

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1298
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Education
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Online education is a vital and growing element of education in Texas. Students of the twenty-first century are digital learners and educators are rapidly working to engage students in the process of learning through technology. Through online education, students have access to courses, instructional materials, and a wide array of educational support resources.

Texas developed a system of online learning through the Texas Virtual School Network (TxVSN) in 2007. This system has enabled the state to partner with school districts in providing approved courses with state funding and professional development for teachers. C.S.S.B. 1298 seeks to streamline TxVSN and provide a structure for approving quality online course providers, both in-state and out-of-state. It directs the commissioner of education to conduct a statewide study of school district technology infrastructure to determine the needs of every school district.

C.S.S.B. 1298 amends current law relating to the provision of electronic courses in public schools, the state virtual school network, and school district digital capabilities.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the State Board of Education is modified in SECTION 12 (Section 30A.103, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner of education (commissioner) is modified in SECTION 24 (Section 30A.114, Education Code) of this bill.

Rulemaking authority is expressly granted to the commissioner in SECTION 9 (Section 30A.1011, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 26.0031(b), (c), and (d), Education Code, as follows:

(b) Prohibits a school district or open-enrollment charter school in which a student is enrolled as a full-time student 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, notwithstanding Subsection (b), to deny a request to enroll a student in an electronic course under certain circumstances. Deletes existing text providing that a school district or open-enrollment charter school, for purposes of Subsection (b), is not considered to have unreasonably denied a request to enroll a student in an electronic course under certain circumstances, including if 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). Makes nonsubstantive changes.

(d) Requires 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), to make all reasonable efforts to accommodate the enrollment of a student in the course under special circumstances. Makes a nonsubstantive change.

SECTION 2. Amends Section 30A.001, Education Code, by adding Subdivision (3-a) to define "electronic catalogue course" and amending Subdivisions (7) and (8) to define "electronic catalogue course provider," rather than "provider school district or school," and to redefine "public or private institution of higher education."

SECTION 3. Amends Section 30A.002(c), Education Code, to provide that a student, notwithstanding Subsection (a)(3) (relating to providing that a student is eligible for a virtual course if the student meets certain criteria, including being eligible to enroll in a public school), rather than Subsection (a)(3) or (b) (relating to providing that a student is eligible to enroll full-time in virtual courses if the student meets certain criteria), is eligible to enroll in one or more courses or enroll full-time in courses, rather than to enroll in one or more courses provided through the state virtual school network or enroll in full-time courses provided through the network, if the student meets certain criteria.

SECTION 4. Amends Section 30A.003, Education Code, as follows:

Sec. 30A.003. PROVISION OF COMPUTER EQUIPMENT OR INTERNET SERVICE. Provides that this chapter does not:

(1) require a school district, an open-enrollment charter school, an electronic catalogue course provider, rather than 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

(2) 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 5. Amends Section 30A.007, Education Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Requires a school district or open-enrollment charter school to adopt and send to students' parents twice per year a written policy that provides district or school students in grade 3 through grade 12 with the opportunity to enroll part-time or full-time in electronic courses provided by electronic course providers, including electronic catalogue courses provided through the state virtual school network.

(a-1) Requires that the policy adopted under Subsection (a) be consistent with the requirements imposed by Section 26.0031 (Rights Concerning State Virtual School Network).

SECTION 6. Amends Section 30A.056(a), Education Code, to require that each contract between an electronic catalogue course provider and the entity designated under Section 30A.053 (Designation of Administering Authority) to administer the state virtual school network (administering authority), rather than between a school district, an open-enrollment charter school, or a public or private institution of higher education and the administering authority, provide that the administering authority is authorized to cancel the contract without penalty if legislative authorization for the provider, rather than the provider district, school, or institution, to offer an electronic course through the state virtual school network is revoked, and be submitted to the commissioner of education (commissioner).

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

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

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

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

(c) Provides that an entity other than a school district or open-enrollment charter school is eligible to act as an electronic catalogue course provider under this chapter only if the entity:

- (1) complies with all applicable federal and state antidiscrimination laws;
- (2) provides evidence of prior, successful experience offering online courses to elementary, middle, or high school students as determined by the commissioner; and
- (3) can demonstrate that the entity is financially solvent.

(d) Prohibits an open-enrollment charter school from offering a full-time electronic course program unless the charter establishing the school under Section 12.101 (Authorization) authorizes the school to operate such a program.

SECTION 9. Amends Subchapter C, Chapter 30A, Education Code, by adding Section 30A.1011, as follows:

Sec. 30A.1011. DURATION OF APPROVAL STATUS; APPROVAL MONITORING AND REPORTING. (a) Authorizes an entity that is approved as an electronic catalogue course provider to operate as an electronic catalogue course provider for an initial authorization period lasting until the end of the third full school year after the approval.

