

BILL ANALYSIS

C.S.S.B. 1861
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Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

H.B. 3643, 87th Texas Legislature, Regular Session, established the Texas Commission on Virtual Education to develop and make recommendations regarding the delivery of virtual education in the public school system and state funding for virtual education under the foundation school program. The commission published a set of recommendations for the legislature that was unanimously supported and would ensure the state's education system is built for the future of learning and work. C.S.S.B. 1861 seeks to bring multiple pieces of statute under one new unified policy structure, aligned with some of the recommendations of the commission. C.S.S.B. 1861 repeals provisions relating to the state virtual school network, allows districts and charter schools to offer individual virtual courses, full-time virtual schools, and full-time hybrid schools, and creates authorization processes for new schools, quality controls for vendors, strong school accountability, funding guidelines, parent and student rights, and teacher rights.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTIONS 1.04, 2.01, and 4.04 of this bill.

ANALYSIS

C.S.S.B. 1861 repeals Education Code provisions relating to the state virtual school network. With respect to local remote learning programs, the bill repeals provisions setting a September 1, 2023, expiration date for provisions relating to the operation of local remote learning programs and a cap on the number of students that may be enrolled under such a program based on the number of students enrolled in the applicable public school district or open-enrollment charter school during the 2021-2022 school year. The bill amends the Education Code to set out provisions authorizing public school districts and open-enrollment charter schools to deliver instruction through virtual courses and establish full-time hybrid campuses and full-time virtual campuses to deliver instruction in person and through virtual courses.

C.S.S.B. 1861 defines the following terms:

- "full-time hybrid campus" as a full-time educational program authorized under the bill's provisions in which a student is in attendance in person for less than 90 percent of the minutes of instruction provided and the instruction and content may be delivered over the Internet, in person, or through other means;

- "full-time virtual campus" as a full-time educational program authorized under the bill's provisions in which a student is in attendance in person minimally or not at all and the instruction and content are delivered primarily over the Internet;
- "parent" as a student's parent or a person standing in parental relation to a student;
- "virtual course" as a course in which instruction and content are delivered primarily over the Internet; and
- "whole campus virtual instruction provider" as a private or third-party service that provides oversight and management of the virtual instruction services or otherwise provides a preponderance of those services for a full-time virtual or full-time hybrid campus.

Local Remote Learning Programs

C.S.S.B. 1861 revises provisions relating to the operation of local remote learning programs as follows:

- by changing the grade level of students who may be eligible to enroll in a virtual course offered from any grade level to grades 4 through 12; and
- by removing the prohibition against a district or charter school that operates a local remote learning program from counting a student for purposes of calculating average daily attendance (ADA) if the student has 10 or more unexcused absences in the program in a six-month period.

Virtual Courses

C.S.S.B. 1861 authorizes a district or charter school to deliver instruction through virtual courses. The bill also authorizes the following entities to deliver instruction through virtual courses in the same manner provided for a district or open-enrollment charter school under the bill's provisions:

- a consortium of districts or charter schools;
- a public institution of higher education; or
- a regional education service center.

The bill prohibits a student enrolled in kindergarten through third grade from enrolling in a virtual course.

C.S.S.B. 1861 requires a district or charter school that delivers instruction through a virtual course to develop written information describing each virtual course available for enrollment and complying with any requirements relating to parental rights concerning virtual courses. The bill requires a district or charter school to make information regarding virtual courses available to students and parents at the time students ordinarily select courses and authorizes a district or charter school to provide that information to students and parents at other times as determined by the district or charter school. The bill requires a district or charter school that offers a virtual course under the bill's provisions to certify to the commissioner of education that the virtual course:

- includes the appropriate essential knowledge and skills adopted by the State Board of Education;
- provides instruction at the appropriate level of rigor for the grade level at which the course is offered and will prepare a student enrolled in the course for the student's next grade level or a subsequent course in a similar subject matter; and
- meets standards for virtual courses adopted by the commissioner, or, if standards are not adopted by the commissioner for virtual courses, the National Standards for Quality Online Courses published by the Virtual Learning Leadership Alliance, Quality Matters, and the Digital Learning Collaborative, or a successor publication.

C.S.S.B. 1861 requires the administration of statewide standardized tests and end-of-course tests to a student enrolled in a virtual course to be administered to the student in the same manner in

which the tests are administered to a student enrolled in an in-person course at the student's district or charter school, except as authorized by commissioner rule.

