

By: Bettencourt, et al.

S.B. No. 569

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

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

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

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

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

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

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

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

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

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

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

26 (1) ensuring that school records for a student who is
27 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.

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

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

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

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

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

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

26 (c) A school district or open-enrollment charter school may
27 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~~

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

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

7 (f-1) The commissioner shall include a student enrolled in a
8 remote or hybrid dropout recovery education program under
9 Subsection (e-2) in the computation of the district's or school's
10 average daily attendance for funding purposes in the same manner as
11 students enrolled in a full-time hybrid or virtual program or
12 full-time hybrid or virtual campus, as applicable, under Chapter
13 30B.

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

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

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

19 SUBCHAPTER A. GENERAL PROVISIONS

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

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

25 (2) "Full-time hybrid program" means a full-time
26 educational program offered by a school district or open-enrollment
27 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; and

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

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

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

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

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

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

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

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

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

25 (7) "Virtual course" means a course in which
26 instruction and content are delivered synchronously or
27 asynchronously primarily over the Internet.

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

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

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

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

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

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

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

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

27 (2) prohibit a school district or open-enrollment

1 charter school from providing a student with home computer
2 equipment or Internet access for a virtual course provided by the
3 district or school.

4 Sec. 30B.005. EXTRACURRICULAR ACTIVITY. A student enrolled
5 in a virtual or hybrid course, program, or campus offered under this
6 chapter may participate in an extracurricular activity sponsored or
7 sanctioned by the school district or open-enrollment charter school
8 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 Sec. 30B.006. HYBRID AND VIRTUAL INSTRUCTION PERMITTED.

12 (a) A school district or open-enrollment charter school may
13 deliver instruction through hybrid courses, virtual courses,
14 full-time hybrid programs, and full-time virtual programs in the
15 manner provided by this chapter.

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

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

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

23 (3) a regional education service center.

24 (c) A school district or open-enrollment charter school
25 that delivers instruction through a hybrid or virtual course shall
26 develop written information describing each hybrid or virtual
27 course available for enrollment and complying with any other

1 requirement of Section 26.0031.

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

7 Sec. 30B.007. FOUNDATION SCHOOL FUNDING. A student
8 enrolled in a hybrid course, virtual course, full-time hybrid
9 program, or full-time virtual program offered under this chapter by
10 a school district or open-enrollment charter school is counted
11 toward the district's or school's average daily attendance in the
12 same manner as district or school students not enrolled in a hybrid
13 course, virtual course, full-time hybrid program, or full-time
14 virtual program.

15 SUBCHAPTER B. HYBRID AND VIRTUAL COURSES

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

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

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

26 (3) except as provided by Subsection (b), meets
27 standards for hybrid or virtual courses adopted by the

1 commissioner.

2 (b) If the commissioner has not adopted applicable
3 standards for hybrid or virtual courses, a school district or
4 open-enrollment charter school that offers a hybrid or virtual
5 course must instead certify to the commissioner that the course
6 meets the National Standards for Quality Online Courses published
7 by the Virtual Learning Leadership Alliance, Quality Matters, and
8 the Digital Learning Collaborative, or a successor publication.

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

13 (b) A hybrid or virtual course offered under this chapter to
14 a student receiving special education services or other
15 accommodations must meet the needs of the participating student in
16 a manner consistent with Subchapter A, Chapter 29, and with federal
17 law, including the Individuals with Disabilities Education Act (20
18 U.S.C. Section 1400 et seq.) and Section 504, Rehabilitation Act of
19 1973 (29 U.S.C. Section 794), as applicable.

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

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

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

7 (1) the teacher has received appropriate professional
8 development in hybrid or virtual instruction, as determined by the
9 school district or open-enrollment charter school at which the
10 teacher is employed; or

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

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

18 Sec. 30B.054. ASSESSMENTS. Except as authorized by
19 commissioner rule, an assessment instrument administered under
20 Section 39.023 or 39.025 to a student enrolled in a hybrid or
21 virtual course offered under this chapter shall be administered to
22 the student in the same manner in which the assessment instrument is
23 administered to a student enrolled in an in-person course at the
24 student's school district or open-enrollment charter school.

