

By: Bell of Kaufman, Ashby, Buckley, Shaheen,
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H.B. No. 2196

Substitute the following for H.B. No. 2196:

By: Buckley

C.S.H.B. No. 2196

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Section 1.001(b), Education Code, is amended to
read as follows:

(b) Except as provided by Chapter 18, Chapter 19, Subchapter
A of Chapter 29, or Subchapter E of Chapter 30, [~~or Chapter 30A,~~]
this code does not apply to students, facilities, or programs under
the jurisdiction of the Department of Aging and Disability
Services, the Department of State Health Services, the Health and
Human Services Commission, the Texas Juvenile Justice Department,
the Texas Department of Criminal Justice, a Job Corps program
operated by or under contract with the United States Department of
Labor, or any juvenile probation agency.

SECTION 2. Section 7.0561(f), Education Code, is amended to
read as follows:

(f) In consultation with interested school districts,
open-enrollment charter schools, and other appropriate interested
persons, the commissioner shall adopt rules applicable to the

consortium, according to the following principles for a next generation of higher performing public schools:

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

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

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

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

SECTION 3. Section 25.007(b), Education Code, is amended to read as follows:

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

(1) ensuring that school records for a student who is homeless or in substitute care are transferred to the student's new

1 school not later than the 10th working day after the date the
2 student begins enrollment at the school;

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

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

10 (4) developing procedures to ensure that a new school
11 relies on decisions made by the previous school regarding placement
12 in courses or educational programs of a student who is homeless or
13 in substitute care and places the student in comparable courses or
14 educational programs at the new school, if those courses or
15 programs are available;

16 (5) promoting practices that facilitate access by a
17 student who is homeless or in substitute care to extracurricular
18 programs, summer programs, credit transfer services, virtual or
19 hybrid [~~electronic~~] courses provided under Chapter 30B [~~30A~~], and
20 after-school tutoring programs at nominal or no cost;

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

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

1 (8) encouraging school districts and open-enrollment
2 charter schools to provide services for a student who is homeless or
3 in substitute care in transition when applying for admission to
4 postsecondary study and when seeking sources of funding for
5 postsecondary study;

6 (9) requiring school districts, campuses, and
7 open-enrollment charter schools to accept a referral for special
8 education services made for a student who is homeless or in
9 substitute care by a school previously attended by the student, and
10 to provide comparable services to the student during the referral
11 process or until the new school develops an individualized
12 education program for the student;

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

17 (A) requests or referrals for an evaluation under
18 Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or
19 special education under Section [29.003](#);

20 (B) admission, review, and dismissal committee
21 meetings;

22 (C) manifestation determination reviews required
23 by Section [37.004](#)(b);

24 (D) any disciplinary actions under Chapter [37](#) for
25 which parental notice is required;

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

1 (F) reports of restraint and seclusion required
2 by Section 37.0021;

3 (G) use of corporal punishment as provided by
4 Section 37.0011; and

5 (H) appointment of a surrogate parent for the
6 child under Section 29.0151;

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

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

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

22 (14) designating at least one agency employee to act
23 as a liaison officer regarding educational issues related to
24 students in the conservatorship of the Department of Family and
25 Protective Services; and

26 (15) providing other assistance as identified by the
27 agency.

SECTION 4. The heading to Section 26.0031, Education Code, is amended to read as follows:

Sec. 26.0031. RIGHTS CONCERNING ~~[STATE]~~ VIRTUAL AND HYBRID COURSES ~~[SCHOOL NETWORK]~~.

SECTION 5. Section 26.0031, Education Code, is amended by amending Subsections (a), (b), (c), (c-1), (d), and (e) and adding Subsection (b-1) to read as follows:

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

(b) Except as provided by Subsection (c), a school district or open-enrollment charter school in which a student is enrolled as a full-time student may not deny the request of a parent of a student to enroll the student in a virtual or hybrid ~~[an electronic]~~ course offered by the district or school in which the student is enrolled or by another district or school ~~[through the state virtual school network]~~ under Chapter 30B ~~[30A]~~.

(b-1) A school district or open-enrollment charter school may not actively discourage a student, including by threat or intimidation, from enrolling in a virtual or hybrid course.

