

BILL ANALYSIS

Senate Research Center

H.B. 1926
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Education
5/8/2013
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties raise concerns that many four-year universities currently have admissions requirements that exceed requirements for high school graduation. For example, some high schools do not offer four years of foreign language instruction because of financial constraints and a shortage of demand, but many top-tier schools require or recommend that a student have studied a language other than English in school for that amount of time.

H.B. 1926 seeks to address this issue and encourage expansion of the use of the state virtual school network so that students can obtain the education that best suits them, regardless of the district in which they attend school.

H.B. 1926 amends current law relating to the operation of the state virtual school network and courses provided through other distance learning arrangements.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education (commissioner) in SECTION 2 (Section 29.909, Education Code) of this bill.

Rulemaking authority previously granted to the State Board of Education is modified in SECTION 11 (Section 30A.103, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner is modified in SECTION 20 (Section 30A.114, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 26.0031, Education Code, by amending Subsections (b), (c), and (d) and adding Subsection (c-1), as follows:

(b) Prohibits a school district or open-enrollment charter school in which a student is enrolled as a full-time student, except as provided by Subsection (c), from denying, rather than unreasonably denying, 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 (State Virtual School Network).

(c) Authorizes a school district or open-enrollment charter school to deny a request to enroll a student in an electronic course if:

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

(2) the student requests permission to enroll in an electronic course at a time that is not consistent with the enrollment period established by the entity providing the course; or

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

Deletes existing text providing that a school district or open-enrollment charter school is not considered to have unreasonably denied a request to enroll a student in an electronic course if 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, a student attempts to enroll in a course load that is inconsistent with the student's high school graduation plan or could reasonably be expected to negatively affect the student's performance on an assessment instrument administered under Section 39.023 (Adoption and Administration of Instruments), or the student requests permission to enroll in an electronic course at a time that is not consistent with the enrollment period established by the school district or open-enrollment charter school providing the course. Makes nonsubstantive changes.

(c-1) Authorizes a school district or open-enrollment charter school to decline to pay the cost for a student of more than three yearlong electronic courses, or the equivalent, during any school year. Provides that this subsection does not limit the ability of the student to enroll in additional electronic courses at the student's cost.

(d) Requires an entity that provides an electronic course through the state virtual school network under Chapter 30A, notwithstanding Subsection (c)(2), to make all reasonable efforts to accommodate the enrollment of a student in the course under special circumstances, rather than requires an entity a school district or open-enrollment charter school that provides an electronic course through the state virtual school network under Chapter 30A, notwithstanding Subsection (c)(3), to make all reasonable efforts to accommodate the enrollment of a student in the course under special circumstances.

SECTION 2. Amends Subchapter Z, Chapter 29, Education Code, by adding Section 29.909, as follows:

Sec. 29.909. DISTANCE LEARNING COURSES. (a) Authorizes a school district that provides a course through distance learning and seeks to inform other school districts of the availability of the course to submit information to the Texas Education Agency (TEA) regarding the course, including the number of positions available for student enrollment in the course. Authorizes the district to submit updated information at the beginning of each semester.

(b) Requires TEA to make information submitted under this section available on TEA's Internet website.

(c) Authorizes the commissioner of education (commissioner) to adopt rules necessary to implement this section, including rules governing student enrollment. Prohibits the commissioner from adopting rules governing course pricing, and authorizes the price for a course to be determined by the school districts involved.

SECTION 3. Amends Section 30A.001(7), Education Code, to define "course provider," rather than "provider school district or school."

SECTION 4. Amends Subchapter A, Chapter 30A, Education Code, by adding Section 30A.0011, as follows:

Sec. 30A.0011. ELIGIBILITY OF CERTAIN COURSE PROVIDERS. Provides that a nonprofit entity, private entity, or corporation is not eligible to act as a course provider under this chapter unless at least 51 percent of the ownership of the nonprofit entity, private entity, or corporation is controlled by United States citizens.

