

## **BILL ANALYSIS**

Senate Research Center  
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S.B. 1298  
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Education  
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As Filed

### **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. 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.

As proposed, S.B. 1298 amends current law relating to the provision of electronic courses in public schools, electronic assessment of public school students, 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 2 (Section 28.025, Education Code) and SECTION 15 (Section 30A.103, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner of education is modified in SECTION 25 (Section 30A.114, Education Code) of this bill.

Rulemaking authority is expressly granted to the commissioner of education in SECTION 12 (Section 30A.1011, Education Code) and SECTION 26 (Section 30A.154, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 28.023, Education Code, as follows:

Sec. 28.023. CREDIT BY EXAMINATION. (a) Requires that guidelines established by the State Board of Education (SBOE) provide for review examinations for acceleration to thoroughly test comprehension of the information presented in the applicable grade level or subject, and requires that the guidelines require a school district to develop multiple versions of an examination for a particular grade level or subject for each subsequent administration of the examination in the same school year.

(b) Deletes existing text requiring a school district to give a student in a primary grade level credit for a grade level and advance the student one grade level on the basis of a board-approved examination for acceleration if a district representative recommends that the student be advanced.

(c) Requires a district, if a student is given credit in a subject on the basis of an examination, to enter the examination score on the student's transcript, and

provides that the student is not required to take an end-of-course assessment instrument adopted under Section 39.023(c) (relating to requiring the Texas Education Agency (TEA) to adopt end-of-course assessment instruments for certain secondary-level courses) for that subject.

(d) Requires each district to administer each examination:

- (1) not later than the 30th day after the date the district receives a written request from the student's parent, if the test is offered electronically; and
- (2) on at least four scheduled occasions per year, if the examination is not offered electronically.

Deletes existing text requiring each school district to administer each examination not less than once a year, at times to be determined by SBOE.

SECTION 2. Amends Section 28.025(b-1), Education Code, to require SBOE by rule to require certain criteria, including that the curriculum requirements for the minimum, recommended, and advanced high school programs under Subsection (a) include a requirement that students successfully complete certain credit requirements, including one credit earned in an electronic course taken in the sixth or a higher grade and offered through the state virtual school network, by the student's school, or pursuant to an articulation agreement between the student's school and a college, university, or technical school for a dual enrollment course.

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

SECTION 4. 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 provided through the state virtual school network or enroll full-time in courses provided through the network if the student meets certain criteria.

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

Sec. 30A.003. PROVISION OF COMPUTER EQUIPMENT OR INTERNET SERVICE. Provides that this chapter (State Virtual School Network) does not:

- (1) require a school district, an open-enrollment charter school, a 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 6. 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 a policy that provides district or school students in kindergarten through grade 12 with the opportunity to enroll part-time or full-time in electronic courses provided through various means, including:

- (1) courses provided through the state virtual school network;

- (2) other virtual courses provided by a school district or open-enrollment charter school for students attending that district or school; and
- (3) virtual courses provided by a school district other than the one in which the student resides, or an open-enrollment charter school that the student does not attend.

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

(a) Requires that each contract between a course provider, rather than 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 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 8. Amends the heading to Section 30A.101, Education Code, to read as follows:

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

SECTION 9. Amends Section 30A.101(a), Education Code, to provide that a school district, in addition to satisfying eligibility requirements under Subsection (c), is eligible to act as a 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).

SECTION 10. Reenacts Section 30A.101(b), Education Code, as amended by Chapters 895 (H.B. 3) and 1328 (H.B. 3646), Acts of the 81st Legislature, Regular Session, 2009, and amends it as follows:

(b) Provides that an open-enrollment charter school campus, in addition to satisfying eligibility requirements under Subsection (c), is eligible to act as a course provider under this chapter only if the campus was awarded a distinction designation under Subchapter G (Distinction Designations), Chapter 39, for the most recent year for which accountability ratings are available, except that a campus is authorized to act as a course provider to students receiving educational services under the supervision of a juvenile probation department, the Texas Juvenile Justice Department (TJJD), or the Texas Department of Criminal Justice (TDCJ) if the campus is rated acceptable under Section 39.054.

Deletes existing text providing that an open-enrollment charter school campus is eligible to act as a provider school under this chapter only if the campus is rated recognized or higher under Section 39.072 [redesignated as existing Section 39.054(b-1) (relating to consideration of the effectiveness of certain district programs)], except that a campus may act as a provider school to students receiving educational services under the supervision of a juvenile probation department, the Texas Youth Commission (TYC), or TDCJ if the campus is rated academically acceptable or higher. Deletes existing text authorizing a campus to serve as a provider school only:

- (1) to a student within the school district in which the campus is located or within its service area, whichever is smaller; or
- (2) to another student in the state:
  - (A) through an agreement with the school district in which the student resides; or

(B) if the student receives educational services under the supervision of a juvenile probation department, TYC, or TDCJ, through an agreement with the applicable agency.

