

By: Bettencourt, West

S.B. No. 1861

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the provision of virtual education in public schools  
3 and to certain waivers and modifications by the commissioner of  
4 education to the method of calculating average daily attendance in  
5 an emergency or crisis for purposes of preserving school district  
6 funding entitlements under the Foundation School Program during  
7 that emergency or crisis; authorizing a fee.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

9 ARTICLE 1. VIRTUAL EDUCATION

10 SECTION 1.01. The heading to Section 26.0031, Education  
11 Code, is amended to read as follows:

12 Sec. 26.0031. RIGHTS CONCERNING ~~[STATE]~~ VIRTUAL COURSES  
13 ~~[SCHOOL NETWORK]~~.

14 SECTION 1.02. Sections 26.0031(a), (b), (c), (c-1), (d),  
15 and (e), Education Code, are amended to read as follows:

16 (a) At the time and in the manner that a school district or  
17 open-enrollment charter school informs students and parents about  
18 courses that are offered in the district's or school's traditional  
19 classroom setting, the district or school shall notify parents and  
20 students of the option to enroll in a virtual ~~[an electronic]~~ course  
21 offered by the district or school in which the student is enrolled  
22 or by another district or school ~~[through the state virtual school~~  
23 ~~network]~~ under Chapter 30B ~~[30A]~~.

24 (b) Except as provided by Subsection (c), a school district

1 or open-enrollment charter school in which a student is enrolled as  
2 a full-time student may not deny the request of a parent of a  
3 student to enroll the student in a virtual [~~an electronic~~] course  
4 offered by the district or school in which the student is enrolled  
5 or by another district or school [~~through the state virtual school~~  
6 ~~network~~] under Chapter 30B [~~30A~~].

7 (c) A school district or open-enrollment charter school may  
8 deny a request to enroll a student in a virtual [~~an electronic~~]  
9 course if:

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

14 (2) the student requests permission to enroll in a  
15 virtual [~~an electronic~~] course at a time that is not consistent with  
16 the enrollment period established by the school district or  
17 open-enrollment charter school providing the course; or

18 (3) the district or school determines that:  
19 (A) the quality of the course is unacceptable;  
20 (B) the cost of the course is too high; or  
21 (C) the district or school currently offers the  
22 [~~a substantially similar~~] course in person.

23 (c-1) A school district or open-enrollment charter school  
24 may decline to pay the cost for a student of more than three  
25 yearlong virtual [~~electronic~~] courses, or the equivalent, during  
26 any school year. This subsection does not:

27 (1) limit the ability of the student to enroll in

1 additional virtual [~~electronic~~] courses at the student's cost; or

2 (2) apply to a student enrolled in a full-time virtual  
3 [~~online~~] program [~~that was operating on January 1, 2013~~].

4 (d) Notwithstanding Subsection (c)(2), a school district or  
5 open-enrollment charter school that provides a virtual [~~an~~  
6 ~~electronic~~] course [~~through the state virtual school network~~] under  
7 Chapter 30B [~~30A~~] shall make all reasonable efforts to accommodate  
8 the enrollment of a student in the course under special  
9 circumstances.

10 (e) A school district or open-enrollment charter school  
11 that denies a request to enroll a student in a virtual course under  
12 Subsection (c) must provide a written explanation of the denial to  
13 the student and the student's parent. The written explanation must  
14 provide notice of the student's ability to appeal the decision and  
15 an explanation of the appeal process, including the process of  
16 pursuing a final appeal heard by the board of trustees of the  
17 district or the governing board of the school. [~~A parent may appeal~~  
18 ~~to the commissioner a school district's or open-enrollment charter~~  
19 ~~school's decision to deny a request to enroll a student in an~~  
20 ~~electronic course offered through the state virtual school~~  
21 ~~network.~~] A determination made by the board of trustees of the  
22 school district or the governing board of the open-enrollment  
23 charter school [~~The commissioner's decision~~] under this subsection  
24 is final and may not be appealed.

