

(BILL ANALYSIS)

Senate Research Center
88R22389 JES-D

C.S.S.B. 1861
By: Bettencourt; West
Education
4/6/2023
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Overview:

- Creates new Chapter 30B to bring multiple pieces of statute under one new unified policy structure, aligned to the unanimous, bipartisan recommendations of the Commission on Virtual Education
 - Repeals Chapter 30A (Texas Virtual School Network) and sunsets Section 29.9091 (S.B. 15 87th(2) Local Remote Learning) in 2025.
- Allows districts and charter schools to offer individual virtual courses, full-time virtual schools, and full-time hybrid schools.
- Provides authorization for new schools, quality controls, school accountability, vendor accountability, funding guidelines, parent and student rights, teacher rights, teacher professional development, and startup grants for districts.

More Detail:

- Full-time Hybrid and Full-time Virtual
 - Existing virtual and hybrid schools operating under Chapter 30A and S.B. 15 87th(2) Local Remote Learning can continue to operate (until 2025) while bringing their operations and authorization under the new statute.
 - New virtual and hybrid schools must be authorized under a new process to be created by commissioner of education (commissioner) rule. The process must include a full year of planning, academic plans, and operational plans.
- Individual Virtual Courses
 - Only districts and charter schools can offer individual courses, and the Texas Education Agency (TEA) must publish a list of available courses.
 - Students can take up to three individual courses without being expected to pay for them, and districts have limited ability to deny enrollment.
 - Outlines quality requirements for courses, including TEKS alignment.
- Parent and Student Rights
 - Districts may not require a student to enroll in a virtual course.
 - Virtual courses must meet the needs of students receiving SPED services required under state and federal law.
 - Districts/charters are required to inform parents and students of the option to enroll in an individual virtual course.
 - Parents have the right to appeal if denied enrollment in a virtual course under limited circumstances.
- Teacher Rights
 - Teachers can't be required to teach virtual and in-person simultaneously.
 - Teachers of virtual courses are required to have professional development in virtual instruction, but district or charter can determine previous experience is sufficient in lieu of this requirement.
 - Districts cannot coerce a teacher hired for in-person instruction to teach virtual or hybrid.
- Provider Accountability
 - Holds vendors and third parties who partner with districts for whole-campus services accountable for student outcomes, and considers historical vendor performance during the authorization of new schools.

- If vendor is determined by the commissioner to be ineligible based on poor student outcomes, they remain so for five years, and schools using them must change vendors to maintain authorization.
- Funding for Full-Time Hybrid and Full-Time Virtual Schools
 - Fiscally neutral process that multiplies full-time hybrid or virtual school enrollment by in-person average daily attendance (ADA) of the district or charter and allows for proportional funding for students who move between virtual and in-person.
- State Support
 - Requires TEA to develop professional development aligned to research-based best practices for virtual education
 - Provides TEA grants and technical assistance to start new high-quality hybrid and virtual campuses
- Emergency Support
 - Requires Commissioner to modify or waive attendance requirements for funding purposes for emergency or crisis

Substitute:

Section 1.02

(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 course offered by the district or school in which the student is enrolled or by another district or school under Chapter 30B.

(b-1) A school district or open-enrollment charter school shall not actively discourage, intimidate, or threaten a student about enrolling in a virtual course at any time.

(c) A school district or open-enrollment charter school may deny a request to enroll a student in a virtual course if:

- (3) the district or school determines that:
 - (A) the quality of the course is unacceptable;
 - (B) the cost of the course is too high; or
 - (C) the district or school currently offers the course in person.

Section 30B.102.

REVOCATION: Follow Texas public charter schools "three strikes" law. Their campus authorization will be revoked if they receive unacceptable ratings from the state for three years—no appeals allowed.

Ensures current S.B. 15 87th(2) Local Remote programs can continue to operate while waiting for authorization under the new statute.

Ensures current TXVSN course providers, TXVSN full-time schools, and S.B. 15 87th(2) Local Remote programs, while they continue to operate under the prior statute and wait to be authorized, can be funded as outlined in the bill for the new statute, without funding eligibility restrictions in S.B. 15.

Adds the fiscal responsibility amendment.

