

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1045
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Education
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Virtual School Network (TxVSN) is comprised of two main elements: the online course catalog and full-time online schools. The course catalog is an online supplement to instruction provided in a traditional classroom setting and allows public school students to enroll each school year in up to three "high school, Advanced Placement, and dual-credit courses offered by TEA-approved catalog course providers." Full-time virtual schools, however, are able to offer an entire online curriculum, and 14,160 public school students participated in these programs in the 2017-2018 school year. Under Section 30A.153(a-1), only those full-time virtual schools operating as of January 1, 2013, are eligible to receive Foundation School Program (FSP) funding for more than three online courses per student each academic year, effectively limiting the number of full-time online schools to those operating at that time.

The current providers of full-time virtual education are iUniversity Prep through Grapevine-Colleyville ISD, Texas Virtual Academy through Hallsville ISD, Texas Connections Academy through Houston ISD, Texas Online Preparatory School through Huntsville ISD, Texas Virtual Academy through Premier High Schools (charter holder is Responsive Education Solutions), and Responsive Education Virtual Learning through the Texas College Preparatory Academies (charter holder is Responsive Education Solutions). All of these full-time providers of virtual education also have traditional school campuses but are receiving one district-level accountability rating that encompasses both their traditional and virtual programs. Traditional classroom instruction and virtual education are provided in different manners, however, and S.B. 1045 would allow public schools offering full-time virtual education to receive a separate accountability rating for their traditional and virtual programs. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 1045 amends current law relating to academic accountability ratings for certain school districts, open-enrollment charter schools, and contracted entities that offer full-time online programs through the state virtual school network.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 30A, Education Code, by adding Sections 30A.1011, 30A.1012, and 30A.1013, as follows:

Sec. 30A.1011. **AUTHORITY TO OPERATE FULL-TIME ONLINE PROGRAM.** (a) Prohibits a school district or open-enrollment charter school from operating more than one full-time online program under this chapter (State Virtual School Network).

(b) Prohibits the provisions of this section from being waived by the commissioner of education (commissioner).

Sec. 30A.1012. **CONTRACTING FOR FULL-TIME ONLINE PROGRAM.** (a) Requires a school district or open-enrollment charter school that contracts with an entity to operate

a full-time online program for the district or school to report to the Texas Education Agency (TEA):

(1) the identity of the contracted entity each year the contracted entity operates the full-time online program; and

(2) information required to be reported under Section 42.006 (Public Education Information Management System (PEIMS)) regarding staff and finances as if the full-time online program were a campus.

(b) Requires a school district or open-enrollment charter school to revoke a contract with an entity to operate a full-time online program for the district or school if the entity has received for the three most recent school years a campus or district accountability rating of D or F under Subchapter C (Accreditation), Chapter 39. Requires a school district or open-enrollment charter school to include a contract revocation provision in each contract entered into with an entity to operate a full-time online program for the district or open-enrollment charter school under this section.

(c) Requires TEA to notify a school district or open-enrollment charter school that the district or school is subject to Subsection (b) if its full-time online program has received for the three most recent school years accountability ratings described by Subsection (b). Provides that failure to receive notice under this subsection does not affect the requirement imposed on the district or school under Subsection (b).

(d) Prohibits a school district or open-enrollment charter school from contracting with an entity to operate a full-time online program for the district or school if the contracted entity operated a full-time online program for a district or school and the contracting entity was subject to a contract revocation under Subsection (b) within the preceding 10 years.

(e) Requires the administrating authority to include a list of entities subject to a contract revocation under Subsection (b) on the state virtual school network Internet website.

(f) Provides that an entity under this section includes a corporate affiliate or an entity that is substantially related to the entity.

(g) Prohibits the provisions of this section from being waived by the commissioner.

Sec. 30A.1013. REVOCATION OF APPROVAL FOR FULL-TIME ONLINE PROGRAM. Prohibits a school district or open-enrollment charter school, if the commissioner revokes approval for the district or school to operate a full-time online program under this chapter, from operating a full-time online program under this chapter during the 10-year period following the revocation.

SECTION 2. Amends Section 30A.110, Education Code, by adding Subdivisions (d), (d-1), and (d-2), as follows:

(d) Requires an entity that operates a full-time online program to receive an accountability rating under Chapter 39 (Public School System Accountability). Requires an entity that operates multiple full-time online programs to receive an accountability rating for:

(1) each full-time online program as if the program were a campus; and

(2) the entity as if the entity were a school district or open-enrollment charter school and each full-time online program were a campus of the district or school.

(d-1) Provides that this subsection applies only to a school district or open-enrollment charter school that provides instruction to students while students are located on the physical premises of a district or school campus and provides separate instruction to students enrolled full-time in courses provided through a district or school full-time online program. Requires the commissioner, in determining the performance ratings under Section 39.054 (Methods and Standards For Evaluating Performance) of a school district or open-enrollment charter school subject to this subsection, to evaluate the performance of students enrolled in a district or school full-time online campus program separately from the performance of other district or school students and assign:

(1) separate district or school overall and domain performance ratings for the district's or school's full-time online program if the district or school operates multiple full-time online programs; and

(2) separate campus overall and domain performance ratings for each full-time online program.

(d-2) Provides that Subsection (d-1) and this subsection expire September 1, 2021.

SECTION 3. Provides that Sections 30A.110(d-1) and (d-2), Education Code, as added by this Act, apply beginning with the 2019–2020 school year.

SECTION 4. Provides that Sections 30A.1011, 30A.1012, 30A.1013, and 30A.110(d), Education Code, as added by this Act, apply beginning with the 2020–2021 school year.

SECTION 5. Effective date: upon passage or September 1, 2019.