25 SECTION 1.03. Subtitle F, Title 2, Education Code, is  
26 amended by adding Chapter 30B to read as follows:

27 CHAPTER 30B. VIRTUAL COURSES AND FULL-TIME HYBRID AND VIRTUAL



1 consult school districts, open-enrollment charter schools, and  
2 parents in adopting rules under this section.

3 (c) The agency may form an advisory committee similar to an  
4 advisory committee described by Section 2110.001, Government Code,  
5 to comply with the provisions of this section. Chapter 2110,  
6 Government Code, does not apply to an advisory committee formed  
7 under this section.

8 Sec. 30B.003. GRANTS AND FEDERAL FUNDS. (a) For purposes  
9 of this chapter, the commissioner may seek and accept a grant from a  
10 public or private person.

11 (b) For purposes of this chapter, the commissioner may  
12 accept federal funds and shall use those funds in compliance with  
13 applicable federal law, regulations, and guidelines.

14 Sec. 30B.004. PROVISION OF COMPUTER EQUIPMENT OR INTERNET  
15 SERVICE. This chapter does not:

16 (1) require a school district, an open-enrollment  
17 charter school, a virtual course provider, or the state to provide a  
18 student with home computer equipment or Internet access for a  
19 virtual course provided by a school district or open-enrollment  
20 charter school; or

21 (2) prohibit a school district or open-enrollment  
22 charter school from providing a student with home computer  
23 equipment or Internet access for a virtual course provided by the  
24 district or school.

25 SUBCHAPTER B. VIRTUAL COURSES

26 Sec. 30B.051. VIRTUAL COURSE INSTRUCTION PERMITTED. (a) A  
27 school district or open-enrollment charter school may deliver

1 instruction through virtual courses.

2 (b) A school district or open-enrollment charter school  
3 that delivers instruction through a virtual course shall develop  
4 written information describing each virtual course available for  
5 enrollment and complying with any other requirement of Section  
6 26.0031.

7 (c) A school district or open-enrollment charter school  
8 shall make information under this section available to students and  
9 parents at the time students ordinarily select courses and may  
10 provide that information to students and parents at other times as  
11 determined by the district or school.

12 Sec. 30B.052. VIRTUAL COURSE QUALITY REQUIREMENTS. A  
13 school district or open-enrollment charter school that offers a  
14 virtual course under this chapter must certify to the commissioner  
15 that the virtual course:

16 (1) includes the appropriate essential knowledge and  
17 skills adopted under Subchapter A, Chapter 28;

18 (2) provides instruction at the appropriate level of  
19 rigor for the grade level at which the course is offered and will  
20 prepare a student enrolled in the course for the student's next  
21 grade level or a subsequent course in a similar subject matter; and

22 (3) meets standards for virtual courses adopted by the  
23 commissioner, or, if standards are not adopted by the commissioner  
24 for virtual courses, the National Standards for Quality Online  
25 Courses published by the Virtual Learning Leadership Alliance,  
26 Quality Matters, and the Digital Learning Collaborative, or a  
27 successor publication.

1       Sec. 30B.053. STUDENTS RIGHTS REGARDING VIRTUAL COURSES.

2       (a) Except as provided by Section 30B.106(b), a school district or  
3 open-enrollment charter school may not require a student to enroll  
4 in a virtual course.

5       (b) A student enrolled in a virtual course offered under  
6 this chapter may participate in an extracurricular activity  
7 sponsored or sanctioned by the school district or open-enrollment  
8 charter school in which the student is enrolled or by the University  
9 Interscholastic League in the same manner as other district or  
10 school students.

11       (c) A virtual course offered under this chapter to a student  
12 receiving special education services or other accommodations must  
13 meet the needs of the participating student in a manner consistent  
14 with Subchapter A, Chapter 29, and with federal law, including the  
15 Individuals with Disabilities Education Act (20 U.S.C. Section 1400  
16 et seq.) and Section 504, Rehabilitation Act of 1973 (29 U.S.C.  
17 Section 794), as applicable.

18       Sec. 30B.054. RIGHTS OF TEACHERS REGARDING VIRTUAL COURSES.

19       (a) A school district or open-enrollment charter school may not  
20 require a classroom teacher to provide both virtual instruction and  
21 in-person instruction for a course offered under this chapter  
22 during the same class period. The commissioner may waive the  
23 requirements of this subsection for courses included in the  
24 enrichment curriculum under Section 28.002.

25       (b) A classroom teacher may not provide instruction for a  
26 virtual course offered under this chapter unless:

27               (1) the teacher has received appropriate professional

1 development in virtual instruction, as determined by the school  
2 district or open-enrollment charter school at which the teacher is  
3 employed; or

4 (2) the district or school has determined that the  
5 teacher has sufficient previous experience to not require the  
6 professional development described by Subdivision (1).

7 (c) A school district or open-enrollment charter school may  
8 not directly or indirectly coerce any classroom teacher hired to  
9 provide in-person instruction to agree to an assignment to teach a  
10 virtual course or a course at a full-time hybrid campus.

11 Sec. 30B.055. ASSESSMENTS. Except as authorized by  
12 commissioner rule, an assessment instrument administered under  
13 Section 39.023 or 39.025 to a student enrolled in a virtual course  
14 offered under this chapter shall be administered to the student in  
15 the same manner in which the assessment instrument is administered  
16 to a student enrolled in an in-person course at the student's school  
17 district or open-enrollment charter school.

18 Sec. 30B.056. TUITION AND FEES. A school district or  
19 open-enrollment charter school may charge tuition and fees for a  
20 virtual course provided to a student who:

21 (1) is not eligible to enroll in a public school in  
22 this state; or

23 (2) is not enrolled in a course not offered under this  
24 chapter at the school district or open-enrollment charter school.

25 Sec. 30B.057. ATTENDANCE FOR CLASS CREDIT OR GRADE. A  
26 school district or open-enrollment charter school shall establish  
27 the participation necessary to earn credit or a grade for a virtual



1 course offered by the district or school notwithstanding Section  
2 25.092.

3 Sec. 30B.058. FOUNDATION SCHOOL FUNDING. A student  
4 enrolled in a virtual course offered under this chapter by a school  
5 district or open-enrollment charter school is counted toward the  
6 district's or school's average daily attendance in the same manner  
7 as district or school students not enrolled in a virtual course.

8 Sec. 30B.059. AGENCY PUBLICATION OF AVAILABLE COURSES. (a)  
9 The agency shall publish a list of virtual courses offered by school  
10 districts and open-enrollment charter schools in this state that  
11 includes:

12 (1) whether the course is available to a student who is  
13 not otherwise enrolled in the offering district or school;

14 (2) the cost of the course; and

15 (3) information regarding any third-party provider  
16 involved in the delivery of the course.

17 (b) A school district or open-enrollment charter school  
18 shall provide to the agency information required to publish the  
19 list under Subsection (a).

20 SUBCHAPTER C. FULL-TIME VIRTUAL AND FULL-TIME HYBRID CAMPUSES

21 Sec. 30B.101. FULL-TIME VIRTUAL OR FULL-TIME HYBRID CAMPUS  
22 AUTHORIZATION. (a) A school district or open-enrollment charter  
23 school may operate a full-time virtual campus or a full-time hybrid  
24 campus if authorized by the commissioner in accordance with this  
25 section.

26 (b) The commissioner shall adopt rules establishing the  
27 requirements for and process by which a school district or

1 open-enrollment charter school may apply for authorization to  
2 operate a full-time virtual campus or a full-time hybrid campus.  
3 The rules adopted by the commissioner may require certain written  
4 application materials and interviews and shall require a school  
5 district or open-enrollment charter school to:

6 (1) engage in a year of planning before offering a  
7 course under this chapter to verify the course is designed in  
8 accordance with high-quality criteria;

9 (2) develop an academic plan that incorporates:

10 (A) curriculum and instructional practices  
11 aligned with the appropriate essential knowledge and skills  
12 provided under Subchapter A, Chapter 28;

13 (B) monitoring of the progress of student  
14 performance and interventions;

15 (C) a method for meeting the needs of and  
16 complying with federal and state requirements for special  
17 populations and at-risk students; and

18 (D) compliance with the requirements of this  
19 chapter;

20 (3) develop an operations plan that addresses:

21 (A) staffing models;

22 (B) the designation of selected school leaders;

23 (C) professional development for staff;

24 (D) student and family engagement;

25 (E) school calendars and schedules;

26 (F) student enrollment eligibility;

27 (G) cybersecurity and student data privacy

1 measures; and

2 (H) any educational services to be provided by a  
3 private or third party; and

4 (4) demonstrate the capacity to execute the district's  
5 or school's plan successfully.

6 (c) A full-time virtual campus or full-time hybrid campus  
7 authorized under this section must include:

8 (1) at least one grade level in which an assessment  
9 instrument is required to be administered under Section 39.023(a)  
10 or (c), including each subject or course for which an assessment  
11 instrument is required in that grade level;

12 (2) sufficient grade levels, as determined by the  
13 commissioner, to allow for the annual evaluation of the performance  
14 of students who complete the courses offered; or

15 (3) for a campus that does not include grade levels  
16 described by Subdivision (1) or (2), another performance evaluation  
17 measure approved by the commissioner during the authorization  
18 process.

19 (d) A campus approved under this subchapter may only apply  
20 for and receive authorization to operate as a full-time virtual  
21 campus or a full-time hybrid campus. A campus may not change its  
22 operation designation during the authorization process or after the  
23 campus is authorized.

24 (e) The commissioner may only authorize a school district or  
25 open-enrollment charter school to operate a full-time virtual  
26 campus or a full-time hybrid campus if the commissioner determines  
27 that the authorization of the campus is likely to result in improved

1 student learning opportunities. If a district or school will use a  
2 private or third party in operating the campus, the commissioner  
3 shall consider the historical performance of the private or third  
4 party, if known, in making a determination under this section.

5 (f) A determination made by the commissioner under this  
6 section is final and not subject to appeal.

7 Sec. 30B.102. REVOCATION. (a) Unless revoked as provided  
8 by this section, the commissioner's authorization of a full-time  
9 virtual campus or full-time hybrid campus under Section 30B.101  
10 continues indefinitely.

11 (b) The commissioner shall revoke the authorization of a  
12 full-time virtual campus or full-time hybrid campus if the campus  
13 receives, for any two years during a three-year period:

14 (1) a campus performance rating of D or F assigned  
15 under Section [39.054](#); or

16 (2) performance that needs improvement or is  
17 unacceptable, as determined by the commissioner, on a performance  
18 evaluation approved by the commissioner under Section  
19 30B.101(c)(3).

20 (c) The commissioner may, based on a special investigation  
21 conducted under Section [39.003](#):

22 (1) revoke an authorization of a full-time virtual  
23 campus or full-time hybrid campus; or

24 (2) require any intervention authorized under that  
25 section.

26 (d) If a private or third party is determined to be  
27 ineligible under Section 30B.104, the commissioner shall revoke an

1 authorization of a full-time virtual campus or full-time hybrid  
2 campus for which the private or third party acts as a whole campus  
3 virtual instruction provider, unless the commissioner approves a  
4 request by the school district or open-enrollment school that  
5 operates the campus to use an alternative private or third party.

6 (e) An appeal by a school district or open-enrollment  
7 charter school of a revocation of an authorization under this  
8 chapter that results in the closure of a campus must be made under  
9 Section 39A.301.