C.S.S.B. 1861 amends current law 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 and authorizes a fee.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1.03 (Sections 30B.002 and 30B.101, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner of education is modified in SECTION 3.02 (Section 7.0561, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner of education is rescinded in SECTION 4.01 (Sections 29.9091, 30A.006, and 48.0071, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

ARTICLE 1. VIRTUAL EDUCATION

SECTION 1.01. Amends the heading to Section 26.0031, Education Code, to read as follows:

Sec. 26.0031. RIGHTS CONCERNING VIRTUAL COURSES.

SECTION 1.02. Amends Sections 26.0031, Education Code, by amending Sections (a), (b), (c), (c-1), (d), and (e) and adding Subsection (b-1), as follows:

(a) Requires a school district or open-enrollment charter school to notify parents and students of the option to enroll in a virtual, rather than electronic, course offered by the district or school in which the student is enrolled or by another district or school under Chapter 30B, rather than through the state virtual school network under Chapter 30A (State Virtual School Network), at the time and in the manner that the district or school informs students and parents about courses that are offered in the district's or school's traditional classroom setting

(b) Prohibits a school district or open-enrollment charter school in which a student is enrolled as a full-time student from denying the request of a parent of a student to enroll the student in a virtual, rather than electronic, course offered by the district or school in which the student is enrolled or by another district or school under Chapter 30B, rather than through the state virtual school network under Chapter 30A, except as provided by Subsection (c).

(b-1) Prohibits a school district or open-enrollment charter school from actively discouraging a student, including by threat or intimidation, from enrolling in a virtual course.

(c) Authorizes a school district or open-enrollment charter school to deny a request to enroll a student in a virtual, rather than electronic, course if:

(1) makes no changes to this subdivision;

(2) makes a conforming change to this subdivision; or

(3) the district or school determines that the cost of the course is too high, rather than if the district or school offers a substantially similar course.

(c-1) Authorizes a school district or open-enrollment charter school to decline to pay the cost for a student of more than three yearlong virtual courses, rather than electronic courses, or the equivalent, during any school year. Provides that this subsection does not:

(1) limit the ability of the student to enroll in additional virtual courses, rather than electronic courses, at the student's cost; or

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

(d) Requires a school district or open-enrollment charter school that provides a virtual course under Chapter 30B, rather than an electronic course through the state virtual school network under Chapter 30A, to make all reasonable efforts to accommodate the enrollment of a student in the course under special circumstances, notwithstanding Subsection (c)(2).

(e) Requires a school district or open-enrollment charter school that denies a request to enroll a student in a virtual course under Subsection (c) to provide a written explanation of the denial to the student and the student's parent. Requires that the written explanation 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 of the district, or the governing board of the school. Provides that a determination made by the board of trustees of the school district or the governing board or the open-enrollment charter school under this subsection is final and is prohibited from being appealed, rather than providing that the commissioner of education's (commissioner) decision under this subsection is final and is prohibited from being appealed. Deletes existing text authorizing a parent to appeal to the commissioner a school district's or open-enrollment charter school's decision to deny a request to enroll a student in an electronic course offered through the state virtual school network.

SECTION 1.03. Amends Subtitle F, Title 2, Education Code, by adding Chapter 30B, as follows:

Chapter 30B. VIRTUAL COURSES AND FULL-TIME HYBRID AND VIRTUAL CAMPUSES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 30B.001. DEFINITIONS. Defines "full-time hybrid campus," "full-time virtual campus," "parent," "virtual course," and "whole campus virtual instruction provider."

Sec. 30B.002. RULES. (a) Requires the commissioner to adopt rules as necessary to administer this chapter.

(b) Requires the commissioner, to the extent practicable, to consult school districts, open-enrollment charter schools, and parents in adopting rules under this section.

(c) Authorizes the Texas Education Agency (TEA) to form an advisory committee similar to an advisory committee described by Section 2110.001 (Definition), Government Code, to comply with the provisions of this section. Provides that Chapter 2110 (State Agency Advisory Committees), Government Code, does not apply to an advisory committee formed under this section.

Sec. 30B.003. GRANTS AND FEDERAL FUNDS. (a) Authorizes the commissioner to seek and accept a grant from a public or private person for the purposes of this chapter.