SECTION 5. Amends Section 30A.003, Education Code, as follows:

Sec. 30A.003. PROVISION OF COMPUTER EQUIPMENT OR INTERNET SERVICE. Provides that this chapter does not require a school district, an open-

enrollment charter school, a course provider, or the state, rather than provides that this chapter does not require a school district, an open-enrollment charter school, a provider school district or school, or the state, to provide a student with home computer equipment or Internet access for a course provided through the state virtual school network, or prohibit a school district or open-enrollment charter school from providing a student with home computer equipment or Internet access for a course provided through the state virtual school network.

SECTION 6. Amends Section 30A.056(a), Education Code, as follows:

(a) Requires each contract between a course provider and the administering authority to provide that the administering authority is authorized to cancel the contract without penalty if legislative authorization for the course provider to offer an electronic course through the state virtual school network is revoked, and be submitted to the commissioner. Deletes existing text requiring each contract between a course provider school district, an open-enrollment charter school, or a public or private institution of higher education and the administering authority to provide that the administering authority may cancel the contract without penalty if legislative authorization for the district, school, or institution to offer an electronic course through the state virtual school network is revoked, and be submitted to the commissioner. Makes nonsubstantive changes.

SECTION 7. Amends the heading to Section 30A.101, Education Code, to read as follows:

Sec. 30A.101. ELIGIBILITY TO ACT AS COURSE PROVIDER.

SECTION 8. Amends Section 30A.101, Education Code, by amending Subsection (a) and adding Subsections (b) and (c), as follows:

(a) Provides that a school district is eligible to act as a course provider under this chapter only if the district is rated acceptable under Section 39.054 (Methods and Standards for Evaluating Performance), rather than providing that a school district is eligible to act as a provider school district under this chapter only if the district is rated acceptable or higher under Section 39.054.

(b) Provides that an open-enrollment charter school is eligible to act as a course provider under this chapter only if the school is rated acceptable or higher under Section 39.054, except that a school is authorized act as a course provider to students receiving educational services under the supervision of a juvenile probation department, the Texas Youth Commission (TYC), or the Texas Department of Criminal Justice (TDCJ) if the school is rated academically acceptable or higher. Authorizes an open-enrollment charter school to serve as a course provider only to a student within its service area; or to another student in the state through an agreement with the school district in which the student resides, or if the student receives educational services under the supervision of a juvenile probation department, TYC, or TDCJ, through an agreement with the applicable agency.

(c) Provides that a nonprofit entity, private entity, or corporation is eligible to act as a course provider under this chapter only if the nonprofit entity, private entity, or corporation complies with all applicable federal and state laws prohibiting discrimination; possesses prior experience offering online courses to elementary, middle, junior high, or high school students, with demonstrated student success in course completion and performance, as determined by the commissioner; and demonstrates financial solvency.

SECTION 9. Amends Section 30A.102, Education Code, as follows:

Sec. 30A.102. LISTING OF ELECTRONIC COURSES. (a) Requires the administering authority to:

(1) Makes no change to this subdivision;

(2) using the criteria required by Section 30A.103 (Criteria for Electronic Courses), evaluate electronic courses submitted by a course provider, rather than evaluate electronic courses submitted by a provider school district or school, to be offered through the network; and

(3)-(4) Makes no change to these subdivisions.

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

(1) Makes no change to this subdivision;

(2) is required to enter into agreements with school districts, open-enrollment charter schools, public or private institutions of higher education, and other eligible entities for the purpose of offering the courses through the state virtual school network; and

(3) Makes no change to this subdivision.

SECTION 10. Amends Section 30A.1021(c), Education Code, to require the comments submitted by parents and students to be in a format that permits a person to sort the comments by teacher, electronic course, and course provider, rather than by teacher, electronic course, and provider school district or school.

SECTION 11. Amends Section 30A.103(a), Education Code, as follows:

(a) Requires the State Board of Education (SBOE) by rule to establish an objective standard criteria for an electronic course to ensure alignment with the essential knowledge and skills requirements identified or content requirements established under Subchapter A (Essential Knowledge and Skills; Curriculum), Chapter 28 (Courses of Study; Advancement). Prohibits the criteria from permitting the administering authority to prohibit a course provider, rather than prohibit provider school districts or schools, from applying for approval for an electronic course for a course for which essential knowledge and skills have been identified.