(c) A school district or open-enrollment charter school may deny a request to enroll a student in a virtual or hybrid ~~[an~~

1 ~~electronic~~] course if:

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

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

10 (3) the district or school determines that the cost of
11 the course is too high ~~[offers a substantially similar course]~~.

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

16 (1) limit the ability of the student to enroll in
17 additional virtual ~~[electronic]~~ courses at the student's cost; or

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

20 (d) Notwithstanding Subsection (c)(2), a school district or
21 open-enrollment charter school that provides a virtual or hybrid
22 ~~[an electronic]~~ course ~~[through the state virtual school network]~~
23 under Chapter 30B ~~[30A]~~ shall make all reasonable efforts to
24 accommodate the enrollment of a student in the course under special
25 circumstances.

26 (e) A school district or open-enrollment charter school
27 that denies a request to enroll a student in a virtual or hybrid

1 course under Subsection (c) must provide a written explanation of
2 the denial to the student and the student's parent. The written
3 explanation must provide notice of the student's ability to appeal
4 the decision and an explanation of the appeal process, including
5 the process of pursuing a final appeal heard by the board of
6 trustees of the district or the governing board of the school. A
7 determination made by the board of trustees of the school district
8 or the governing board of the open-enrollment charter school [A
9 ~~parent may appeal to the commissioner a school district's or~~
10 ~~open-enrollment charter school's decision to deny a request to~~
11 ~~enroll a student in an electronic course offered through the state~~
12 ~~virtual school network. The commissioner's decision]~~ under this
13 subsection is final and may not be appealed.

14 SECTION 6. Section [29.081](#), Education Code, is amended by
15 amending Subsections (e-2) and (f) and adding Subsections (f-1) and
16 (i) to read as follows:

17 (e-2) A remote or hybrid dropout recovery education program
18 must:

19 (1) include as a part of its curriculum credentials,
20 certifications, or other course offerings that relate directly to
21 employment opportunities in the state;

22 (2) employ as faculty and administrators persons with
23 baccalaureate or advanced degrees;

24 (3) provide an academic coach and local advocate for
25 each student;

26 (4) use an individual learning plan to monitor each
27 student's progress;

1 (5) establish satisfactory requirements for the
2 monthly progress of students according to standards set by the
3 commissioner;

4 (6) provide a monthly report to the student's school
5 district or open-enrollment charter school regarding the student's
6 progress;

7 (7) perform satisfactorily according to performance
8 indicators and accountability standards adopted for alternative
9 education programs by the commissioner;

10 (8) operate an in-person student engagement center at
11 a location suitable for high school students; ~~and~~

12 (9) be a full-time hybrid program or a full-time
13 virtual program, as those terms are defined by Section 30B.001, or a
14 full-time hybrid or virtual campus authorized under Chapter 30B;
15 and

16 (10) comply with this title and rules adopted under
17 this title except as otherwise provided by this subsection.

18 (f) Except as provided by Subsection (f-1), the ~~[The]~~
19 commissioner shall include a student who has enrolled in
20 ~~[successfully completes]~~ a course offered through a program under
21 Subsection (e) in the computation of the district's or school's
22 average daily attendance for funding purposes. ~~[For a student who~~
23 ~~successfully completes a remote course offered through the program,~~
24 ~~the commissioner shall include the student in the computation of~~
25 ~~the district's or school's average daily attendance with an~~
26 ~~attendance rate equal to:~~

27 ~~[(1) the district's or school's average attendance~~

~~rate for students successfully completing a course offered in person under the program; or~~

~~[(2) if the district or school does not offer courses in person under the program, the statewide average attendance rate for students successfully completing a course offered in person under a program under Subsection (e).]~~

(f-1) The commissioner shall include a student enrolled in a remote or hybrid dropout recovery education program under Subsection (e-2) in the computation of the district's or school's average daily attendance for funding purposes in the same manner as students enrolled in a full-time hybrid or virtual program or full-time hybrid or virtual campus, as applicable, under Chapter 30B.

(i) The commissioner may adopt rules as necessary to implement this section.

