Subchapter A, Chapter 28. The  
11 criteria may not permit the administering authority to prohibit a  
12 course provider [~~school districts or schools~~] from applying for  
13 approval for an electronic course for a course for which essential  
14 knowledge and skills have been identified.

15 SECTION 12. Section 30A.104(b), Education Code, is amended  
16 to read as follows:

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

24 SECTION 13. Sections 30A.1041(a) and (b), Education Code,  
25 are amended to read as follows:

26 (a) A school district, open-enrollment charter school, [~~or~~]  
27 public or private institution of higher education, or other

1 eligible entity may seek approval to offer through the state  
2 virtual school network the classroom portion of a driver education  
3 and traffic safety course that complies with the requirements for  
4 the program developed under Section 29.902.

5 (b) A school district, open-enrollment charter school, ~~[or]~~  
6 public or private institution of higher education, or other  
7 eligible entity may not offer through the state virtual school  
8 network the laboratory portion of a driver education and traffic  
9 safety course.

10 SECTION 14. Subchapter C, Chapter 30A, Education Code, is  
11 amended by adding Section 30A.1042 to read as follows:

12 Sec. 30A.1042. RECIPROCITY AGREEMENTS WITH OTHER STATES.

13 (a) The administering authority may enter into a reciprocity  
14 agreement with one or more other states to facilitate expedited  
15 course approval.

16 (b) An agreement under this section must ensure that any  
17 course approved in accordance with the agreement:

18 (1) is evaluated to ensure compliance with Sections  
19 30A.104(a)(1) and (2) before the course may be offered through the  
20 state virtual school network; and

21 (2) meets the requirements of Section 30A.104(a)(3).

22 SECTION 15. Section 30A.105, Education Code, is amended by  
23 amending Subsections (a), (a-1), and (d) and adding Subsection (e)  
24 to read as follows:

25 (a) The administering authority shall:

26 (1) establish a ~~[schedule for an annual]~~ submission  
27 and approval process for electronic courses that occurs on a

1 rolling basis; and

2 (2) evaluate electronic courses to be offered through  
3 the state virtual school network~~[, and~~

4 ~~[(3) not later than August 1 of each year, approve~~  
5 ~~electronic courses that:~~

6 ~~[(A) meet the criteria established under Section~~  
7 ~~30A.103; and~~

8 ~~[(B) provide the minimum instructional rigor and~~  
9 ~~scope required under Section 30A.104].~~

10 (a-1) The administering authority shall publish the  
11 submission and approval process for electronic courses ~~[schedule]~~  
12 established under Subsection (a)(1), including any deadlines  
13 ~~[specified in that schedule,]~~ and ~~[any]~~ guidelines applicable to  
14 the ~~[submission and approval]~~ process ~~[for electronic courses]~~.

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

24 (e) The administering authority shall require a course  
25 provider to apply for renewed approval of a previously approved  
26 course in accordance with a schedule designed to coincide with  
27 revisions to the required curriculum under Section 28.002(a) but

1 not later than the 10th anniversary of the previous approval.

2 SECTION 16. Subchapter C, Chapter 30A, Education Code, is  
3 amended by adding Section 30A.1052 to read as follows:

4 Sec. 30A.1052. INDUCEMENTS FOR ENROLLMENT PROHIBITED. (a)  
5 A course provider may not promise or provide equipment or any other  
6 thing of value to a student or a student's parent as an inducement  
7 for the student to enroll in an electronic course offered through  
8 the state virtual school network.

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

12 (c) The commissioner's action under this section is final  
13 and may not be appealed.

14 SECTION 17. Section 30A.106(a), Education Code, is amended  
15 to read as follows:

16 (a) A course provider [~~school district or school~~] may appeal  
17 to the commissioner the administering authority's refusal to  
18 approve an electronic course under Section 30A.105.

19 SECTION 18. Section 30A.107(a), Education Code, is amended  
20 to read as follows:

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

- 23 (1) students and adults who reside in this state; and  
24 (2) students who reside outside this state and who  
25 meet the eligibility requirements under Section 30A.002(c).

26 SECTION 19. Section 30A.108(b), Education Code, is amended  
27 to read as follows:

1 (b) Each report under this section must describe each  
2 electronic course offered through the state virtual school network  
3 and include the following information:

4 (1) [~~such as~~] course requirements;

5 (2) [~~and~~] the school year calendar for the course,  
6 including any options for continued participation outside of the  
7 standard school year calendar;

8 (3) the entity that developed the course;

9 (4) the entity that provided the course;

10 (5) the course completion rate;

11 (6) aggregate student performance on an assessment  
12 instrument administered under Section 39.023 to students enrolled  
13 in the course;

14 (7) aggregate student performance on all assessment  
15 instruments administered under Section 39.023 to students who  
16 completed the course provider's courses; and

17 (8) other information determined by the commissioner.

18 SECTION 20. Section 30A.1121, Education Code, is amended to  
19 read as follows:

20 Sec. 30A.1121. ALTERNATIVE EDUCATOR PROFESSIONAL  
21 DEVELOPMENT. (a) Subject to Subsection (b), a course provider  
22 [~~school district or open-enrollment charter school~~] may provide  
23 professional development courses to teachers seeking to become  
24 authorized to teach electronic courses provided through the state  
25 virtual school network. A course provider [~~district or school~~] may  
26 provide a professional development course that is approved under  
27 Subsection (b) to any interested teacher, regardless of [~~whether~~]

1 the teacher's employer [~~teacher is employed by the district or~~  
2 ~~school~~].