SECTION 12. Amends Section 30A.104, Education Code, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Requires the course provider, rather than requires the provider school district or school, if the essential knowledge and skills with which an approved course is aligned in accordance with Subsection (a)(2) (relating to requiring a course offered through the state virtual school network to be aligned with the essential knowledge and skills identified for a grade level at or above grade level three) are modified, to be provided the same time period to revise the course to achieve alignment with the modified essential knowledge and skills as is provided for the modification of a course provided in a traditional classroom setting.

(c) Provides that this subsection applies to a course provider other than a school district, open-enrollment charter school, or public institution of higher education. Requires SBOE to maintain oversight of the services and products relating to public student curriculum offered in this state by a course provider, and prohibits the course provider from providing a service or product relating to public student curriculum in this state without SBOE approval, including approval of the form and content of the service or product, and regardless of whether the service or product is provided online, in print, or in person.

SECTION 13. Amends Sections 30A.1041(a) and (b), Education Code, as follows:

(a) Authorizes a school district, open-enrollment charter school, public or private institution of higher education, or other eligible entity to seek approval to offer through the state virtual school network the classroom portion of a driver education and traffic safety course that complies with the requirements for the program developed under Section 29.902 (Driver Education). Makes nonsubstantive changes.

(b) Prohibits a school district, open-enrollment charter school, public or private institution of higher education, or other eligible entity from offering through the state virtual school network the laboratory portion of a driver education and traffic safety course. Makes nonsubstantive changes.

SECTION 14. Amends Subchapter C, Chapter 30A, Education Code, by adding Section 30A.1042, as follows:

Sec. 30A.1042. **RECIPROCITY AGREEMENTS WITH OTHER STATES.** (a) Authorizes the administering authority to enter into a reciprocity agreement with one or more other states to facilitate expedited course approval.

(b) Requires an agreement under this section to ensure that any course approved in accordance with the agreement is evaluated to ensure compliance with Sections 30A.104(a)(1) (relating to requiring a course offered through the state virtual school network to be in a specific subject that is part of the required curriculum) and (2) before the course may be offered through the state virtual school network, and meets the requirements of Section 30A.104(a)(3) (relating to requiring a course offered through the state virtual school network to be the equivalent in instructional rigor and scope to a course that is provided in a traditional classroom setting).

SECTION 15. Amends Section 30A.105, Education Code, by amending Subsection (d) and adding Subsection (e), as follows:

(d) Authorizes the school district, open-enrollment charter school, public or private institution of higher education, or other eligible entity that submitted the course for evaluation and approval, if TEA determines that the costs of evaluating and approving a submitted electronic course will not be paid by TEA due to a shortage of funds available for that purpose, to pay a fee equal to the amount of the costs in order to ensure that evaluation of the course occurs.

(e) Requires the administering authority to require a course provider to apply for renewed approval of a previously approved course in accordance with a schedule designed to coincide with revisions to the required curriculum under Section 28.002(a) (relating to requiring each school district that offers kindergarten through grade 12 to offer, certain required curriculum) but not later than the 10th anniversary of the previous approval.

SECTION 16. Amends Subchapter C, Chapter 30A, Education Code, by adding Section 30A.1052, as follows:

Sec. 30A.1052. **INDUCEMENTS FOR ENROLLMENT PROHIBITED.** (a) Prohibits a course provider from promising or providing equipment or any other thing of value to a student or a student's parent as an inducement for the student to enroll in an electronic course offered through the state virtual school network.

(b) Requires the commissioner to revoke approval under this chapter of electronic courses offered by a course provider that violates this section.

(c) Provides that the commissioner's action under this section is final and is prohibited from being appealed.

SECTION 17. Amends Section 30A.106(a), Education Code, to authorize a course provider, rather than authorize a provider school district or school, to appeal to the commissioner the administering authority's refusal to approve an electronic course under Section 30A.105 (Approval of Electronic Courses).

SECTION 18. Amends Section 30A.107(a), Education Code, to authorize a course provider, rather than a provider school district or school, to offer electronic courses to students and adults who reside in this state, and students who reside outside this state and who meet the eligibility requirements under Section 30A.002(c) (relating to providing that, notwithstanding certain subsections, certain students are eligible to enroll in one or more courses provided through the state virtual school network or enroll full-time in courses provided through the network).