SECTION 7. Subtitle F, Title 2, Education Code, is amended by adding Chapter 30B to read as follows:

CHAPTER 30B. VIRTUAL AND HYBRID CAMPUSES, PROGRAMS, AND COURSES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 30B.001. DEFINITIONS. In this chapter:

(1) "Full-time hybrid campus" means a school district or open-enrollment charter school campus at which at least 50 percent of the enrolled students are enrolled in a full-time hybrid program authorized under Subchapter C.

(2) "Full-time hybrid program" means a full-time educational program offered by a school district or open-enrollment charter school campus in which:

1 (A) a student is in attendance in person for less
2 than 90 percent of the minutes of instruction provided in a school
3 year; and

4 (B) the instruction and content may be delivered
5 synchronously or asynchronously over the Internet, in person, or
6 through other means.

7 (3) "Full-time virtual campus" means a school district
8 or open-enrollment charter school campus at which at least 50
9 percent of the enrolled students are enrolled in a full-time
10 virtual program authorized under Subchapter C.

11 (4) "Full-time virtual program" means a full-time
12 educational program offered by a school district or open-enrollment
13 charter school campus in which:

14 (A) a student is in attendance in person
15 minimally or not at all; and

16 (B) the instruction and content are delivered
17 synchronously or asynchronously primarily over the Internet.

18 (5) "Hybrid course" means a course in which:

19 (A) a student is in attendance in person for less
20 than 90 percent of the minutes of instruction provided; and

21 (B) the instruction and content may be delivered
22 synchronously or asynchronously over the Internet, in person, or
23 through other means.

24 (6) "Parent" means a student's parent or a person
25 standing in parental relation to a student.

26 (7) "Virtual course" means a course in which
27 instruction and content are delivered synchronously or

1 asynchronously primarily over the Internet.

2 (8) "Whole program virtual instruction provider"
3 means a private or third-party service that provides oversight and
4 management of the virtual instruction services or otherwise
5 provides a preponderance of those services for a full-time virtual
6 or full-time hybrid campus or program.

7 Sec. 30B.002. RULES. (a) The commissioner shall adopt
8 rules as necessary to administer this chapter.

9 (b) To the extent practicable, the commissioner shall
10 consult school districts, open-enrollment charter schools, and
11 parents in adopting rules under this section.

12 (c) The agency may form an advisory committee to comply with
13 the provisions of this section. Chapter 2110, Government Code,
14 does not apply to an advisory committee formed under this section.

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

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

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

23 (1) require a school district, an open-enrollment
24 charter school, a virtual course provider, or the state to provide a
25 student with home computer equipment or Internet access for a
26 virtual course provided by a school district or open-enrollment
27 charter school; or

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

5 Sec. 30B.005. EXTRACURRICULAR ACTIVITY. A student enrolled
6 in a virtual or hybrid course, program, or campus offered under this
7 chapter may participate in an extracurricular activity sponsored or
8 sanctioned by the school district or open-enrollment charter school
9 in which the student is enrolled or by the University
10 Interscholastic League in the same manner as other district or
11 school students.

12 Sec. 30B.006. HYBRID AND VIRTUAL INSTRUCTION PERMITTED.
13 (a) A school district or open-enrollment charter school may
14 deliver instruction through hybrid courses, virtual courses,
15 full-time hybrid programs, and full-time virtual programs in the
16 manner provided by this chapter.

17 (b) The following entities may deliver instruction through
18 hybrid or virtual courses under this chapter in the same manner
19 provided for a school district or open-enrollment charter school:

20 (1) a consortium of school districts or
21 open-enrollment charter schools;

22 (2) an institution of higher education, as that term
23 is defined by Section [61.003](#); or

24 (3) a regional education service center.

25 (c) A school district or open-enrollment charter school
26 that delivers instruction through a hybrid or virtual course shall
27 develop written information describing each hybrid or virtual

course available for enrollment and complying with any other requirement of Section 26.0031.

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

Sec. 30B.007. FOUNDATION SCHOOL PROGRAM FUNDING. The commissioner by rule shall adopt procedures for reporting and verifying the attendance of a student enrolled in a hybrid course, virtual course, full-time hybrid program, or full-time virtual program provided by a school district or open-enrollment charter school under this chapter. The procedures must:

(1) provide a district or school with flexibility to provide instruction over the Internet, through synchronous or asynchronous delivery; and

(2) allow for the district or school to, without requiring in-person attendance or synchronous instruction at a specific time or location, receive the same amount of funding per student for a course or program described by this section that the district or school would receive per student for that course or program if the course or program was provided fully in person.

SUBCHAPTER B. HYBRID AND VIRTUAL COURSES

Sec. 30B.051. HYBRID OR VIRTUAL COURSE QUALITY REQUIREMENTS. (a) A school district or open-enrollment charter school that offers a hybrid or virtual course under this chapter must certify to the commissioner that the course:

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

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

7 (3) except as provided by Subsection (b), meets
8 standards for hybrid or virtual courses adopted by the
9 commissioner.

10 (b) If the commissioner has not adopted applicable
11 standards for hybrid or virtual courses, a school district or
12 open-enrollment charter school that offers a hybrid or virtual
13 course must instead certify to the commissioner that the course
14 meets the National Standards for Quality Online Courses published
15 by the Virtual Learning Leadership Alliance, Quality Matters, and
16 DLAC, or a successor publication.

17 Sec. 30B.052. RIGHTS OF STUDENTS REGARDING HYBRID AND
18 VIRTUAL COURSES. (a) Except as provided by Section 30B.104(b), a
19 school district or open-enrollment charter school may not require a
20 student to enroll in a hybrid or virtual course.

21 (b) A hybrid or virtual course offered under this chapter to
22 a student receiving special education services or other
23 accommodations must meet the needs of the participating student in
24 a manner consistent with Subchapter A, Chapter 29, and with federal
25 law, including the Individuals with Disabilities Education Act (20
26 U.S.C. Section 1400 et seq.) and Section 504, Rehabilitation Act of
27 1973 (29 U.S.C. Section 794), as applicable.

1 Sec. 30B.053. RIGHTS OF TEACHERS REGARDING HYBRID AND
2 VIRTUAL COURSES. (a) Except as provided by Subsection (a-1), a
3 school district or open-enrollment charter school may not require a
4 classroom teacher to provide both virtual instruction and in-person
5 instruction for a course offered under this chapter during the same
6 class period. The commissioner may waive the requirements of this
7 subsection for courses included in the enrichment curriculum under
8 Section 28.002.

9 (a-1) Subsection (a) does not apply to a requirement that a
10 classroom teacher simulcast the teacher's in-person instruction
11 provided that the teacher is not required to interact with students
12 observing the instruction virtually.

13 (b) A classroom teacher may not provide instruction for a
14 hybrid or virtual course offered under this chapter unless:

15 (1) the teacher has received appropriate professional
16 development in hybrid or virtual instruction, as determined by the
17 school district or open-enrollment charter school at which the
18 teacher is employed; or

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

22 (c) A school district or open-enrollment charter school may
23 not directly or indirectly coerce any classroom teacher hired to
24 provide in-person instruction to agree to an assignment to teach a
25 hybrid or virtual course.

26 Sec. 30B.054. ASSESSMENTS. Except as authorized by
27 commissioner rule, an assessment instrument administered under

1 Section 39.023 or 39.025 to a student enrolled in a hybrid or
2 virtual course offered under this chapter shall be administered to
3 the student in the same manner in which the assessment instrument is
4 administered to a student enrolled in an in-person course at the
5 student's school district or open-enrollment charter school.

6 Sec. 30B.055. TUITION AND FEES. A school district or
7 open-enrollment charter school may charge tuition and fees for a
8 hybrid or virtual course provided to a student who:

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

11 (2) is not enrolled in the school district or
12 open-enrollment charter school.

13 Sec. 30B.056. ATTENDANCE FOR CLASS CREDIT OR GRADE.
14 Notwithstanding Section 25.092, a school district or
15 open-enrollment charter school shall establish the participation
16 necessary to earn credit or a grade for a hybrid or virtual course
17 offered by the district or school.

18 Sec. 30B.057. AGENCY PUBLICATION OF AVAILABLE VIRTUAL
19 COURSES. (a) The agency shall publish a list of virtual courses
20 offered by school districts and open-enrollment charter schools in
21 this state that includes:

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

24 (2) the cost of the course; and

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

27 (b) A school district or open-enrollment charter school

1 shall provide to the agency information required to publish the
2 list under Subsection (a).

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

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

9 (b) The commissioner shall adopt rules establishing the
10 requirements for and process by which a school district or
11 open-enrollment charter school may apply for authorization to
12 operate a full-time hybrid campus or a full-time virtual campus.
13 The rules adopted by the commissioner may require certain written
14 application materials and interviews and shall require a school
15 district or open-enrollment charter school to:

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

19 (2) develop an academic plan that incorporates:

20 (A) curriculum and instructional practices
21 aligned with the appropriate essential knowledge and skills
22 provided under Subchapter A, Chapter 28;

23 (B) monitoring of the progress of student
24 performance and interventions;

25 (C) a method for meeting the needs of and
26 complying with federal and state requirements for special
27 populations and at-risk students; and

(D) compliance with the requirements of this chapter;

(3) develop an operations plan that addresses:

(A) staffing models;

(B) the designation of selected school leaders;

(C) professional development for staff;

(D) student and family engagement;

(E) school calendars and schedules;

(F) student enrollment eligibility;

(G) cybersecurity and student data privacy measures; and

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

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

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

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

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

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

1 process.

2 (d) A campus approved under this subchapter may only apply
3 for and receive authorization to operate as a full-time hybrid
4 campus or a full-time virtual campus. A campus may not change its
5 operation designation during the authorization process or after the
6 campus is authorized.

7 (e) The commissioner may only authorize a school district or
8 open-enrollment charter school to operate a full-time hybrid campus
9 or a full-time virtual campus if the commissioner determines that
10 the authorization of the campus is likely to result in improved
11 student learning opportunities. If a district or school will use a
12 private or third party in operating the campus, the commissioner
13 shall consider the historical performance of the private or third
14 party, if known, in making a determination under this section.

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

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

21 (b) The commissioner shall revoke the authorization of a
22 full-time hybrid campus or full-time virtual campus if the campus
23 has been assigned, for the three preceding school years:

24 (1) a needs improvement or unacceptable performance
25 rating under Subchapter C, Chapter 39;

26 (2) a rating of performance that needs improvement or
27 unacceptable, as determined by the commissioner, on a performance

evaluation approved by the commissioner under Section 30B.101(c)(3); or

(3) any combination of the ratings described by Subdivision (1) or (2).

(c) The commissioner may, based on a special investigation conducted under Section 39.003:

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

(2) require any intervention authorized under that section.

(d) If a private or third party is determined to be ineligible under Section 30B.152, the commissioner shall revoke an authorization of a full-time hybrid campus or full-time virtual campus for which the private or third party acts as a whole program virtual instruction provider, unless the commissioner approves a request by the school district or open-enrollment charter school that operates the campus to use an alternative private or third party.

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

Sec. 30B.103. STUDENT ELIGIBILITY. (a) A student eligible to enroll in a public school of this state is eligible to enroll at a full-time hybrid campus.

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

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

4 (2) is, in the school year in which the student first
5 seeks to enroll in the full-time virtual campus, enrolled in the
6 first grade or a lower grade level;

7 (3) was not required to attend public school in this
8 state due to nonresidency during the preceding school year;

9 (4) is a dependent of a member of the United States
10 military who has been deployed; or

11 (5) has been placed in substitute care in this state.

12 Sec. 30B.104. STUDENT RIGHTS REGARDING FULL-TIME HYBRID AND
13 FULL-TIME VIRTUAL CAMPUSES. (a) A student enrolled in a school
14 district may not be compelled to enroll in a full-time hybrid or
15 full-time virtual campus. A school district must offer the option
16 for a student's parent to select in-person instruction for the
17 student.

18 (b) Notwithstanding Subsection (a) or Section 30B.052, an
19 open-enrollment charter school may require a student to attend a
20 full-time hybrid or full-time virtual campus.

21 Sec. 30B.105. CAMPUS DESIGNATIONS. The commissioner shall
22 determine and assign a unique campus designation number to each
23 full-time hybrid campus or full-time virtual campus authorized
24 under this subchapter.

25 Sec. 30B.106. FUNDING. (a) For purposes of calculating the
26 average daily attendance of students attending a full-time hybrid
27 campus or full-time virtual campus, the commissioner shall use the

1 number of full-time equivalent students enrolled in the full-time
2 hybrid or full-time virtual campus multiplied by the average
3 attendance rate of the school district or open-enrollment charter
4 school that offers the full-time hybrid or full-time virtual campus
5 not including any student enrolled full-time in a full-time hybrid
6 or full-time virtual campus. In the event that a reliable
7 attendance rate cannot be determined under this section, the
8 commissioner shall use the statewide average attendance rate.

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

15 SUBCHAPTER D. PRIVATE AND THIRD-PARTY PROVIDERS

16 Sec. 30B.151. NOTICE AND USE OF PRIVATE OR THIRD PARTY. (a)
17 A school district or open-enrollment charter school shall provide
18 notice to the commissioner of the use of or change in affiliation of
19 a private or third party acting as a whole program virtual
20 instruction provider for a full-time hybrid or full-time virtual
21 campus or program.

22 (b) Except as provided by Section 30B.152, a school district
23 or open-enrollment charter school may not use a private or third
24 party to act as a whole program virtual instruction provider if the
25 party has been determined to be ineligible under that section.

26 Sec. 30B.152. PRIVATE OR THIRD-PARTY ACCOUNTABILITY. (a)
27 The commissioner shall, to the extent feasible, evaluate the

1 performance of a private or third party acting as a whole program
2 virtual instruction provider for a school district or
3 open-enrollment charter school.

4 (b) The commissioner shall establish a standard to
5 determine if a private or third party is ineligible to act as a
6 whole program virtual instruction provider. A private or third
7 party determined to be ineligible under this section remains
8 ineligible until after the fifth anniversary of that determination.

9 (c) A school district or open-enrollment charter school may
10 use a private or third party determined to be ineligible under
11 Subsection (b) as a whole program virtual instruction provider if:

12 (1) the district or school requests approval from the
13 commissioner; and

14 (2) the commissioner determines that the reasons the
15 private or third party was declared ineligible under Subsection (b)
16 will not affect the operation of the party as a whole program
17 virtual instruction provider at the district or school.

18 SUBCHAPTER E. STATE SUPPORT

19 Sec. 30B.201. 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.202. 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 hybrid or full-time virtual campuses.

2 SECTION 8. Section 33.009(d), Education Code, is amended to
3 read as follows:

4 (d) An academy developed under this section must provide
5 counselors and other postsecondary advisors with knowledge and
6 skills to provide counseling to students regarding postsecondary
7 success and productive career planning and must include information
8 relating to:

9 (1) each endorsement described by Section
10 28.025(c-1), including:

11 (A) the course requirements for each
12 endorsement; and

13 (B) the postsecondary educational and career
14 opportunities associated with each endorsement;

15 (2) available methods for a student to earn credit for
16 a course not offered at the school in which the student is enrolled,
17 including enrollment in a virtual ~~[an electronic]~~ course provided
18 ~~[through the state virtual school network]~~ under Chapter 30B ~~[30A]~~;

19 (3) general academic performance requirements for
20 admission to an institution of higher education, including the
21 requirements for automatic admission to a general academic teaching
22 institution under Section 51.803;

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

26 (5) effective strategies for engaging students and
27 parents in planning for postsecondary education and potential

careers, including participation in mentorships and business partnerships.

SECTION 9. Subchapter A, Chapter 37, Education Code, is amended by adding Section 37.0071 to read as follows:

Sec. 37.0071. VIRTUAL EDUCATION AS ALTERNATIVE TO EXPULSION. (a) Except as provided by Subsection (b), before a school district or open-enrollment charter school may expel a student, the district or school shall consider the appropriateness and feasibility of, as an alternative to expulsion, enrolling the student in a full-time hybrid program, full-time virtual program, full-time hybrid campus, or full-time virtual campus, as those terms are defined in Section 30B.001.