(b) Authorizes the administering authority, at the expiration of an initial authorization period, to approve an electronic catalogue course provider for subsequent authorization periods using eligibility criteria under Section 30A.101. Prohibits a subsequent authorization period from being for less than three or more than 10 school years.

(c) Requires the administering authority, following the second full school year of an initial authorization period, to review the electronic catalogue course provider's activities and the academic performance of the students enrolled in courses offered by the provider using applicable accountability provisions under Chapter 39 (Public School System Accountability). Requires the administering authority, if the electronic catalogue course provider does not comply with applicable standards established by the commissioner, to place the provider on probation. Provides that an electronic catalogue course provider on probation:

- (1) is authorized to continue to offer electronic courses for the remainder of the authorization period;
- (2) is required to submit to the administering authority an improvement plan in accordance with rules adopted by the commissioner;
- (3) is required to publish on the provider's Internet website its probationary status along with a copy of the improvement plan submitted to the administering authority;

(4) is authorized to be removed from probation after the provider is able to demonstrate to the administering authority the provider's compliance with applicable accountability provisions under Chapter 39; and

(5) is required to demonstrate compliance by the end of the third year of the initial authorization.

(d) Authorizes the commissioner to remove the approved status of an electronic catalogue course provider on probation if the provider does not comply with Subsection (c)(5). Prohibits the provider, if the provider's approved status is removed, from reapplying until the third anniversary of the date of removal.

(e) Requires the administering authority to continually monitor and evaluate the electronic catalogue course provider in accordance with performance standards established by the commissioner using student academic performance as the main criterion.

SECTION 10. Amends Section 30A.102, Education Code, as follows:

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

(1) publish the criteria required by Section 30A.103 (Criteria for Electronic Courses) for electronic catalogue courses that are authorized to be offered through the state virtual school network;

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

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

(4) publish in a prominent location on the state virtual school network's Internet website, rather than provide public access to, the list of approved electronic catalogue courses offered through the network and a detailed description of the courses that complies with Section 30A.108 (Informed Choice Reports).

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

(1) Makes no change to this subdivision;

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

(3) is authorized to develop or authorize the development of additional electronic catalogue courses that are not otherwise available through the state virtual school network, rather than the development of additional electronic courses that are needed to complete high school graduation requirements, and are not otherwise available through the state virtual school network.

Makes nonsubstantive changes.

(c) Requires the administering authority to develop a comprehensive course numbering system for all electronic catalogue courses offered through the state virtual school network to ensure, to the greatest extent possible, consistent numbering of similar courses offered across all electronic catalogue course providers.

SECTION 11. Amends Sections 30A.1021(a) and (c), Education Code, as follows:

(a) Requires the administering authority to provide students who have completed or withdrawn from electronic catalogue courses, rather than from electronic catalogue courses offered through the virtual school network, and their parents with a mechanism for providing comments regarding the courses.

(c) Requires that comments submitted by students and parents be in a format that permits a person to sort the comments by teacher, electronic catalogue course, and electronic catalogue course provider, rather than provider school district or school.

SECTION 12. 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 catalogue 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 course providers, rather than provider school districts or schools, from applying for approval for an electronic course for inclusion as an electronic catalogue course if essential knowledge and skills have been identified for that course. Makes a nonsubstantive change.

SECTION 13. Amends the heading to Section 30A.104, Education Code, to read as follows:

Sec. 30A.104. COURSE ELIGIBILITY FOR INCLUSION IN STATE VIRTUAL SCHOOL NETWORK.

SECTION 14. Amends Sections 30A.104(a) and (b), Education Code, as follows:

(a) Requires that an electronic catalogue course, rather than a course offered through the state virtual school network, among other requirements, be aligned with the essential knowledge and skills identified under Section 28.002(c) (relating to requiring SBOE, with the direct participation of certain persons, to by rule establish the essential knowledge and skills of each subject) for grade 3 through grade 12, rather than for a grade level at or above grade level three.

(b) Requires the electronic catalogue course provider, rather than the school district or school, if the essential knowledge and skills with which an electronic catalogue course, rather than an approved course, is aligned in accordance with Subsection (a)(2) 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.

SECTION 15. Amends Sections 30A.1041(a) and (b), Education Code, as follows:

(a) Authorizes a course provider, rather than a school district, open-enrollment charter school, or public or private institution of higher education, 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).

(b) Prohibits a course provider, rather than a school district, open-enrollment charter school, or public or private institution of higher education, from offering through the state virtual school network the laboratory portion of a driver education and traffic safety course.

SECTION 16. Amends Sections 30A.105(a), (a-1), (c), and (d), Education Code, as follows:

(a) Requires the administering authority to:

(1) establish a submission and approval process for electronic catalogue courses that occurs on a rolling basis, rather than establish a schedule for an annual submission and approval process for electronic courses; and

(2) evaluate electronic catalogue courses to be offered through the state virtual school network.