SECTION 11. Amends Section 30A.101, Education Code, by adding Subsections (c), (d), and (e), as follows:

(c) Authorizes an entity that provides virtual education, including a school district, an open-enrollment charter school, a private elementary or secondary institution, an education service agency, a private or nonprofit education provider, and a corporation that offers vocational or technical course work in the corporation's field to be a course provider if:

(1) the entity applies to the administering authority;

(2) the entity complies with all local, state, and federal discrimination prohibitions;

(3) the entity has adopted measures to ensure that the entity's courses maintain alignment with the essential knowledge and skills requirements identified or content requirements established under Subchapter A (Essential Knowledge and Skills; Curriculum), Chapter 28, or with any other quality-related criteria the commissioner has established under Section 30A.103(b) (relating to requiring the criteria for an electronic course to be consistent with course eligibility in general and prohibiting the criteria from including developmentally inappropriate requirements);

(4) the entity satisfies any other criteria that the commissioner establishes, including accreditation requirements or course quality standards; and

(5) the administering authority approves the entity's application.

(d) Provides that an entity that is not a school district or open-enrollment charter school, in addition to satisfying eligibility requirements under Subsection (c), is eligible to be a course provider only if the entity possesses prior successful experiences offering online courses that demonstrate student learning gains in each subject and grade level for which the entity provides courses.

(e) Requires a course provider, once approved, to:

(1) annually provide to the commissioner student performance results for each subject area and grade level for which the entity provides courses;

(2) continually make available to the commissioner and the public detailed and updated curriculum and student performance accountability plans for each subject area and grade level for which the entity provides courses; and

(3) keep published on the entity's Internet website certain relevant information.

SECTION 12. 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 a course provider to operate as a course provider for an initial authorization period lasting until the end of the third full school year after the course provider's approval.

(b) Authorizes the administering authority, at the expiration of an initial authorization period, to approve a 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 course provider's activities and the academic performance of the students enrolled in courses offered by the course provider using applicable accountability provisions under Chapter 39 (public School System Accountability). Requires the administering authority, if the course provider does not comply with applicable standards established by the commissioner, to place the course provider on probation. Provides that a 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; and

(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.

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

SECTION 13. Amends Section 30A.102, Education Code, as follows:

Sec. 30A.102. LISTING OF ELECTRONIC COURSES. (a) Requires the administering authority to, in addition to other requirements, using the criteria required by Section 30A.103 (Criteria for Electronic Courses), evaluate electronic courses submitted by a course provider, rather than a provider school district or school, to be offered through the network; and 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 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 courses, including advanced placement courses, are offered to students in this state:

(1) Makes no changes to this subdivision;

(2) is required to enter into agreements with 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 courses or enter into contracts with course providers for licensing, development, or purchasing of additional electronic courses that are needed to allow students to complete high school graduation requirements, or achieve state academic standards for any grade, and are not otherwise available through the state virtual school network.

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

SECTION 14. Amends Section 30A.1021(c), Education Code, to require that comments submitted by students and parents be in a format that permits a person to sort the comments by teacher, electronic course, and course provider, rather than provider school district or school.

SECTION 15. Amends Section 30A.103(a), Education Code, to prohibit objective standard criteria for electronic courses established by rule by SBOE 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 a course for which essential knowledge and skills have been identified.

SECTION 16. Amends Sections 30A.104(a) and (b), Education Code, as follows:

(a) Requires that a course offered through the state virtual school network:

(1) Makes no changes to this subdivision;

(2) be aligned with the essential knowledge and skills identified under Section 28.002(c) (relating to requiring SBOE, with the direct participation of certain person, to by rule establish the essential knowledge and skills of each subject) for kindergarten through grade 12, rather than for a grade level at or above grade level three; and

(3) Makes no changes to this subdivision.

(b) Requires the course provider, rather than the school district or school, if the essential knowledge and skills with which 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 17. Amends Section 30A.1041, Education Code, as follows:

Sec. 30A.1041. DRIVER EDUCATION COURSES. (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.

(c) Requires that a driver education and traffic safety course offered in compliance with this section be the equivalent in instructional rigor and scope to a course that is provided in a traditional classroom setting, rather than in a traditional classroom setting for a period of 56 hours.

SECTION 18. Amends Section 30A.105, Education Code, by amending Subsections (a), (a-1), (c), and (d) and adding Subsection (a-3), as follows:

(a) Requires the administering authority to:

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

(2) evaluate electronic courses to be offered through the state virtual school network; and

(3) not later than the 90th day after the date the course was submitted for approval, rather than not later than August 1 of each year, either:

(A) approve an electronic course that meets certain criteria; or

(B) if the administering authority does not approve an electronic course, provide to the course provider that submitted the course a written explanation of the reason for which the course was not approved.

Makes nonsubstantive changes.

(a-1) Requires the administering authority to publish the submission and approval process for electronic 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 the that schedule, and any guidelines applicable to the submission and approval process for electronic courses.

(a-3) Authorizes the administering authority, if the administering authority determines that changes may be made to a proposed course to either improve the course or bring the course into compliance with established eligibility criteria, to grant approval of that course that is conditional on the course provider implementing the changes identified by the administering authority.