3 (b) The agency shall review each professional development  
4 course sought to be provided by a course provider [~~school district~~  
5 ~~or open-enrollment charter school~~] under Subsection (a) to  
6 determine if the course meets the quality standards established  
7 under Section 30A.113. If a course meets those standards, the  
8 course provider [~~district or school~~] may provide the course for  
9 purposes of enabling a teacher to comply with Section  
10 30A.111(a)(2).

11 SECTION 21. Section 30A.114, Education Code, is amended to  
12 read as follows:

13 Sec. 30A.114. REGIONAL EDUCATION SERVICE CENTERS. The  
14 commissioner by rule shall allow regional education service centers  
15 to participate in the state virtual school network in the same  
16 manner as course providers [~~provider school districts and schools~~].

17 SECTION 22. Section 30A.153, Education Code, is amended by  
18 amending Subsections (a) and (b) and adding Subsection (a-1) to  
19 read as follows:

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

1 provided that the student successfully completes the electronic  
2 course.

3 (a-1) For purposes of Subsection (a), a school district or  
4 open-enrollment charter school is limited to the funding described  
5 by that subsection for a student's enrollment in not more than three  
6 electronic courses during any school year, unless the student is  
7 enrolled in a full-time online program that was operating on  
8 January 1, 2013.

9 (b) The commissioner, after considering comments from  
10 school district and open-enrollment charter school  
11 representatives, shall adopt a standard agreement that governs the  
12 costs, payment of funds, and other matters relating to a student's  
13 enrollment in an electronic course offered through the state  
14 virtual school network. The agreement may not require a school  
15 district or open-enrollment charter school to pay the provider the  
16 full amount until the student has successfully completed the  
17 electronic course, and the full amount may not exceed the limits  
18 specified by Section 30A.105(b).

19 SECTION 23. Section 30A.155, Education Code, is amended by  
20 amending Subsections (a) and (c-1) and adding Subsection (e) to  
21 read as follows:

22 (a) A school district or open-enrollment charter school may  
23 charge a fee for enrollment in an electronic course provided  
24 through the state virtual school network to a student who resides in  
25 this state and:

26 (1) is enrolled in a school district or  
27 open-enrollment charter school as a full-time student with ~~and~~

1           ~~[(2) is enrolled in]~~ a course load greater than that  
2 normally taken by students in the equivalent grade level in other  
3 school districts or open-enrollment charter schools; or

4           (2) elects to enroll in an electronic course provided  
5 through the network for which the school district or  
6 open-enrollment charter school in which the student is enrolled as  
7 a full-time student declines to pay the cost, as authorized by  
8 Section 26.0031(c-1).

9           (c-1) A school district or open-enrollment charter school  
10 that is not the course provider ~~[school district or school]~~ may  
11 charge a student enrolled in the district or school a nominal fee,  
12 not to exceed the amount specified by the commissioner, if the  
13 student enrolls in an electronic course provided through the state  
14 virtual school network that exceeds the course load normally taken  
15 by students in the equivalent grade level. A juvenile probation  
16 department or state agency may charge a comparable fee to a student  
17 under the supervision of the department or agency.

18           (e) This chapter does not entitle a student who is not  
19 enrolled on a full-time basis in a school district or  
20 open-enrollment charter school to the benefits of the Foundation  
21 School Program.

22           SECTION 24. Subchapter A, Chapter 32, Education Code, is  
23 amended by adding Section 32.005 to read as follows:

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

25           (a) The commissioner shall conduct a study to assess the network  
26 capabilities of each school district. The study must gather  
27 sufficient information to determine whether the network

1 connections of a district and school campuses in the district meet  
2 the following targets:

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

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

11 (b) The commissioner may solicit and accept gifts and grants  
12 from any public or private source to conduct the study. The  
13 commissioner may also cooperate or collaborate with national  
14 organizations conducting similar studies.

15 (c) The commissioner shall complete the study not later than  
16 December 1, 2015. This section expires December 1, 2016.

17 SECTION 25. Section 30A.101(b), Education Code, as amended  
18 by Chapters 895 (H.B. 3) and 1328 (H.B. 3646), Acts of the 81st  
19 Legislature, Regular Session, 2009, is repealed.

20 SECTION 26. This Act applies beginning with the 2013-2014  
21 school year.

22 SECTION 27. This Act takes effect immediately if it  
23 receives a vote of two-thirds of all the members elected to each  
24 house, as provided by Section 39, Article III, Texas Constitution.  
25 If this Act does not receive the vote necessary for immediate  
26 effect, this Act takes effect September 1, 2013.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1926 was passed by the House on May 4, 2013, by the following vote: Yeas 104, Nays 32, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 1926 on May 24, 2013, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1926 on May 26, 2013, by the following vote: Yeas 140, Nays 1, 3 present, not voting.

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Chief Clerk of the House

H.B. No. 1926

I certify that H.B. No. 1926 was passed by the Senate, with amendments, on May 22, 2013, by the following vote: Yeas 26, Nays 5; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1926 on May 26, 2013, by the following vote: Yeas 26, Nays 5.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor