

## **BILL ANALYSIS**

Senate Research Center  
88R2897 MM-F

S.B. 1068  
By: Middleton  
Education  
3/10/2023  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

#### Background

Currently, there is a moratorium on additional full-time online programming in our public and open enrollment charter schools. Due to the limited funding of online classrooms, many school districts decline students wanting to enroll in online courses. This prohibition denies parents a choice in the format in which they are educated.

#### Overview

**Remove the Virtual School Moratorium:** Eliminate the limit on the number of students who may attend virtual school without having to pay for the program out of pocket. This will increase access to virtual programs and provide more opportunities for students to learn in a way that suits their needs.

**Allow Students and Parents the Choice of Virtual School:** Give parents and students the option to choose the online course they want to attend, ensuring that each child can enroll in the best program for their needs. This policy will empower students and parents to make informed decisions about their education, leading to improved academic outcomes.

As proposed, S.B. 1068 amends current law relating to the removal of restrictions on funding and payment of costs for certain full-time online educational programs and authorizes a fee.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 26.0031(c-1), Education Code, as follows:

(c-1) Provides that this subsection, allowing a school district or open-enrollment charter school to decline to pay the cost for a student of more than three yearlong electronic courses or the equivalent during any school year, does not apply to a student enrolled in a full-time online program, rather than a full-time online program that was operating on January 1, 2013.

SECTION 2. Amends Section 30A.153(a-1), Education Code, as follows:

(a-1) Provides that a school district or open-enrollment charter school, for purposes of Subsection (a) (relating to entitling a school district or open-enrollment charter school to certain funding if certain requirements are met), is limited to the funding described by that subsection for a student's enrollment in not more than three electronic courses during any school year, unless the student is enrolled in a full-time online program, rather than a full-time online program that was operating on January 1, 2013.

SECTION 3. Amends Subchapter D, Chapter 30A, Education Code, by adding Section 30A.156, as follows:

Sec. 30A.156. PROGRAM ESTABLISHMENT FEE. (a) Authorizes a school district or open-enrollment charter school that intends to operate a full-time online program, if the Texas Education Agency (TEA) determines that the cost of supporting the establishment of a full-time online program, including the cost of evaluating and approving electronic courses, will not be paid by TEA because funds for that purpose are not available, to pay to TEA a one-time fee in an amount that is equal to the cost of establishing that program to ensure adequate support for that program is provided.

(b) Requires TEA to develop and publish a fee schedule for purposes of establishing a full-time online program.

SECTION 4. Provides that the changes in law made by this Act apply to electronic courses taken through the state virtual school network beginning with the 2023–2024 school year.

SECTION 5. Effective date: upon passage or September 1, 2023.