(b) Authorizes the commissioner to accept federal funds and requires the commissioner to use those funds in compliance with applicable federal law, regulations, and guidelines for the purposes of this chapter.

Sec. 30B.004. PROVISION OF COMPUTER EQUIPMENT OR INTERNET SERVICE. Provides that this chapter does not:

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

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

SUBCHAPTER B. VIRTUAL COURSES

Sec. 30B.051. VIRTUAL COURSE INSTRUCTION PERMITTED. (a) Authorizes a school district or open-enrollment charter school to deliver instruction through virtual courses in the manner provided by this chapter.

(a-1) Authorizes the following entities to deliver instruction through virtual courses under this chapter in the same manner provided for a school district or open-enrollment charter school:

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

(2) an institution of higher education, as that term is defined in Section 61.003 (Definitions); or

(3) a regional education service center.

(b) Requires a school district or open-enrollment charter school that delivers instruction through a virtual course to develop written information describing each virtual course available for enrollment and complying with any other requirement of Section 26.0031 (Rights Concerning State Virtual School Network).

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

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

(1) includes the appropriate essential knowledge and skills adopted under Subchapter A (Essential Knowledge and Skills; Curriculum), Chapter 28;

(2) 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

(3) 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.

Sec. 30B.053. RIGHTS OF STUDENTS REGARDING VIRTUAL COURSES. (a) Prohibits a school district or open-enrollment charter school from requiring a student to enroll in a virtual course, except as provided by Section 30B.106(b).

(b) Authorizes a student enrolled in a virtual course offered under this chapter to participate in an extracurricular activity sponsored or sanctioned by the school district or open-enrollment charter school in which the student is enrolled or by the University Interscholastic League in the same manner as other district or school students.

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

Sec. 30B.054. RIGHTS OF TEACHERS REGARDING VIRTUAL COURSES. (a) Prohibits a school district or open-enrollment charter school from requiring a classroom teacher to provide both virtual instruction and in-person instruction for a course offered under this chapter during the same class period. Authorizes the commissioner to waive the requirements of this subsection for courses included in the enrichment curriculum under Section 28.002 (Required Curriculum).

(b) Prohibits a classroom teacher from providing instruction for a virtual course offered under this chapter unless:

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

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

(c) Prohibits a school district or open-enrollment 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.

Sec. 30B.055. ASSESSMENTS. Requires that an assessment instrument administered under Section 39.023 (Adoption and Administration of Instruments) or 39.025 (Secondary-Level Performance Required) to a student enrolled in a virtual course offered under this chapter, except as authorized by commissioner rule, to be administered to the student in the same manner in which the assessment instrument is administered to a student enrolled in an in-person course at the student's school district or open-enrollment charter school.

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

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

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

Sec. 30B.057. ATTENDANCE FOR CLASS CREDIT OR GRADE. Requires a school district or open-enrollment charter school to establish the participation necessary to earn credit or a grade for a virtual course offered by the district or school notwithstanding Section 25.092 (Minimum Attendance For Class Credit or Final Grade).

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

Sec. 30B.059. AGENCY PUBLICATION OF AVAILABLE COURSES. (a) Requires TEA to publish a list of virtual courses offered by school districts and open-enrollment

charter schools in this state that includes:

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

(b) Requires a school district or open-enrollment charter school to provide to TEA information required to publish the list under Subsection (a).

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

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

(b) Requires the commissioner to adopt rules establishing the requirements for and process by which a school district or open-enrollment charter school is authorized to apply for authorization to operate a full-time virtual campus or a full-time hybrid campus. Provides that the rules adopted by the commissioner are authorized to require certain written application materials and interviews and required to require a school district or open-enrollment charter school to:

- (1) engage in a year of planning before offering a course under this chapter to verify the course is designed in accordance with high-quality criteria;
- (2) develop an academic plan that incorporates:
 - (A) curriculum and instructional practices aligned with the appropriate essential knowledge and skills provided under Subchapter A, Chapter 28;
 - (B) monitoring of the progress of student performance and interventions;
 - (C) a method for meeting the needs of and complying with federal and state requirements for special 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) Requires that a full-time virtual campus or full-time hybrid campus authorized under this section include:

(1) at least one grade level in which an assessment instrument is required to be administered under Section 39.023(a) (relating to requiring TEA to adopt or develop appropriate criterion-referenced assessment instruments designed to assess essential knowledge and skills in reading, mathematics, social studies, and science) or (c) (relating to requiring TEA to adopt end-of-course assessment instruments that meet certain requirements for secondary-level courses in Algebra I, biology, English I, English II, and United States history), 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 process.