C.S.S.B. 1861 authorizes a district or charter school to charge tuition and fees for a virtual course provided to a student who is not eligible to enroll in a public school in Texas or is not enrolled in the district or charter school. The bill requires a district or charter school to establish the participation necessary to earn credit or a grade for a virtual course. The bill establishes that a student enrolled in a virtual course under the bill's provisions by a district or charter school is counted toward the district's or charter school's ADA in the same manner as students who are not enrolled in a virtual course at a district or charter school.

C.S.S.B. 1861 requires the Texas Education Agency (TEA) to publish a list of virtual courses offered by districts and charter schools in Texas that includes the following information, which is required to be provided by the districts and charter schools to TEA:

- whether the course is available to a student who is not otherwise enrolled in the offering district or charter school;
- the cost of the course; and
- information regarding any third-party provider involved in the delivery of the course.

The bill, with regard to virtual courses and full-time hybrid and virtual campuses, expressly does not do the following:

- require a district, charter school, virtual course provider, or the state to provide a student with home computer equipment or Internet access for a virtual course provided by the district or charter school; or
- prohibit a district or charter school from providing a student with home computer equipment or Internet access for a virtual course provided by the district or charter school.

Full-Time Virtual Campuses and Full-Time Hybrid Campuses

C.S.S.B. 1861 authorizes a district or charter school to operate a full-time virtual campus or a full-time hybrid campus if authorized by the commissioner of education in accordance with the bill's provisions. The bill authorizes a campus to only apply for and receive authorization to operate either as a full-time virtual campus or a full-time hybrid campus and prohibits a campus from changing its operation designation during the authorization process or after the campus is authorized. The bill conditions the authority of the commissioner to authorize the operation of a virtual or hybrid campus on the commissioner's determination that the authorization is likely to result in improved student learning opportunities and establishes that the commissioner's determination is final and not subject to appeal. The bill requires the commissioner to determine and assign a unique campus designation number to each full-time virtual campus or full-time hybrid campus authorized under the bill's provisions.

C.S.S.B. 1861 requires the commissioner to adopt rules establishing the requirements for and process by which a district or charter school may apply for authorization to operate a full-time virtual campus or full-time hybrid campus, authorizes the rules to require certain written application materials and interviews, and requires the rules to require a district or charter school to do the following:

- engage in a year of planning before offering a course under the bill's provisions to verify the course is designed in accordance with high-quality criteria;
- develop an academic plan that incorporates the following:
 - curriculum and instructional practices aligned with the appropriate essential knowledge and skills;
 - monitoring the progress of student performance and interventions;
 - a method for meeting the needs of and complying with federal and state requirements for special populations and at-risk students; and
 - compliance with the bill's requirements regarding virtual courses and full-time hybrid and virtual campuses;

- develop an operations plan that addresses the following:
 - staffing models;
 - the designation of selected school leaders;
 - professional development for staff;
 - student and family engagement;
 - school calendars and schedules;
 - student enrollment eligibility;
 - cybersecurity and student data privacy measures; and
 - any educational services to be provided by a private or third party; and
- demonstrate the capacity to execute the district's or charter school's plan successfully.

C.S.S.B. 1861 establishes that the commissioner's authorization of a campus to operate a full-time virtual campus or full-time hybrid campus continues indefinitely unless the commissioner revokes the authorization. The bill requires the commissioner to revoke the authorization if the campus receives the following for the three preceding school years:

- an unacceptable performance rating for accreditation purposes;
- a financial accountability performance rating indicating performance lower than satisfactory;
- any combination of such performance ratings; or
- a rating of performance that needs improvement or unacceptable, as determined by the commissioner, on a performance evaluation approved by the commissioner under the bill's provisions.

The bill authorizes the commissioner, based on a special investigation authorized under statutory provisions relating to public school system accountability, to revoke an authorization of a full-time virtual or hybrid campus or require any intervention authorized under those provisions. An appeal of a revocation of such an authorization that results in the closure of a campus must be made under statutory provisions relating to sanction review by the State Office of Administrative Hearings (SOAH).

C.S.S.B. 1861 requires a full-time virtual campus or full-time hybrid campus authorized under the bill's provisions to include the following:

- at least one grade level in which a statewide standardized test or end-of-course test is required to be administered, including each subject or course for which a test is required in that grade level;
- 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
- for a campus that does not include the previously described grade levels, another performance evaluation measure approved by the commissioner during the authorization process.

Private or Third-Party Campuses

With respect to a full-time virtual campus or full-time hybrid campus that a district or charter school will use a private or third party to operate, the bill requires the commissioner to consider the historical performance of the private or third party, if known, in making a determination for a campus operation authorization. The commissioner's determination is final and not subject to appeal. The bill requires a district or charter school to provide notice to the commissioner of the use of or change in affiliation of a private or third party acting as a whole campus virtual instruction provider for the full-time virtual campus or full-time hybrid campus. The bill requires the commissioner, to the extent feasible, to evaluate the performance of a private or third party acting as a whole campus virtual instruction provider for a district or charter school and to establish a standard to determine if a private or third party is ineligible to act as a whole campus virtual education provider. A private or third party determined to be ineligible remains ineligible until after the fifth anniversary of that determination. If a private or third party is determined to be ineligible, the commissioner must revoke the authorization for operation, unless the commissioner approves a request by the district or charter school that operates the campus to

use an alternative private or third party. An appeal of a revocation of an authorization that results in the closure of a campus must be made under statutory provisions relating to sanction review by SOAH.

Funding and State Support

C.S.S.B. 1861 requires the commissioner, for purposes of calculating the ADA of students attending a full-time virtual campus or full-time hybrid campus, to use the number of full-time equivalent students enrolled in the full-time virtual or full-time hybrid campus multiplied by the average attendance rate of the district or charter school that offers the full-time virtual or full-time hybrid campus not including any student enrolled full-time in a full-time virtual or full-time hybrid campus. In the event that a reliable attendance rate cannot be determined, the commissioner must use the statewide average attendance rate. The bill requires the commissioner to provide proportionate funding to the applicable district or charter school for a student that alternates attendance between a traditional, in-person campus setting and the full-time virtual or full-time hybrid campus of any single district or school in the same school year.

C.S.S.B. 1861 revises the entitlement of a special-purpose school district that is operated by a general academic teaching institution to foundation school program funding for certain students by requiring the entitlement to be determined as if the district were a full-time virtual campus or full-time hybrid campus with no tier one local share for those students. The bill repeals provisions that require the commissioner, for a special-purpose district that existed before September 1, 2019, to establish an asynchronous progression funding method that may be used to determine the amount of the entitlement based on full and partial semester course completion.

C.S.S.B. 1861 authorizes the commissioner, for purposes of the bill's provisions regarding virtual courses and full-time hybrid and virtual campuses, to seek and accept a grant from a public or private person and accept federal funds. The bill requires the commissioner to use the federal funds in compliance with applicable federal law, regulations, and guidelines. The bill requires TEA, from funds appropriated or otherwise available, to do the following:

- develop professional development courses and materials aligned with research-based practices for educators in providing high-quality virtual education; and
- provide grants and technical assistance to districts and charter schools to aid in the establishment of high-quality full-time virtual or full-time hybrid campuses.

C.S.S.B. 1861 requires the commissioner, in a school year in which the occurrence of an emergency or crisis as defined by commissioner rule causes a statewide decrease in ADA of districts entitled to foundation school program funding or, for an emergency or crisis occurring only within a specific region of Texas, causes a regional decrease in the ADA of districts located in the affected region, to modify or waive requirements applicable to the affected districts under statutory provisions relating to ADA 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 of high-quality instruction under that system.

Rights of Students, Parents, and Teachers

C.S.S.B. 1861 establishes that a student eligible to enroll in fourth through twelfth grade in a Texas public school is eligible to enroll at a full-time hybrid campus and that a student is eligible to enroll in a full-time virtual campus if the student is eligible to enroll in fourth through twelfth grade and meets any of the following conditions:

- attended a public school in Texas for a minimum of six weeks in the current school year or in the preceding school year;
- was not required to attend public school in Texas due to nonresidency during the preceding school year;
- is a dependent of a member of the U.S. military who has been deployed; or
- has been placed in substitute care in Texas.

C.S.S.B. 1861 authorizes a student enrolled in a virtual course to participate in an extracurricular activity sponsored or sanctioned by the district or charter school in which the student is enrolled or by the University Interscholastic League in the same manner as other district or school students. The bill requires a virtual course offered under the bill's provisions to a student receiving special education services or other accommodations to meet the needs of the participating student in a manner consistent with the special education program and with federal law, including the federal Individuals with Disabilities Education Act and Section 504 of the federal Rehabilitation Act of 1973, as applicable.

C.S.S.B. 1861 requires a district or charter school, before expelling a student, to consider the appropriateness and feasibility of enrolling the student in a full-time virtual education program as an alternative to expulsion. This requirement does not apply to a student who is expelled and placed in a disciplinary alternative education program or juvenile justice alternative education program or who is expelled for engaging in conduct that constitutes or contains elements of certain criminal offenses or for bringing a firearm to school.

C.S.S.B. 1861 prohibits a district or charter school from doing the following:

- requiring a student to enroll in a virtual course; and
- actively discouraging a student, including by threat or intimidation, from enrolling in a virtual course.

The bill prohibits a student enrolled in a district from being compelled to enroll in a full-time virtual or full-time hybrid campus, but authorizes a charter school to require a student to attend a full-time virtual or full-time hybrid campus. A district must offer the option for a student's parent to select in-person instruction for the student.

C.S.S.B. 1861 prohibits a district or charter school from requiring a classroom teacher to provide both virtual instruction and in-person instruction for a course offered under the bill's provisions during the same class period but authorizes the commissioner to waive this prohibition for courses included in the enrichment curriculum required under state law. The bill prohibits a district or charter school from directly or indirectly coercing any classroom teacher hired to provide in-person instruction to agree to an assignment to teach a virtual course or a course at a full-time hybrid campus. The bill prohibits a classroom teacher from providing instruction for a virtual course unless the teacher has received appropriate professional development in virtual instruction, as determined by the district or charter school at which the teacher is employed, or the district or charter school has determined that the teacher has sufficient previous experience to not require the professional development.

C.S.S.B. 1861 makes provisions relating to parental rights concerning the state virtual school network and the authorization for a district and a charter school to deny a parent's request for the enrollment of a student or decline payment of electronic courses applicable instead to virtual courses offered under the bill's provisions and makes the following changes to those provisions:

- specifies that the requirement to notify parents and students of the option to enroll in a course and the prohibition against denying a parent's request for a full-time enrolled student's enrollment in such a course applies with respect to a virtual course offered by the district or charter school in which the student is enrolled or by another district or school under the bill's provisions;
- changes one of the reasons for which a district or charter school may deny a request to enroll a student in an applicable course from the district or charter school offering a course that is substantially similar to the electronic course in person to the district or charter school determining that the cost of the virtual course is too high;
- removes the authorization for a parent to appeal to the commissioner a district's or charter school's decision to deny a request to enroll a student in an applicable course;
- requires a district or charter school that denies a request to enroll a student in a virtual course to provide a written explanation of the denial to the student and the student's parent that must provide notice of the student's ability to appeal the decision and an

explanation of the appeal process, including the process of pursuing a final appeal heard by the board of trustees or governing board;

- establishes that a determination made by the board of trustees of the district or the governing board of the charter school is final and may not be appealed; and
- changes the entity to whom a parent may appeal a district or charter school's decision from the commissioner to the district's board of trustees or the charter school's governing board.

Rulemaking Authority and Transition Provisions

C.S.S.B. 1861 requires the commissioner to adopt rules as necessary to administer the bill's provisions regarding virtual courses and full-time hybrid and virtual campuses and, to the extent practicable, to consult districts, charter schools, and parents in adopting those rules. The bill authorizes TEA to form an advisory committee similar to an advisory committee described under Government Code provisions relating to state agency advisory committees to comply with these rulemaking requirements but exempts the advisory committee from the applicability of those Government Code provisions.

C.S.S.B. 1861 authorizes a district or charter school providing an electronic course through the state virtual school network in accordance with statutory provisions relating to the network as those provisions existed immediately before the bill's effective date, to continue to provide that course and as if those provisions were still in effect. The funding provided to a district or charter school for a student enrolled in an electronic course or full-time program offered through the state virtual school network in accordance with applicable statutory provisions, as those provisions existed immediately before the bill's effective date, must be determined, as applicable, under certain funding provisions of the bill. The bill authorizes the commissioner to modify the bill's requirements relating to virtual courses and full-time hybrid and full-time virtual campuses as necessary to provide for the transition of an electronic course or program offered through the network in accordance with applicable statutory provisions that existed immediately before the bill's effective date to a virtual course or full-time hybrid campus or full-time virtual campus in accordance with the bill's provisions.

