

## **BILL ANALYSIS**

Senate Research Center  
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S.B. 955  
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Education  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The 80th legislature enacted the virtual school network (VSN). VSN is a platform where students from around the state are authorized to access course offerings from other districts. This platform can bring true equity to Texas by providing students access to quality teachers and courses that would not be available to them in a brick and mortar setting.

The platform was little used in its first years because the legislature failed to fund the course offerings, making districts hesitant to utilize the platform. As a new program, some of the original provisions need tweaking to maximize the VSN's usefulness.

As proposed, S.B. 955 amends various statutory provisions relating to the VSN including those relating to funding, eligibility of students, evaluation and approval of electronic courses, portability of electronic courses, and teacher professional development and qualifications.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education in SECTION 9 (Section 30A.111, Education Code) and SECTION 12 (Section 42.159, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner of education is modified in SECTION 8 (Section 30A.109, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 1.001(b), Education Code, as follows:

(b) Provides that, except as provided by Chapter 18, Chapter 19, Subchapter A of Chapter 29, Subchapter E of Chapter 30, or Chapter 30A, this code does not apply to students, faculties, or programs under the jurisdiction of the Department of Aging and Disability Services (DADS), the Department of State Health Services (DSHS), the Health and Human Services Commission (HHSC), the Texas Youth Commission (TYC), the Texas Department of Criminal Justice (TDCJ), a job corps program operated by or under contract with the United States Department of Labor, or any juvenile probation agency.

SECTION 2. Amends Section 30A.002, Education Code, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Makes a nonsubstantive change.

(c) Provides that a student, notwithstanding Subsection (a)(3) or (b), is 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 if the student is a dependant of a member of the United States military, was previously enrolled in high school in this state, and does not reside in this state due to a military deployment or transfer. Makes nonsubstantive changes.

SECTION 3. Amends Section 30A.004, Education Code, by adding Subsection (b-1), to provide that requirements imposed by or under this chapter do not apply to a virtual course provided by a

school district only to district students if the course is not provided as part of the state virtual school network.

SECTION 4. Amends Section 30A.101(b), Education Code, as follows:

(b) Provides that an open-enrollment charter school is eligible to act as a provider school under this chapter only if the school is rated recognized or higher under Section 39.072 (Accreditation Standards), and is authorized to serve as a provider school only 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, rather than through an agreement with an administering authority under Section 30A.153 (Allocation of Funds For Students Enrolled in School Districts and Open-Enrollment Charter Schools).

SECTION 5. Amends Sections 30A.105(c) and (d), Education Code, as follows:

(c) Requires the Texas Education Agency (TEA) to pay the reasonable costs of evaluating and approving electronic courses. Requires TEA, if the funds available to TEA 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 the following courses: courses that satisfy high school graduation requirements; courses that would likely benefit a student in obtaining admission to a postsecondary institution; courses in subject areas most likely to be highly beneficial to students receiving educational services under the supervision of a juvenile probation department, TYC, or TDCJ; and courses in subject areas designated by the commissioner of education (commissioner) as commonly experiencing a shortage of teachers. Deletes existing text requiring a school district, open-enrollment charter school, or a public or private institution of higher education that submits an electronic course to the administering authority for approval to pay a fee in an amount established by the commissioner as sufficient to recover the reasonable costs to the administering authority in evaluating and approving electronic courses.

(d) Authorizes 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 shortage of funds available for that purpose, to pay the costs in order to ensure that evaluation of the course occurs. Deletes existing text requiring the administering authority to waive the fee required by Subsection (c) if a school district, open-enrollment charter school, or public or private institution of higher education applies for approval of an electronic course that was developed independently by the district, school, or institution. Deletes existing text providing that, for the purposes of this subsection, an electronic course is developed independently by a district, school, or institution if a district, school, or institution employee is responsible for developing substantially each aspect of the course, including certain determinations.

SECTION 6. Amends Subchapter C, Chapter 30A, Education Code, by adding Section 30A.1051, as follows:

Sec. 30A.1051. ELECTRONIC COURSE PORTABILITY. Entitles a student who transfers from one educational setting to another after beginning enrollment in an electronic course to continue enrollment in the course.

SECTION 7. Amends Section 30A.107(a), Education Code, to authorize a provider school district or school to offer electronic courses to students who reside outside this state and who meet the eligibility requirements under Section 30A.002(c) rather than 30A.002(b) (relating to a student being eligible to enroll full-time).

SECTION 8. Amends Section 30A.109, Education Code, to provide that the rules may modify the application of Sections 25.085 (Compulsory School Attendance), 25.086 (Exemptions), and 25.087 (Excused Absences) for a student enrolled in an electronic course, but most require

participation in an educational program equivalent to the requirements prescribed by those sections.

SECTION 9. Amends Section 30A.111, Education Code, as follows:

Sec. 30A.111. TEACHER QUALIFICATIONS. (a) Creates this subsection from existing text. Requires each teacher of an electronic course offered by a school district or open-enrollment charter school through the state virtual school network to successfully complete the appropriate professional development course provided under Section 30A.112(a) or 30A.1121 before teaching an electronic course offered through the network.

(b) Requires the commissioner by rule to establish procedures for verifying successful completion by a teacher of the appropriate professional development course required by Subsection (a)(2).

SECTION 10. Amends Subchapter C, Chapter 30A, Education Code, by adding Section 30A.1121, as follows:

Sec. 30A.1121. ALTERNATIVE EDUCATOR PROFESSIONAL DEVELOPMENT. (a) Authorizes 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 courses provided through the state virtual school network. Authorizes a district or school to provide a professional development course that is approved under Subsection (b) to any interested teacher, 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 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. Authorizes 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 11. Amends Section 30A.155, Education Code, by amending Subsections (a)-(c), and (d) and adding Subsections (a-1) and (c-1), as follows:

(a) Deletes existing text authorizing 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 does not qualify for accelerated student funding under Section 30A.154.