(d) Authorizes a campus approved under this subchapter to only apply for and receive authorization to operate as a full-time virtual campus or a full-time hybrid campus. Prohibits a campus from changing its operation designation during the authorization process or after the campus is authorized.

(e) Authorizes the commissioner to authorize a school district or open-enrollment charter school to operate a full-time virtual campus or a full-time hybrid campus only if the commissioner determines that the authorization of the campus is likely to result in improved student learning opportunities. Requires the commissioner to consider the historical performance of the private or third party, if known, in making a determination under this section, if a district or school will use a private or third party in operating the campus.

(f) Provides that a determination made by the commissioner under this section is final and not subject to appeal.

Sec. 30B.102. REVOCATION. (a) Provides that the commissioner's authorization of a full-time virtual campus or full-time hybrid campus under Section 30B.101 continues indefinitely unless revoked as provided by this section.

(b) Requires the commissioner to revoke the authorization of a full-time virtual campus or full-time hybrid campus if the campus has been assigned, for the three preceding school years:

(1) an unacceptable performance rating under Subchapter C (Accreditation), Chapter 39;

(2) a financial accountability performance rating under Subchapter D (Financial Accountability), Chapter 39, indicating financial performance lower than satisfactory;

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

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

(c) Authorizes the commissioner, based on a special investigation conducted under Section 39.003 (Special Investigations), to:

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

(2) require any intervention authorized under that section.

(d) Requires the commissioner to revoke an authorization of a full-time virtual campus or full-time hybrid campus for which the private or third party acts as a whole campus virtual instruction provider, if a private or third party is determined to be ineligible under Section 30B.104, unless the commissioner approves a request by the school district or open-enrollment school that operates the campus to use an alternative private or third party.

(e) Requires that 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 be made under Section 39A.301 (Review of Sanctions by State Office of Administrative Hearings).

Sec. 30B.103. REVISION RELATING TO A PRIVATE OR THIRD PARTY. Requires a school district or open-enrollment 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.

Sec. 30B.104. PRIVATE OR THIRD PARTY ACCOUNTABILITY. (a) 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 school district or open-enrollment charter school.

(b) Requires the commissioner to establish a standard to determine if a private or third party is ineligible to act as a whole campus virtual education provider. Provides that a private or third party determined to be ineligible under this section remains ineligible until after the fifth anniversary of that determination.

Sec. 30B.105. STUDENT ELIGIBILITY. (a) Provides that a student eligible to enroll in a public school of this state is eligible to enroll at a full-time hybrid campus.

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

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

(2) 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;

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

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

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

Sec. 30B.106. STUDENT RIGHTS REGARDING FULL-TIME VIRTUAL AND FULL-TIME HYBRID CAMPUSES. (a) Prohibits a student enrolled in a school district from being compelled to enroll in a full-time virtual or full-time hybrid campus. Requires a school district to offer the option for a student's parent to select in-person instruction for the student.

(b) Authorizes an open-enrollment charter school, notwithstanding Subsection (a) or Section 30B.053, to require a student to attend a full-time virtual or full-time hybrid campus.

Sec. 30B.107. CAMPUS DESIGNATIONS. 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 this subchapter.

Sec. 30B.108. FUNDING. (a) Requires the commissioner 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 school district or open-enrollment 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 for purposes of calculating the average daily attendance of students attending a full-time virtual campus or full-time hybrid campus. Requires the commissioner to use the statewide average attendance rate in the event that a reliable attendance rate cannot be determined under this section.

(b) Requires the commissioner to provide proportionate funding to the applicable school district or open-enrollment 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.

SUBCHAPTER D. STATE SUPPORT

Sec. 30B.151. EDUCATOR PROFESSIONAL DEVELOPMENT. Requires TEA, from funds appropriated or otherwise available, to develop professional development courses and materials aligned with research-based practices for educators in providing high-quality virtual education.