C.S.S.B. 1861 requires the commissioner to adopt rules providing an expedited authorization process for a district or charter school that applies to operate a full-time virtual campus or a full-time hybrid campus under the bill's provisions if the district or charter school, as of the bill's effective date, does any of the following:

- operates an electronic course through the state virtual school network in accordance with applicable statutory provisions as those provisions existed immediately before the bill's effective date;
- operates a local remote learning program under applicable statutory provisions as amended by the bill; or
- provides electronic instruction in accordance with provisions relating to off-campus courses or programs counted for ADA purposes, as repealed by the bill.

C.S.S.B. 1861 replaces references to courses offered through the state virtual school network with references to virtual courses offered under the bill's provisions with respect to the following provisions:

- the requirement for a district or charter school that provides a course through the state virtual school network to make all reasonable efforts to accommodate the enrollment of a student in the course under special circumstances;
- statutory provisions making certain provisions relating to courses offered through the network inapplicable to virtual courses offered under a local remote learning program but establishing that a student enrolled in a district or charter school that operates a local remote learning program is not prohibited from enrolling in courses offered through the network;

- the requirement for the commissioner to adopt rules applicable to the Texas High Performance Schools Consortium according to the principle of engaging students in digital learning, including engagement through the use of courses offered through the network;
- the requirement for TEA, for purposes of assisting the transition of students who are homeless or in substitute care from one school to another, to promote access to electronic courses provided through the network at nominal or no cost;
- the requirement for a postsecondary education and career counseling academy, for purposes of providing postsecondary advisors with knowledge and skills in order to provide counseling to students, to include information relating to available methods for a student to earn credit for an electronic course provided through the network;
- the authorization to include a student receiving a full-time virtual education through the network in the determination of students who are educationally disadvantaged and reside in an economically disadvantaged census block group for purposes of the district's entitlement to a compensatory education allotment, provided the district submits to the commissioner the requisite plan detailing the provision of enhanced services and the commissioner approves the plan; and
- the requirement for the commissioner to exclude students enrolled in a district and receiving full-time instruction through the network in the determination of students enrolled in a district for purposes of the district's entitlement to the fast growth allotment.

C.S.S.B. 1861 establishes that TEA, in a state fiscal year, is not required to implement a provision found in another section of the bill that is drafted as a mandatory provision imposing a duty on TEA to take an action unless money is specifically appropriated to TEA for that fiscal year to carry out that duty and that TEA may implement the provision in that fiscal year to the extent other funding is available to TEA to do so. If TEA does not implement the mandatory provision in a state fiscal year, TEA, in its legislative budget request for the next state fiscal biennium, must certify that fact to the Legislative Budget Board and include a written estimate of the costs of implementing the provision in each year of that next state fiscal biennium. The suspension of TEA's duty to implement a mandatory provision expires and the duty to implement the mandatory provision resumes on September 1, 2027.

C.S.S.B. 1861 repeals the authorization for a district or charter school to provide one or more off-campus electronic courses, an off-campus electronic program, or an instructional program that combines in-person instruction and off-campus electronic instruction to students enrolled in the district or charter school who have reasonable access to in-person services a district or charter school facility. The bill repeals the following related provisions:

- the requirement that time that a student participates in any such program be counted as part of the minimum number of instructional hours required for a student to be considered a full-time student in ADA; and
- the prohibition against a district or charter school counting a student who received virtual or remote instruction for a majority of the instructional days during the preceding school year for purposes of calculating ADA if the student did not achieve satisfactory performance or higher on an applicable test in the preceding school year, had a certain number of unexcused absences, or did not earn a grade of C or higher in each of the foundation curriculum courses taken virtually or remotely in the preceding school year.