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

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

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

5 Sec. 30B.056. ATTENDANCE FOR CLASS CREDIT OR GRADE.
6 Notwithstanding Section 25.092, a school district or
7 open-enrollment charter school shall establish the participation
8 necessary to earn credit or a grade for a hybrid or virtual course
9 offered by the district or school.

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

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

16 (2) the cost of the course; and

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

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

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

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

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

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

11 (2) develop an academic plan that incorporates:

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

15 (B) monitoring of the progress of student
16 performance and interventions;

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

20 (D) compliance with the requirements of this
21 chapter;

22 (3) develop an operations plan that addresses:

23 (A) staffing models;

24 (B) the designation of selected school leaders;

25 (C) professional development for staff;

26 (D) student and family engagement;

27 (E) school calendars and schedules;

1 (F) student enrollment eligibility;
2 (G) cybersecurity and student data privacy
3 measures; and
4 (H) any educational services to be provided by a
5 private or third party; and

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

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

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

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

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

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

26 (e) The commissioner may only authorize a school district or
27 open-enrollment charter school to operate a full-time hybrid campus

1 or a full-time virtual campus if the commissioner determines that
2 the authorization of the campus is likely to result in improved
3 student learning opportunities. If a district or school will use a
4 private or third party in operating the campus, the commissioner
5 shall consider the historical performance of the private or third
6 party, if known, in making a determination under this section.

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

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

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

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

18 (2) a rating of performance that needs improvement or
19 unacceptable, as determined by the commissioner, on a performance
20 evaluation approved by the commissioner under Section
21 30B.101(c)(3); or

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

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

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

1 (2) require any intervention authorized under that
2 section.

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

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

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

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

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

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

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

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

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

4 Sec. 30B.104. STUDENT RIGHTS REGARDING FULL-TIME HYBRID AND
5 FULL-TIME VIRTUAL CAMPUSES. (a) A student enrolled in a school
6 district may not be compelled to enroll in a full-time hybrid or
7 full-time virtual campus. A school district must offer the option
8 for a student's parent to select in-person instruction for the
9 student.

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

13 Sec. 30B.105. CAMPUS DESIGNATIONS. The commissioner shall
14 determine and assign a unique campus designation number to each
15 full-time hybrid campus or full-time virtual campus authorized
16 under this subchapter.

17 Sec. 30B.106. FUNDING. (a) For purposes of calculating the
18 average daily attendance of students attending a full-time hybrid
19 campus or full-time virtual campus, the commissioner shall use the
20 number of full-time equivalent students enrolled in the full-time
21 hybrid or full-time virtual campus multiplied by the average
22 attendance rate of the school district or open-enrollment charter
23 school that offers the full-time hybrid or full-time virtual campus
24 not including any student enrolled full-time in a full-time hybrid
25 or full-time virtual campus. In the event that a reliable
26 attendance rate cannot be determined under this section, the
27 commissioner shall use the statewide average attendance rate.

1 (b) The commissioner shall provide proportionate funding to
2 the applicable school district or open-enrollment charter school
3 for a student that alternates attendance between a traditional,
4 in-person campus setting and the full-time hybrid or full-time
5 virtual campus of any single district or school in the same school
6 year.

7 SUBCHAPTER D. PRIVATE AND THIRD-PARTY PROVIDERS

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

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

18 Sec. 30B.152. PRIVATE OR THIRD-PARTY ACCOUNTABILITY. (a)
19 The commissioner shall, to the extent feasible, evaluate the
20 performance of a private or third party acting as a whole program
21 virtual instruction provider for a school district or
22 open-enrollment charter school.