Sec. 30B.152. DEVELOPMENT GRANTS FOR VIRTUAL EDUCATION. Requires TEA, from funds appropriated or otherwise available, to provide grants and technical assistance to school districts and open-enrollment charter schools to aid in the establishment of high-quality full-time virtual or full-time hybrid campuses.

ARTICLE 2. THE FOUNDATION SCHOOL PROGRAM

SECTION 2.01 Amends Section 48.005, Education Code, by adding Subsection (e-1), as follows:

(e-1) Requires the commissioner to modify or waive requirements applicable to the affected districts under Section 48.005 (Average Daily Attendance) 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 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 Chapter 48 (Foundation School Program) 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.

SECTION 2.02. Amends Section 48.053(b), Education Code, as follows:

(b) Provides that a school district to which Section 48.053 (Allotment for Certain Special Purpose School Districts) applies is entitled to funding under this chapter as if the district were a full-time virtual campus or full-time hybrid campus for purposes of Section 30B.108 with no tier one local share for purposes of Section 48.256 (Local Share of Program Cost (Tier One)) for each student enrolled in the district who meets certain criteria.

ARTICLE 3. CONFORMING CHANGES

SECTION 3.01. Amends Section 1.001(b), Education Code, as follows:

(b) Provides that 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, except as provided by Chapter 18 (Job Corps Diploma Programs), Chapter 19 (Schools in the Texas Department of Criminal Justice), Subchapter A of Chapter 29, or Subchapter E (Texas Juvenile Justice Department Facilities) of Chapter 30, rather than except as provided by Chapter 30A.

SECTION 3.02. Amends Section 7.0561(f), Education Code, to make conforming changes.

SECTION 3.03. Amends Section 25.007(b), Education Code, to make conforming changes.

SECTION 3.04. Amends Section 33.009(d), Education Code, to make conforming changes.

ARTICLE 4. REPEALER; TRANSITION; EFFECTIVE DATE

SECTION 4.01. Repealer: Section 21.051(g) (relating to authorizing certain rules proposed by the State Board for Educator Certification to allow a candidate to satisfy certification requirements through an internship that provides the candidate employment as a teacher for certain courses), Education Code.

Repealer: Section 25.092(a-4) (relating to authorizing a school district or open-enrollment charter school to adopt a policy to exempt students from the requirements of this section), Education Code.

Repealer: Section 26.0031(f) (relating to providing that a school district or open-enrollment charter school from which a parent of a student requests permission to enroll the student in an electronic course offered through the state virtual school network under Chapter 30A has discretion to select a course provider in which the student will enroll), Education Code.

Repealer: Section 29.9091 (Local Remote Learning Program), Education Code.

Repealer: Chapter 30A (State Virtual School Network), Education Code.

Repealer: Section 39.0549 (Evaluating Virtual and Local Remote Programs), Education Code.

Repealers: Sections 39.301(c-1) (relating to requiring that performance indicators for reporting purposes include the percentage of students who meet certain instructional time criteria) and (c-2) (relating to providing that Subsection (c-1) and this subsection expire September 1, 2023), Education Code.

Repealers: Sections 48.005(h-1) (relating to requiring that time that a student participates in an certain programs be counted as part of the minimum number of instructional hours required to be considered a full-time student) and (m-1) (relating to prohibiting a district or a school from counting for the purposes of calculating the average daily attendance a

student who received virtual or remote instruction for a majority of the instructional days during the preceding school year under certain circumstances), Education Code.

Repealer: Section 48.005(m-2) (relating to providing that Subsection (m-1) and this subsection expire September 1, 2023), Education Code.

Repealers: Sections 48.053(b-1) (relating to requiring the commissioner to establish a certain funding method for certain special-purpose districts that existed before September 1, 2019) and (b-2) (relating to providing that Subsection (b-1) and this subsection expire September 1, 2023), Education Code.

Repealer: Section 48.0071 (Off-Campus Courses or Programs Counted for Purposes of Average Daily Attendance), Education Code.

Repealer: Section 48.104(f) (relating to authorizing a student receiving a full-time virtual education through the state virtual school network to be included in determining the number of students who are educationally disadvantaged and reside in an economically disadvantaged census block group), Education Code.