10 Sec. 30B.103. REVISION RELATING TO A PRIVATE OR THIRD  
11 PARTY. A school district or open-enrollment charter school shall  
12 provide notice to the commissioner of the use of or change in  
13 affiliation of a private or third party acting as a whole campus  
14 virtual instruction provider for the full-time virtual campus or  
15 full-time hybrid campus.

16 Sec. 30B.104. PRIVATE OR THIRD PARTY ACCOUNTABILITY. (a)  
17 The commissioner shall, to the extent feasible, evaluate the  
18 performance of a private or third party acting as a whole campus  
19 virtual instruction provider for a school district or  
20 open-enrollment charter school.

21 (b) The commissioner shall establish a standard to  
22 determine if a private or third party is ineligible to act as a  
23 whole campus virtual education provider. A private or third party  
24 determined to be ineligible under this section remains ineligible  
25 until after the fifth anniversary of that determination.

26 Sec. 30B.105. STUDENT ELIGIBILITY. (a) A student eligible  
27 to enroll in a public school of this state is eligible to enroll at a

1 full-time hybrid campus.

2 (b) A student is eligible to enroll in a full-time virtual  
3 campus or a full-time hybrid campus if the student:

4 (1) attended a public school in this state for a  
5 minimum of six weeks in the current school year or in the preceding  
6 school year;

7 (2) is, in the school year in which the student first  
8 seeks to enroll in the full-time virtual campus or full-time hybrid  
9 campus, enrolled in the first grade or a lower grade level, or is  
10 not required to attend public school in this state due to  
11 nonresidency;

12 (3) is a dependent of a member of the United States  
13 military who has been deployed; or

14 (4) has been placed in substitute care in this state.

15 Sec. 30B.106. STUDENT RIGHTS REGARDING FULL-TIME VIRTUAL  
16 AND FULL-TIME HYBRID CAMPUSES. (a) A student enrolled in a school  
17 district may not be compelled to enroll in a full-time virtual or  
18 full-time hybrid campus. A school district must offer the option  
19 for a student's parent to select in-person instruction for the  
20 student.

21 (b) Notwithstanding Subsection (a) or Section 30B.053, an  
22 open-enrollment charter school may require a student to attend a  
23 full-time virtual or full-time hybrid campus.

24 Sec. 30B.107. CAMPUS DESIGNATIONS. The commissioner shall  
25 determine and assign a unique campus designation number to each  
26 full-time virtual campus or full-time hybrid campus authorized  
27 under this subchapter.

1       Sec. 30B.108. FUNDING. (a) For purposes of calculating the  
2 average daily attendance of students attending a full-time virtual  
3 campus or full-time hybrid campus, the commissioner shall use the  
4 number of full-time equivalent students enrolled in the full-time  
5 virtual or full-time hybrid campus multiplied by the average  
6 attendance rate of the school district or open-enrollment charter  
7 school that offers the full-time virtual or full-time hybrid campus  
8 not including any student enrolled full-time in a full-time virtual  
9 or full-time hybrid campus. In the event that a reliable attendance  
10 rate cannot be determined under this section, the commissioner  
11 shall use the statewide average attendance rate.

12       (b) The commissioner shall provide proportionate funding to  
13 the applicable school district or open-enrollment charter school  
14 for a student that alternates attendance between a traditional,  
15 in-person campus setting and the full-time virtual or full-time  
16 hybrid campus of any single district or school in the same school  
17 year.

18                               SUBCHAPTER D. STATE SUPPORT

19       Sec. 30B.151. EDUCATOR PROFESSIONAL DEVELOPMENT. From  
20 funds appropriated or otherwise available, the agency shall develop  
21 professional development courses and materials aligned with  
22 research-based practices for educators in providing high-quality  
23 virtual education.

24       Sec. 30B.152. DEVELOPMENT GRANTS FOR VIRTUAL EDUCATION.  
25 From funds appropriated or otherwise available, the agency shall  
26 provide grants and technical assistance to school districts and  
27 open-enrollment charter schools to aid in the establishment of

1 high-quality full-time virtual or full-time hybrid campuses.