Deletes existing Subdivision (3) requiring the administering authority to, not later than August 1 of each year, approve electronic courses that meet the criteria established under Section 30A.103, and provide the minimum instructional rigor and scope required under Section 30A.104. Makes nonsubstantive changes.

(a-1) Requires the administering authority to publish the submission and approval process for electronic catalogue courses, established under Subsection (a)(1), including any deadlines and guidelines applicable to the process. Deletes existing text requiring the administering authority to publish the schedule established under Subsection (a)(1), including any deadlines specified in that schedule, and any guidelines applicable to the submission and approval process for electronic courses.

(c) Requires the Texas Education Agency (TEA) to pay the reasonable costs of evaluating and approving electronic courses for inclusion as an electronic catalogue course. Requires TEA, if funds available for that purpose are insufficient to pay the costs of evaluating and approving all electronic courses submitted for evaluation and approval, to give priority to paying the costs of evaluating and approving certain courses, including courses in subject areas most likely to be highly beneficial to students receiving educational services under the supervision of a juvenile probation department, the Texas Juvenile Justice Department, rather than the Texas Youth Commission, or the Texas Department of Criminal Justice, and courses in subject areas designated by the commissioner as a high priority. Makes a nonsubstantive change.

(d) Authorizes the course provider, rather than the school district, open-enrollment charter school, or public or private institution of higher education, 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 not to exceed, rather than a fee equal to, the amount of the costs in order to ensure that evaluation of the course occurs.

SECTION 17. Amends Subchapter C, Chapter 30A, Education Code, by adding Section 30A.1052, as follows:

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

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

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

(A) possesses certification credentials similar to those required under Subchapter B (Certification of Educators), Chapter 21 (Educators); and

(B) successfully completes the appropriate professional development course provided under Section 30A.112 (Educator Professional Development) or 30A.1121 before teaching an electronic catalogue course.

SECTION 18. Amends Section 30A.106, Education Code, as follows:

Sec. 30A.106. APPEAL TO COMMISSIONER. (a) Authorizes an entity seeking approval to act as an electronic catalogue course provider or a course provider seeking approval of an electronic course, rather than authorizing a provider school district or school, to appeal to the commissioner the administering authority's refusal to approve the entity as an electronic catalogue course provider under Section 30A.101 or approve an electronic catalogue course under Section 30A.105 (Approval of Electronic Courses).

(b) Authorizes the commissioner, if the commissioner determines that the administering authority's evaluation did not follow the criteria or was otherwise irregular, to overrule the administering authority and approve the course provider or place the course on a list of approved electronic catalogue courses.

SECTION 19. Amends the heading to Section 30A.107, Education Code, to read as follows:

Sec. 30A.107. OPTIONS FOR ELECTRONIC CATALOGUE COURSE PROVIDERS AND STUDENTS.

SECTION 20. Amends Section 30A.107(a), Education Code, to authorize an electronic catalogue course provider, rather than a provider school district or school, to offer electronic catalogue 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).

SECTION 21. Amends Section 30A.108(b), Education Code, to require that each report under this section be updated not later than the 30th day after the date an electronic course is approved for inclusion as an electronic catalogue course, and to describe each electronic catalogue course, rather than each electronic catalogue course offered through the state virtual school network, and to include information such as course requirements and the school year calendar for the course, including any options for continued participation outside of the standard school year calendar.

SECTION 22. Amends Section 30A.111(a), Education Code, as follows:

(a) Requires each teacher of an electronic catalogue course offered by an electronic catalogue course provider, rather than by a school district or open-enrollment charter school through the state virtual school network, to:

(1) Makes no change to this subdivision; and

(2) successfully complete the appropriate professional development course provided under Section 30A.112(a) (relating to the provision of professional development for teachers who are teaching electronic courses through the state virtual school network) or 30A.1121 during the teacher's first year of teaching an electronic catalogue course, rather than before teaching an electronic course offered through the network.

SECTION 23. Amends Section 30A.1121, Education Code, as follows:

Sec. 30A.1121. ALTERNATIVE EDUCATOR PROFESSIONAL DEVELOPMENT.

(a) Authorizes an electronic catalogue course provider, rather than a school district or open-enrollment charter school, subject to Subsection (b), to provide professional development courses to teachers seeking to become authorized to teach electronic

catalogue courses provided through the state virtual school network. Authorizes an electronic catalogue course provider, rather than a district or school, to provide a professional development course that is approved under Subsection (b) to any interested teacher, regardless of the teacher's employer, rather than regardless of whether the teacher is employed by the district or school.