However, the bill authorizes a district or charter school providing an off-campus electronic course, off-campus electronic program, or instructional program that combines in-person instruction and off-campus electronic instruction in accordance with applicable statutory provisions, as those provisions existed immediately before the bill's effective date, to continue to provide the program as if those provisions were still in effect until the end of the 2024-2025 school year. The bill sets out the following:

- an off-campus electronic course, off-campus electronic program, or instructional program that combines in-person instruction and off-campus electronic instruction provided by a school district in accordance with those provisions, as the provisions existed immediately before the bill's effective date:

- must operate in compliance with the bill's provisions relating to student eligibility for enrollment in a full-time hybrid campus or full-time virtual campus; and
- may not operate in compliance with statutory provisions prohibiting a district or charter school from counting a student who received virtual or remote instruction for a majority of the instructional days during the preceding school year for purposes of calculating ADA, as those provisions existed immediately before the bill's effective date; and
- the funding provided to a district or charter school for a student enrolled in an off-campus electronic course, off-campus electronic program, or instructional program that combines in-person instruction and off-campus electronic instruction provided in accordance with applicable statutory provisions, as those provisions existed immediately before the bill's effective date, must be determined under the bill's provisions relating to calculating funding ADA for students attending a full-time hybrid campus or full-time virtual campus.

Repealed Provisions

C.S.S.B. 1861, in addition to the previously described repealed provisions, also repeals the following provisions:

- the requirement for the commissioner to assign a full-time local remote learning program separate overall and domain performance ratings as if the program were a campus of the district or school; and
- the requirement for additional performance indicators of the quality of learning adopted by the commissioner for reporting purposes to include the performance of students who spend at least half of the students' instructional time in virtual courses under a local remote learning program or receiving remote instruction.

C.S.S.B. 1861 repeals the following provisions of the Education Code:

- Section 21.051(g);
- Section 25.092(a-4);
- Section 26.0031(f);
- Sections 29.9091(q), (r), and (s);
- Chapter 30A;
- Section 39.0549;
- Sections 39.301(c-1) and (c-2);
- Sections 48.005(h-1), (m-1), and (m-2);
- Sections 48.053(b-1) and (b-2); and
- Section 48.0071.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 1861 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

Whereas the engrossed repealed provisions relating to the operation of the local remote learning programs, the substitute only repeals the September 1, 2023, expiration date for those provisions and the cap on the number of students that may be enrolled under such a program based on the number of students enrolled in the applicable public school district or open-enrollment charter school during the 2021-2022 school year.

The substitute revises provisions relating to the operation of local remote learning programs regarding the grade level of students who may be eligible to enroll in a virtual course and provisions counting a student for purposes of calculating ADA who has a specified number of unexcused absences in a certain period, whereas the engrossed did not make these revisions.

The substitute also replaces references to courses offered through the state virtual school network with references to virtual courses offered under the bill's provisions with respect to the statutory provisions making certain provisions relating to courses offered through the network inapplicable to virtual courses offered under a local remote learning program but establishing that a student enrolled in a district or charter school that operates a local remote learning program is not prohibited from enrolling in courses offered through the network. The engrossed, however, did not replace those references.

Whereas the engrossed required the commissioner to adopt rules providing an expedited authorization process for a district or charter school that applies to operate a full-time virtual campus or a full-time hybrid campus under the bill's provisions, if the district or charter school as of the bill's effective date operates a local remote learning program under applicable statutory provisions as those provisions existed immediately before the bill's effective date, the substitute requires those rules to be adopted with respect to a district or charter school that operates a local remote learning program under applicable provisions, as amended by the bill.

The substitute includes a prohibition absent from the engrossed against a student enrolled in prekindergarten through third grade being enrolled in a virtual course. Whereas the engrossed made a student eligible to enroll at a full-time hybrid campus if the student was eligible to enroll in a public school in Texas, the substitute instead conditions a student's eligibility to enroll in either a full-time hybrid or virtual campus on the student being eligible to enroll in fourth through twelfth grade in a public school in Texas. Furthermore, the engrossed contained a provision making a student eligible to enroll in a full-time virtual campus if the student is, in the school year in which the student first seeks to enroll in the full-time virtual campus, enrolled in the first grade or a lower grade level. The substitute omits this provision.

Whereas the engrossed authorized a district or charter school providing an electronic course or a full-time program through the state virtual school network in accordance with applicable statutory provisions, as those provisions existed immediately before the bill's effective date, to continue to provide that course or full-time program as if those provisions were still in effect until the end of the 2024-2025 school year, the substitute omits the condition that the authorization is until the end of the 2024-2025 school year. However, the substitute includes an authorization absent from the engrossed for the commissioner to modify the bill's requirements relating to virtual courses and full-time hybrid and full-time virtual campuses as necessary to provide for the transition of an electronic course or program offered through the network in accordance with applicable statutory provisions that existed immediately before the bill's effective date to a virtual course or full-time hybrid campus or full-time virtual campus in accordance with the bill's provisions.