2 ARTICLE 2. THE FOUNDATION SCHOOL PROGRAM

3 SECTION 2.01. Section 48.005, Education Code, is amended by  
4 adding Subsection (e-1) to read as follows:

5 (e-1) In a school year in which the occurrence of an  
6 emergency or crisis, as defined by commissioner rule, causes a  
7 statewide decrease in average daily attendance of school districts  
8 entitled to funding under this chapter or, for an emergency or  
9 crisis occurring only within a specific region of this state,  
10 causes a regional decrease in the average daily attendance of  
11 school districts located in the affected region, the commissioner  
12 shall modify or waive requirements applicable to the affected  
13 districts under this section and adopt appropriate safeguards as  
14 necessary to ensure the continued support and maintenance of an  
15 efficient system of public free schools and the continued delivery  
16 of high-quality instruction under that system.

17 SECTION 2.02. Sections 48.0071(c) and (d), Education Code,  
18 are amended to read as follows:

19 (c) A school district or open-enrollment charter school  
20 that operated during the 2020-2021 school year a full-time virtual  
21 program outside the state virtual network under Chapter 30A, as it  
22 existed during that school year, with at least 10 percent of the  
23 enrollment for the program including students who resided outside  
24 the geographic area served by the district or school may:

25 (1) continue to operate the virtual program on a  
26 full-time basis;

27 (2) apply the same enrollment and transfer criteria



1 used during the 2020-2021 school year; and

2 (3) offer the program to students in any grade level or  
3 combination of grade levels from kindergarten through grade 12 as  
4 long as the program includes at least one grade level for which an  
5 assessment instrument is administered under Section 39.023.

6 (d) This section expires September 1, 2025 [~~2023~~].

7 SECTION 2.03. Section 48.053(b), Education Code, is amended  
8 to read as follows:

9 (b) A school district to which this section applies is  
10 entitled to funding under this chapter as if the district were a  
11 full-time virtual campus or full-time hybrid campus for purposes of  
12 Section 30B.108 with [~~had~~] no tier one local share for purposes of  
13 Section 48.256 for each student enrolled in the district:

14 (1) who resides in this state; or

15 (2) who:

16 (A) is a dependent of a member of the United  
17 States military;

18 (B) was previously enrolled in school in this  
19 state; and

20 (C) does not reside in this state due to a  
21 military deployment or transfer.

22 ARTICLE 3. CONFORMING CHANGES

23 SECTION 3.01. Section 1.001(b), Education Code, is amended  
24 to read as follows:

25 (b) Except as provided by Chapter 18, Chapter 19, Subchapter  
26 A of Chapter 29, or Subchapter E of Chapter 30, [~~or Chapter 30A,~~]  
27 this code does not apply to students, facilities, or programs under

1 the jurisdiction of the Department of Aging and Disability  
2 Services, the Department of State Health Services, the Health and  
3 Human Services Commission, the Texas Juvenile Justice Department,  
4 the Texas Department of Criminal Justice, a Job Corps program  
5 operated by or under contract with the United States Department of  
6 Labor, or any juvenile probation agency.

7 SECTION 3.02. Section 7.0561(f), Education Code, is amended  
8 to read as follows:

9 (f) In consultation with interested school districts,  
10 open-enrollment charter schools, and other appropriate interested  
11 persons, the commissioner shall adopt rules applicable to the  
12 consortium, according to the following principles for a next  
13 generation of higher performing public schools:

14 (1) engagement of students in digital learning,  
15 including engagement through the use of electronic textbooks and  
16 instructional materials adopted under Subchapters B and B-1,  
17 Chapter 31, and virtual courses offered by school districts and  
18 open-enrollment charter schools under Chapter 30B [~~through the~~  
19 ~~state virtual school network under Subchapter 30A~~];

20 (2) emphasis on learning standards that focus on  
21 high-priority standards identified in coordination with districts  
22 and charter schools participating in the consortium;

23 (3) use of multiple assessments of learning capable of  
24 being used to inform students, parents, districts, and charter  
25 schools on an ongoing basis concerning the extent to which learning  
26 is occurring and the actions consortium participants are taking to  
27 improve learning; and

1           (4) reliance on local control that enables communities  
2 and parents to be involved in the important decisions regarding the  
3 education of their children.