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

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

4 (1) the district or school requests approval from the
5 commissioner; and

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

10 SUBCHAPTER E. STATE SUPPORT

11 Sec. 30B.201. EDUCATOR PROFESSIONAL DEVELOPMENT. From
12 funds appropriated or otherwise available, the agency shall develop
13 professional development courses and materials aligned with
14 research-based practices for educators in providing high-quality
15 virtual education.

16 Sec. 30B.202. DEVELOPMENT GRANTS FOR VIRTUAL EDUCATION.
17 From funds appropriated or otherwise available, the agency shall
18 provide grants and technical assistance to school districts and
19 open-enrollment charter schools to aid in the establishment of
20 high-quality full-time hybrid or full-time virtual campuses.

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

23 (d) An academy developed under this section must provide
24 counselors and other postsecondary advisors with knowledge and
25 skills to provide counseling to students regarding postsecondary
26 success and productive career planning and must include information
27 relating to:

1 (1) each endorsement described by Section
2 28.025(c-1), including:

3 (A) the course requirements for each
4 endorsement; and

5 (B) the postsecondary educational and career
6 opportunities associated with each endorsement;

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

11 (3) general academic performance requirements for
12 admission to an institution of higher education, including the
13 requirements for automatic admission to a general academic teaching
14 institution under Section 51.803;

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

18 (5) effective strategies for engaging students and
19 parents in planning for postsecondary education and potential
20 careers, including participation in mentorships and business
21 partnerships.

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

24 Sec. 37.0071. VIRTUAL EDUCATION AS ALTERNATIVE TO
25 EXPULSION. (a) Except as provided by Subsection (b), before a
26 school district or open-enrollment charter school may expel a
27 student, the district or school shall consider the appropriateness

1 and feasibility of, as an alternative to expulsion, enrolling the
2 student in a full-time hybrid program, full-time virtual program,
3 full-time hybrid campus, or full-time virtual campus, as those
4 terms are defined in Section 30B.001.

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

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

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

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

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

1 (1) who resides in this state; or

2 (2) who:

3 (A) is a dependent of a member of the United
4 States military;

5 (B) was previously enrolled in school in this
6 state; and

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

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

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

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

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

1 ~~Chapter 30A~~].

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

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

10 (1) Section 26.0031(f); and

11 (2) Chapter 30A.

12 SECTION 15. (a) Notwithstanding the repeal by this Act of
13 Chapter 30A, Education Code, a school district or open-enrollment
14 charter school providing an electronic course or a full-time
15 program through the state virtual school network in accordance with
16 Chapter 30A, Education Code, as that law existed immediately before
17 the effective date of this Act, may, except as provided by
18 Subsection (b) of this section, continue to provide that course or
19 full-time program as if that chapter were still in effect until the
20 end of the 2026-2027 school year.

21 (b) The funding provided to a school district or
22 open-enrollment charter school for a student enrolled in an
23 electronic course or full-time program offered through the state
24 virtual school network in accordance with Chapter 30A, Education
25 Code, as that law existed immediately before the effective date of
26 this Act, shall be determined, as applicable, under Section 30B.007
27 or 30B.106, Education Code, as added by this Act.

1 SECTION 16. The commissioner of education shall adopt rules
2 providing an expedited authorization process for a school district
3 or open-enrollment charter school that applies to operate a
4 full-time hybrid campus or a full-time virtual campus under Chapter
5 30B, Education Code, as added by this Act, if the district or
6 school, as of the effective date of this Act:

7 (1) operates an electronic course or full-time program
8 through the state virtual school network in accordance with Chapter
9 30A, Education Code, as that law existed immediately before the
10 effective date of this Act; or

11 (2) operates a virtual education program, regardless
12 of whether the district or school received funding for students
13 enrolled in the program during the 2023-2024 or 2024-2025 school
14 year.

15 SECTION 17. This Act applies beginning with the 2025-2026
16 school year.

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