(b) Subsection (a) does not apply to a student expelled under Section 37.0081 or 37.007(a), (d), or (e).

SECTION 10. Section 48.005, Education Code, is amended by adding Subsection (e-1) to read as follows:

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

1 of high-quality instruction under that system.

2 SECTION 11. Section 48.053(b), Education Code, is amended
3 to read as follows:

4 (b) A school district to which this section applies is
5 entitled to funding under this chapter as if the district were a
6 full-time hybrid campus or full-time virtual campus for purposes of
7 Section 30B.106 with ~~had~~ no tier one local share for purposes of
8 Section 48.256 for each student enrolled in the district:

9 (1) who resides in this state; or

10 (2) who:

11 (A) is a dependent of a member of the United
12 States military;

13 (B) was previously enrolled in school in this
14 state; and

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

17 SECTION 12. Section 48.104(f), Education Code, is amended
18 to read as follows:

19 (f) A student receiving a full-time virtual education
20 provided through a full-time virtual campus under Chapter 30B shall
21 ~~[through the state virtual school network may]~~ be included in
22 determining the number of students who are educationally
23 disadvantaged and reside in an economically disadvantaged census
24 block group under Subsection (b) or (e), as applicable~~[, if the~~
25 ~~school district submits to the commissioner a plan detailing the~~
26 ~~enhanced services that will be provided to the student and the~~
27 ~~commissioner approves the plan]~~.

SECTION 13. Section 48.111, Education Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) For purposes of Subsection (a), in determining the number of students enrolled in a school district, the commissioner shall exclude students enrolled in the district who receive full-time instruction provided through a full-time virtual campus under Chapter 30B [~~through the state virtual school network under Chapter 30A~~].

(b-1) For purposes of Subsection (a), in determining the number of students enrolled in a school district, the commissioner shall exclude students enrolled in the district who receive full-time instruction through the state virtual school network under Chapter 30A as that chapter existed on September 1, 2024. This subsection expires September 1, 2031.

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

- (1) Section 26.0031(f);
- (2) Section 29.909; and
- (3) Chapter 30A.

SECTION 15. (a) Notwithstanding the repeal by this Act of Chapter 30A, Education Code, a school district or open-enrollment charter school providing an electronic course or a full-time program through the state virtual school network in accordance with, or under a waiver of the provisions of, Chapter 30A, Education Code, as that law existed immediately before the effective date of this Act, may, except as provided by Subsection (b) of this section,

1 continue to provide that course or full-time program as if that
2 chapter were still in effect until the end of the 2026-2027 school
3 year.

4 (b) The funding provided to a school district or
5 open-enrollment charter school for a student enrolled in an
6 electronic course or full-time program offered through the state
7 virtual school network in accordance with, or under a waiver of the
8 provisions of, Chapter 30A, Education Code, as that law existed
9 immediately before the effective date of this Act, shall be
10 determined, as applicable, under Section 30B.007 or 30B.106,
11 Education Code, as added by this Act.

12 SECTION 16. The commissioner of education shall adopt rules
13 providing an expedited authorization process for a school district
14 or open-enrollment charter school that applies to operate a
15 full-time hybrid campus or a full-time virtual campus under Chapter
16 30B, Education Code, as added by this Act, if the district or
17 school, as of the effective date of this Act:

18 (1) operates an electronic course or full-time program
19 through the state virtual school network in accordance with Chapter
20 30A, Education Code, as that law existed immediately before the
21 effective date of this Act; or

22 (2) operates a virtual education program, regardless
23 of whether the district or school received funding for students
24 enrolled in the program during the 2022-2023, 2023-2024, or
25 2024-2025 school year.

26 SECTION 17. This Act applies beginning with the 2025-2026
27 school year.

1 SECTION 18. This Act takes effect immediately if it
2 receives a vote of two-thirds of all the members elected to each
3 house, as provided by Section 39, Article III, Texas Constitution.
4 If this Act does not receive the vote necessary for immediate
5 effect, this Act takes effect September 1, 2025.