SECTION 19. Amends Section 30A.108(b), Education Code, as follows:

(b) Requires each report under this section to describe each electronic course offered through the state virtual school network and include the following information:

- (1) course requirements;
- (2) the school year calendar for the course, including any options for continued participation outside of the standard school year calendar;
- (3) the entity that developed the course;
- (4) the entity that provided the course;
- (5) the course completion rate;
- (6) aggregate student performance on an assessment instrument administered under Section 39.023 to students enrolled in the course;
- (7) aggregate student performance on all assessment instruments administered under Section 39.023 to students who completed the course provider's courses; and
- (8) other information determined by the commissioner.

Makes nonsubstantive changes.

SECTION 20. Amends Section 30A.114, Education Code, to require the commissioner by rule to allow regional education service centers to participate in the state virtual school network in the same manner as course providers, rather than as provider school districts and schools.

SECTION 21. Amends Section 30A.153, Education Code, by amending Subsections (a), (b), and (c) and adding Subsection (a-1), as follows:

(a) Provides that, subject to the limitation imposed under Subsection (a-1), a school district or open-enrollment charter school in which a student is enrolled is entitled to funding under Chapter 42 (Foundation School Program) or in accordance with the terms of a charter granted under Section 12.101 (Authorization) for the student's enrollment in an electronic course offered through the state virtual school network in the same manner that the district or school is entitled to funding for the student's enrollment in courses provided in a traditional classroom setting, provided that the student successfully completes the electronic course. Makes a nonsubstantive change.

(a-1) Provides that, for purposes of Subsection (a), a school district or open-enrollment charter school is limited to the funding described by that subsection for a student's enrollment in not more than three electronic courses during any school year.

(b) Requires the commissioner to negotiate an agreement with each course provider that governs the costs, payment of funds, and other matters relating to a student's enrollment in an electronic course offered through the state virtual school network, rather than requires the commissioner, after considering comments from school district and open-enrollment charter school representatives, to adopt a standard agreement that governs payment of funds and other matters relating to a student's enrollment in an electronic course offered through the state virtual school network. Prohibits the agreement from requiring a school district or open-enrollment charter school to pay the provider the full amount until the student has successfully completed the electronic course, and prohibits the full amount from exceeding the limits specified by Section 30A.105(b) (relating to requiring the administering authority to establish the cost of providing an electronic course approved, which is prohibited from exceeding \$400 per student per course or \$4,800 per full-time student).

(c) Requires a school district or open-enrollment charter school to use the applicable agreement negotiated under Subsection (b) unless the district or school requests from the commissioner permission to modify the agreement, and the commissioner authorizes the modification, rather than requiring a school district or open-enrollment charter school to use the standard agreement adopted under Subsection (b) unless the district or school requests from the commissioner permission to modify the agreement, and the commissioner authorizes the modification.

SECTION 22. Amends Sections 30A.155(a) and (c-1), Education Code, as follows:

(a) Authorizes a school district or open-enrollment charter school to charge a fee for enrollment in an electronic course provided through the state virtual school network to a student who resides in this state and is enrolled in a school district or open-enrollment charter school as a full-time student with a course load greater than that normally taken by students in the equivalent grade level in other school districts or open-enrollment charter schools, or elects to enroll in an electronic course provided through the network for which the school district or open-enrollment charter school in which the student is enrolled as a full-time student declines to pay the cost, as authorized by Section 26.0031(c-1). Makes conforming and nonsubstantive changes.

(c-1) Authorizes a school district or open-enrollment charter school that is not the course provider, rather than is not the provider school district or school, to charge a student enrolled in the district or school a nominal fee, not to exceed the amount specified by the commissioner, if the student enrolls in an electronic course provided through the state virtual school network that exceeds the course load normally taken by students in the equivalent grade level.

SECTION 23. Repealer: Section 30A.101(b) (relating to providing that an open-enrollment charter school campus is eligible to act as a provider school under this chapter), Education Code, as amended by Chapters 895 (H.B. 3) and 1328 (H.B. 3646), Acts of the 81st Legislature, Regular Session, 2009.

SECTION 24. Provides that this Act applies beginning with the 2013-2014 school year.

SECTION 25. Effective date: upon passage or September 1, 2013.