(a-1) Authorizes a school district or open-enrollment charter school to charge a fee for enrollment in an electronic course provided through the state virtual network during the summer.

(c) Prohibits the amount of a fee charged a student under Subsection (a), (a-1), or (b) (relating to a fee for enrollment in an electronic course) for each electronic course in which the student enrolls through the state virtual school network 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 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. Authorizes a juvenile probation department or state agency to charge a comparable fee to a student under the supervision of the department or agency.

(d) Prohibits the state virtual school network, except as provided by this section, rather than Subsection (a) or (b), from charging a fee to students for electronic courses provided through the network.

SECTION 12. Amends Subchapter C, Chapter 42, Education Code, by adding Section 42.159, as follows:

Sec. 42.159. STATE VIRTUAL SCHOOL NETWORK ALLOTMENTS. (a) Defines "electronic course," "normal course load," and "state virtual school network."

(b) Provides that for each student who successfully completes an electronic course provided through the state virtual school network as part of a normal course load, the school district or open-enrollment charter school that provided the course is entitled to an allotment of \$400 and the school district or open-enrollment charter school in which the student is enrolled is entitled to an allotment of \$80 to reimburse the district or school for associated administrative costs.

(c) Entitles a juvenile probation department or state agency to receive state funding comparable to the funding described by Subsection (b)(2) for students under the supervision of the department or agency.

(d) Provides that for each student who successfully completes an electronic course provided through the state virtual school network that exceeds a normal course load, including an electronic course offered during the summer, the school district or open-enrollment charter school that provided the course may be entitled to an allotment in an amount determined by the commissioner based on the amount of funds appropriated for purposes of this subsection.

(e) Authorizes the commissioner to set aside an amount not to exceed 50 percent of the total funds appropriated for allotments under Subsection (d) and use that amount to pay the costs of providing through the state virtual school network electronic courses through which students may recover academic credit for courses in which the students were previously unsuccessful. Authorizes the commissioner to reserve a portion of the set-aside amount for payment of the costs of providing electronic courses described by this subsection to students in alternative education settings. Provides that for the purposes of this subsection, students in alternative education settings include students in disciplinary alternative education programs under Section 37.008 (Disciplinary Alternative Education), and students in a juvenile justice alternative education programs under Section 37.011 (Juvenile Justice Alternative Education Program) under the supervision of a juvenile probation department, TYC, or TDCJ.

(f) Prohibits the commissioner from providing partial funding under this section to a school district or open-enrollment charter school under Subsection (b) or (d) on the basis of a student who successfully completes one or more modules of an electronic course but does not successfully complete the entire course.

(g) Provides that amounts received by a school district or an open-enrollment charter school under this section are in addition to any amounts to which the district or school is entitled to receive or retain under Chapter 12 (Charters), 41 (Equalized Wealth Level), or this chapter and are not subject to reduction under any provision of those chapters.

(h) Requires the commissioner to adopt rules necessary to implement this section. Requires that the rules include provisions requiring a school district or open-enrollment charter school that receives funding for an electronic course under Subsection (d) to reduce the amount of any fee charged for the course in accordance with Section 30A.155 (Fees) by an amount equal to the amount of funding provided under Subsection (d), prohibiting a school district or open-enrollment charter school that receives funding for an electronic course under Subsection (d) from charging a fee for the course in accordance with Section

30A.155 that is higher than would otherwise be charged and addressing division and distribution of the allotment described by Subsection (b)(2) in circumstances in which a student transfers from one school district, school, or other educational setting to another after beginning enrollment in an electronic course.

SECTION 13. Amends Section 42.302(a), Education Code, to redefine "WADA."

SECTION 14. Repealer: Sections 30A.151(d) (relating to state funds received by a school district or open-enrollment charter school), Education Code.

Repealer: Section 30A.153 (Allocation of Funds For Students Enrolled in School Districts and Open-Enrollment Charter Schools), Education Code.

Repealer: Section 30A.154 (Funding for Accelerated Students), Education Code.

SECTION 15. Requires TEA to evaluate whether providers of different types of electronic courses offered through the state virtual school network established under Chapter 30A, Education Code, should receive varying amounts of state funding based on the type of course provided. Requires TEA, not later than January 1, 2011, to submit a report of its findings and recommendations to the legislature.

SECTION 16. Requires TEA to investigate the feasibility of making language acquisition courses available through the state virtual school network by obtaining state subscriptions or pursuing other possible means of access. Requires TEA, not later than January 1, 2011, to submit a report of its findings to the legislature. Requires that the report, if TEA determines that it is feasible to make language acquisition courses available through the network, include recommended mechanisms for ensuring progress towards language proficiency of students enrolled in those courses.

SECTION 17. (a) Requires TEA to investigate the feasibility of creating one or more series of courses to be provided through the state virtual school network that focus on the educational needs of students in alternative education settings, including students in disciplinary alternative education programs under Section 37.008, Education Code, students in juvenile justice alternative education programs under Section 37.011, Education Code, and students under the supervision of a juvenile justice department, TYC, or TDCJ. Requires that the series of courses include a series that would constitute a full-time educational program, a series that would offer only supplemental courses, and a series that would offer courses through which students could recover academic credit for courses in which the students were previously unsuccessful.

(b) Requires TEA, not later than January 1, 2011, to submit a report of its findings to the legislature.

SECTION 18. Provides that this Act applies beginning with the 2009-2010 school year.

SECTION 19. Effective date: upon passage or September 1, 2009.