(c) Requires TEA, if funds available to TEA 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:

(1)-(3) Makes no changes to these subdivisions;

(4) courses in subject areas most likely to be highly beneficial to students receiving educational services under the supervision of a juvenile probation department, TJJD, TYC, or TDCJ;

(5) Makes no changes to this subdivision; and

(6) courses in subject areas designated by the commissioner as a high priority.

(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. Requires TEA to establish and publish a fee schedule for purposes of this subsection.

SECTION 19. 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 course eligibility guidelines under Section 30A.104 (Course Eligibility in General); 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; and
  - (B) successfully completes the appropriate professional development course provided under Section 30A.112 (Educator Professional Development) or 30A.1121 before teaching an electronic course offered through the network.

SECTION 20. Amends Section 30A.106, Education Code, as follows:

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

(c) Authorizes the entity, if an entity's application and appeal to act as a course provider are denied, to resubmit an application to become a course provider at any time.

SECTION 21. Amends Sections 30A.107(a) and (d), Education Code, as follows:

(a) Authorizes 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).

(d) Prohibits a school district or open-enrollment charter school from requiring a student to enroll in an electronic course for any reason other than to comply with Section 28.025(b-1)(3)(C) (relating to requiring SBOE to require that students complete one credit of physical education except under certain circumstances).

SECTION 22. 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 and describe each electronic course offered through the state virtual school network and 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 23. Amends Section 30A.111(a), Education Code, as follows:

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

- (1) be certified under Subchapter B, Chapter 21, to teach that course and grade level; 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 before teaching an electronic course offered through the network.

SECTION 24. Amends Section 30A.1121, Education Code, as follows:

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

(a) Authorizes a 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 courses provided through the state virtual school network. Authorizes a 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 a 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 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 25. 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 26. Amends Subchapter D, Chapter 30A, Education Code, by adding Section 30A.154, as follows:

Sec. 30A.154. FOUNDATION SCHOOL PROGRAM FUNDING. (a) Entitles a course provider to funding based on a per-course amount for each student enrolled in a class provided by the course provider. Provides that the per-course amount is equal to the market rate for enrollment in an electronic course, as determined by the course provider and approved by the commissioner, but prohibits the per-course amount from exceeding one-sixth of 90 percent of the state and local funding to which the school district or open-enrollment charter school in which the student is enrolled or resides would otherwise be entitled for the student's enrollment in courses provided in a traditional classroom setting. Requires that the per-course amount be paid to the course provider as follows:

(1) 50 percent of the per-course amount on the student's enrollment in the electronic course; and

(2) either:

(A) 50 percent of the per-course amount on the student's completion of the course if completed within the course's prescribed course length; or

(B) 40 percent of the per-course amount on the student's completion of the course if completed after the course's prescribed course length but before the student graduates from high school or withdraws from school.

(b) Entitles a school district or open-enrollment charter school in which a student is enrolled or resides, for each electronic course in which the student enrolls, to:

(1) funding equal to the amount of one-sixth of 10 percent of the state and local funding to which the school district or open-enrollment charter school in which the student is enrolled or resides would otherwise be entitled for the student's enrollment in courses provided in a traditional classroom setting; and

(2) either:

(A) 10 percent of the per-course amount paid to the course provider if the student completes the course within the time prescribed by Subsection (a)(2)(B); or

(B) 50 percent of the per-course amount paid to the course provider if the student does not complete the course within the time prescribed by Subsection (a)(2)(A) or (B).

(c) Requires that the amount of funding to which a course provider is entitled for a student's enrollment in an electronic course be reduced proportionally if the student withdraws from the course during the course's prescribed length.

(d) Requires the commissioner to adopt rules necessary to implement this section, including rules regarding attendance accounting.

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), and (c-1) and adding Subsection (e), as follows:

(a) Authorizes a course provider, rather than 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 meets certain criteria.

(a-1) Authorizes a course provider, rather than 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 during the summer.

(b) Requires a course provider, rather than 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 not enrolled in a school district or open-enrollment charter school as a full-time student.

(c-1) Authorizes a school district or open-enrollment charter school that is not the 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 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 course provider to charge tuition to any student who enrolls in an electronic course provided by the course provider in an amount equal to the per-course amount designated under Section 30A.154(a). Provides that the provider, if a course provider accepts a tuition charge under this subsection, 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. Repealers: Sections 30A.002(b) (relating to eligibility requirements for a student to enroll full-time in virtual courses) and 30A.153 (Foundation School Program Funding), Education Code.

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

SECTION 32. Provides that Section 28.025(b-1)(3)(C), Education Code, as added by this Act, applies beginning with students entering the ninth grade in the 2013-2014 school year.

SECTION 33. Makes application of Section 30A.101, Education Code, as amended by this Act, prospective.

SECTION 34. Makes application of Section 30A.1011, Education Code, as added by this Act, prospective.

SECTION 35. 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 36. Effective date: upon passage or September 1, 2013.