4           SECTION 3.03. Section 25.007(b), Education Code, is amended  
5 to read as follows:

6           (b) In recognition of the challenges faced by students who  
7 are homeless or in substitute care, the agency shall assist the  
8 transition of students who are homeless or in substitute care from  
9 one school to another by:

10           (1) ensuring that school records for a student who is  
11 homeless or in substitute care are transferred to the student's new  
12 school not later than the 10th working day after the date the  
13 student begins enrollment at the school;

14           (2) developing systems to ease transition of a student  
15 who is homeless or in substitute care during the first two weeks of  
16 enrollment at a new school;

17           (3) developing procedures for awarding credit,  
18 including partial credit if appropriate, for course work, including  
19 electives, completed by a student who is homeless or in substitute  
20 care while enrolled at another school;

21           (4) developing procedures to ensure that a new school  
22 relies on decisions made by the previous school regarding placement  
23 in courses or educational programs of a student who is homeless or  
24 in substitute care and places the student in comparable courses or  
25 educational programs at the new school, if those courses or  
26 programs are available;

27           (5) promoting practices that facilitate access by a

1 student who is homeless or in substitute care to extracurricular  
2 programs, summer programs, credit transfer services, virtual  
3 [~~electronic~~] courses provided under Chapter 30B [~~30A~~], and  
4 after-school tutoring programs at nominal or no cost;

5 (6) establishing procedures to lessen the adverse  
6 impact of the movement of a student who is homeless or in substitute  
7 care to a new school;

8 (7) entering into a memorandum of understanding with  
9 the Department of Family and Protective Services regarding the  
10 exchange of information as appropriate to facilitate the transition  
11 of students in substitute care from one school to another;

12 (8) encouraging school districts and open-enrollment  
13 charter schools to provide services for a student who is homeless or  
14 in substitute care in transition when applying for admission to  
15 postsecondary study and when seeking sources of funding for  
16 postsecondary study;

17 (9) requiring school districts, campuses, and  
18 open-enrollment charter schools to accept a referral for special  
19 education services made for a student who is homeless or in  
20 substitute care by a school previously attended by the student, and  
21 to provide comparable services to the student during the referral  
22 process or until the new school develops an individualized  
23 education program for the student;

24 (10) requiring school districts, campuses, and  
25 open-enrollment charter schools to provide notice to the child's  
26 educational decision-maker and caseworker regarding events that  
27 may significantly impact the education of a child, including:

1 (A) requests or referrals for an evaluation under  
2 Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or  
3 special education under Section 29.003;

4 (B) admission, review, and dismissal committee  
5 meetings;

6 (C) manifestation determination reviews required  
7 by Section 37.004(b);

8 (D) any disciplinary actions under Chapter 37 for  
9 which parental notice is required;

10 (E) citations issued for Class C misdemeanor  
11 offenses on school property or at school-sponsored activities;

12 (F) reports of restraint and seclusion required  
13 by Section 37.0021;

14 (G) use of corporal punishment as provided by  
15 Section 37.0011; and

16 (H) appointment of a surrogate parent for the  
17 child under Section 29.0151;

18 (11) developing procedures for allowing a student who  
19 is homeless or in substitute care who was previously enrolled in a  
20 course required for graduation the opportunity, to the extent  
21 practicable, to complete the course, at no cost to the student,  
22 before the beginning of the next school year;

23 (12) ensuring that a student who is homeless or in  
24 substitute care who is not likely to receive a high school diploma  
25 before the fifth school year following the student's enrollment in  
26 grade nine, as determined by the district, has the student's course  
27 credit accrual and personal graduation plan reviewed;

1           (13) ensuring that a student in substitute care who is  
2 in grade 11 or 12 be provided information regarding tuition and fee  
3 exemptions under Section 54.366 for dual-credit or other courses  
4 provided by a public institution of higher education for which a  
5 high school student may earn joint high school and college credit;

6           (14) designating at least one agency employee to act  
7 as a liaison officer regarding educational issues related to  
8 students in the conservatorship of the Department of Family and  
9 Protective Services; and

10          (15) providing other assistance as identified by the  
11 agency.