Repealer: Section 48.111(b) (relating to requiring the commissioner to exclude students enrolled in a district who receive full-time instruction through the state virtual school network for the purposes of determining enrollment), Education Code.

SECTION 4.02. (a) Authorizes 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 Chapter 30A, Education Code, as that law existed immediately before the effective date of this Act, to, except as provided by Subsection (b) of this section, continue to provide that course or full-time program as if that chapter were still in effect until the end of the 2024–2025 school year, notwithstanding the repeal by this Act of Chapter 30A, Education Code.

(b) Requires that the funding provided to a school district or open-enrollment charter school for a student enrolled in an electronic course or full-time program offered through the state virtual school network in accordance with Chapter 30A, Education Code, as that law existed immediately before the effective date of this Act, be determined, as applicable, under Section 30B.058 or 30B.108, Education Code, as added by this Act.

SECTION 4.03. (a) Authorizes a school district or open-enrollment charter school operating a full-time local remote learning program in accordance with Section 29.9091, Education Code, as that law existed immediately before the effective date of this Act, to, except as provided by Subsections (b) and (c) of this section, continue to operate the local remote learning program as if that section were still in effect until the end of the 2024–2025 school year, notwithstanding the repeal by this Act of Section 29.9091, Education Code.

(b) Provides that a local remote learning program operated by a school district in accordance with Section 29.9091, Education Code, as that section existed immediately before the effective date of this Act, is required to operate in compliance with Section 30B.105, Education Code, as added by this Act, and is prohibited from operating in compliance with Section 29.9091(d) or (e) or Section 48.005(m-1), Education Code, as those sections existed immediately before the effective date of this Act.

(c) Requires that the funding provided to a school district or open-enrollment charter school for a student enrolled a local remote learning program operated in accordance with Section 29.9091, Education Code, as that law existed immediately before the effective date of this Act, be determined under Section 30B.108, Education Code, as added by this Act.

SECTION 4.04. (a) Authorizes a school district or open-enrollment 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 Section 48.0071, Education Code, as that law existed immediately before the effective date of this Act,

to, except as provided by Subsections (b) and (c) of this section, continue to provide the off-campus electronic course, off-campus electronic program, or instructional program that combines in-person instruction and off-campus electronic instruction as if that section were still in effect until the end of the 2024–2025 school year, notwithstanding the repeal by this Act of Section 48.0071, Education Code.

(b) Provides that 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 Section 48.0071, Education Code, as that section existed immediately before the effective date of this Act, is required to operate in compliance with Section 30B.105, Education Code, as added by this Act, and is prohibited from operating in compliance with Section 48.005(m-1), Education Code, as that section existed immediately before the effective date of this Act.

(c) Requires that the funding provided to a school district or open-enrollment 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 Section 48.0071, Education Code, as that law existed immediately before the effective date of this Act, be determined under Section 30B.108, Education Code, as added by this Act.

SECTION 4.05. Requires the commissioner to adopt rules providing an expedited authorization process for a school district or open-enrollment charter school that applies to operate a full-time virtual campus or a full-time hybrid campus under Chapter 30B, Education Code, as added by this Act, if the district or school, as of the effective date of this Act:

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

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

(3) provides electronic instruction in accordance with Section 48.0071, Education Code, as that law existed immediately before the effective date of this Act.

SECTION 4.06. (a) Provides that TEA is not required to implement a provision found in another section of this Act that is drafted as a mandatory provision imposing a duty on TEA to take an action, in a state fiscal year, unless money is specifically appropriated to TEA for that fiscal year to carry out that duty notwithstanding any other section of this Act. Authorizes TEA to implement the provision in that fiscal year to the extent other funding is available to TEA to do so.

(b) Requires TEA in its legislative budget request for the next state fiscal biennium, if, as authorized by Subsection (a) of this section, TEA does not implement the mandatory provision in a state fiscal year, to 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.

(c) Provides that this section and the suspension of TEA's duty to implement a mandatory provision of this Act, as provided by Subsection (a) of this section, expires and the duty to implement the mandatory provision resumes on September 1, 2027.

SECTION 4.07. Effective date: upon passage or September 1, 2023.