(b) Requires TEA to review each professional development course sought to be provided by an electronic catalogue course provider, rather than a school district or open-enrollment charter school, under Subsection (a) to determine if the course meets the quality standards established under Section 30A.113 (Criteria for Electronic Professional Development Courses). Authorizes the electronic catalogue course provider, rather than the district or school, if a course meets those standards, to provide the course for purposes of enabling a teacher to comply with Section 30A.111(a)(2).

SECTION 24. 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 electronic catalogue course providers, rather than as provider school districts and schools.

SECTION 25. Amends the heading to Section 30A.153, Education Code, to read as follows:

Sec. 30A.153. FUNDING OF ELECTRONIC COURSES.

SECTION 26. Amends Section 30A.153, Education Code, by amending Subsections (a) and (b) and adding Subsection (a-1), as follows:

(a) Entitles a school district or open-enrollment charter school in which a student is enrolled to funding based on a per-course amount under Chapter 42 (Foundation School Program) for the student's enrollment in an electronic catalogue course or other electronic course in which a student has enrolled that is 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 and without respect to the setting in which the student participates in the course.

(a-1) Entitles a school district or open-enrollment charter school, for a full-time electronic course program offered through the state virtual school network for grades 3 through 12, to receive state and local funding for a student enrolled in the program in an amount equal to the funding the district or school would otherwise receive for a student enrolled in the district or school. Authorizes the district or school to calculate the average daily attendance of a student enrolled in the program based on hours of contact with the student, the student's successful completion of a course, or a method approved by the commissioner.

(b) 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 catalogue course offered through the state virtual school network. Prohibits the agreement from requiring a school district or open-enrollment charter school to pay the electronic catalogue course provider the full amount until the student has successfully completed the electronic catalogue course.

SECTION 27. Amends the heading to Section 30A.155, Education Code, to read as follows:

Sec. 30A.155. FEES AND TUITION.

SECTION 28. Amends Section 30A.155, Education Code, by amending Subsections (a), (a-1), (b), (c), and (c-1) and adding Subsection (e), as follows:

(a) Authorizes a school district or open-enrollment charter school in which a student resides or is enrolled to charge a fee for enrollment in an electronic catalogue course, rather than an electronic course provided through the state virtual school network, to a student who meets certain criteria, including being enrolled in the district or school, rather than in a school district or open-enrollment charter school, as a full-time student.

(a-1) Authorizes a school district or open-enrollment charter school in which a student resides or is enrolled to charge a fee for enrollment in an electronic catalogue course, rather than in an electronic course provided through the state virtual school network, during the summer.

(b) Requires a school district or open-enrollment charter school in which a student resides or is enrolled to charge a fee for enrollment in an electronic catalogue course, rather than in an electronic course provided through the state virtual school network, to a student who resides in this state and is not enrolled in a school district or open-enrollment charter school as a full-time student.

(c) Requires that the amount of a fee charged a student under Subsection (a), (a-1), or (b) for each electronic course in which the student enrolls through the state virtual school network be used to pay the costs of the course provider through the agreement under Section 30A.153 and prohibits it from exceeding the lesser of the cost of providing the course or \$400.

(c-1) Authorizes a school district or open-enrollment charter school that is not the electronic catalogue course provider, rather than 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 catalogue course, rather than 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.

(e) Authorizes a school district or open-enrollment charter school in which a student resides or is enrolled to charge tuition to a student not enrolled in a public school who enrolls in an electronic course provided by the district or school in an amount equal to the per-course amount designated under Section 30A.153(a). Provides that if a district or school accepts a tuition charge under this subsection, the provider is not otherwise entitled to funding from any other source for the student's enrollment in the course.

SECTION 29. Amends Subchapter A, Chapter 32, Education Code, by adding Section 32.005, as follows:

Sec. 32.005. STUDY ON SCHOOL DISTRICT NETWORK CAPABILITIES. (a) Requires the commissioner to conduct a study to assess the network capabilities of each school district. Requires that the study gather sufficient information to determine whether the network connections of a district and school campuses in the district meet the following targets:

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

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

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

(c) Requires the commissioner to complete the study not later than December 1, 2014. Provides that this section expires December 1, 2015.

SECTION 30. Repealer: Section 30A.002(b) (relating to eligibility requirements for a student to enroll full-time in virtual courses), Education Code.

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

Repealer: Section 30A.151(f) (relating to entitling a school district to equal funding for a student enrolled in a full-time electronic course program and a student enrolled in district schools), Education Code.

SECTION 31. Provides that this Act applies beginning with the 2013-2014 school year.

SECTION 32. Makes application of Section 30A.101, Education Code, as amended by this Act, prospective.

SECTION 33. Makes application of Section 30A.1011, Education Code, as added by this Act, prospective.

SECTION 34. Requires the commissioner, not later than January 1, 2014, to adopt a process for approving reciprocal agreements as required by Section 30A.1052, Education Code, as added by this Act.

SECTION 35. Effective date: upon passage or September 1, 2013.