12          SECTION 3.04. Section 33.009(d), Education Code, is amended  
13 to read as follows:

14          (d) An academy developed under this section must provide  
15 counselors and other postsecondary advisors with knowledge and  
16 skills to provide counseling to students regarding postsecondary  
17 success and productive career planning and must include information  
18 relating to:

19               (1) each endorsement described by Section  
20 28.025(c-1), including:

21                       (A) the course requirements for each  
22 endorsement; and

23                       (B) the postsecondary educational and career  
24 opportunities associated with each endorsement;

25               (2) available methods for a student to earn credit for  
26 a course not offered at the school in which the student is enrolled,  
27 including enrollment in a virtual [~~an electronic~~] course provided

1 [~~through the state virtual school network~~] under Chapter 30B [30A];

2 (3) general academic performance requirements for  
3 admission to an institution of higher education, including the  
4 requirements for automatic admission to a general academic teaching  
5 institution under Section 51.803;

6 (4) regional workforce needs, including information  
7 about the required education and the average wage or salary for  
8 careers that meet those workforce needs; and

9 (5) effective strategies for engaging students and  
10 parents in planning for postsecondary education and potential  
11 careers, including participation in mentorships and business  
12 partnerships.

13 ARTICLE 4. REPEALER; TRANSITION; EFFECTIVE DATE

14 SECTION 4.01. The following provisions of the Education  
15 Code are repealed:

- 16 (1) Section 21.051(g);
- 17 (2) Section 25.092(a-4);
- 18 (3) Section 26.0031(f);
- 19 (4) Section 29.9091;
- 20 (5) Chapter 30A;
- 21 (6) Section 39.0549;
- 22 (7) Sections 39.301(c-1) and (c-2);
- 23 (8) Sections 48.005(h-1), (m-1), and (m-2);
- 24 (9) Sections 48.053(b-1) and (b-2);
- 25 (10) Section 48.104(f); and
- 26 (11) Section 48.111(b).

27 SECTION 4.02. (a) Notwithstanding the repeal by this

1 article of Chapter 30A, Education Code, a school district or  
2 open-enrollment charter school providing an electronic course  
3 through the state virtual school network in accordance with Chapter  
4 30A, Education Code, as that law existed immediately before the  
5 effective date of this Act, may continue to provide that course as  
6 if that chapter were still in effect until the end of the 2024-2025  
7 school year.

8 (b) The commissioner of education shall adopt rules  
9 providing an expedited authorization process for a school district  
10 or open-enrollment charter school that applies to operate a  
11 full-time virtual campus or a full-time hybrid campus under Chapter  
12 30B, Education Code, as added by this Act, if the district or  
13 school, as of the effective date of this Act:

14 (1) operates an electronic course through the state  
15 virtual school network in accordance with Chapter 30A, Education  
16 Code, as that law existed immediately before the effective date of  
17 this Act;

18 (2) operates a local remote learning program under  
19 Section 29.9091, Education Code, as that law existed immediately  
20 before the effective date of this Act; or

21 (3) provides electronic instruction in accordance  
22 with Section 48.0071, Education Code, as amended by this Act.

23 SECTION 4.03. This Act takes effect immediately if it  
24 receives a vote of two-thirds of all the members elected to each  
25 house, as provided by Section 39, Article III, Texas Constitution.  
26 If this Act does not receive the vote necessary for immediate  
27 effect, this Act takes effect September 1, 2023.