

1-1 By: Bell of Kaufman, et al. H.B. No. 681
 1-2 (Senate Sponsor - Bettencourt)
 1-3 (In the Senate - Received from the House April 20, 2023;
 1-4 May 2, 2023, read first time and referred to Committee on
 1-5 Education; May 21, 2023, reported adversely, with favorable
 1-6 Committee Substitute by the following vote: Yeas 11, Nays 0;
 1-7 May 21, 2023, sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9				
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			
1-20			X	
1-21	X			
1-22	X			

1-23 COMMITTEE SUBSTITUTE FOR H.B. No. 681 By: Paxton

1-24 A BILL TO BE ENTITLED
 1-25 AN ACT

1-26 relating to the provision of virtual education in public schools
 1-27 and to certain waivers and modifications by the commissioner of
 1-28 education to the method of calculating average daily attendance in
 1-29 an emergency or crisis for purposes of preserving school district
 1-30 funding entitlements under the Foundation School Program during
 1-31 that emergency or crisis; authorizing a fee.

1-32 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-33 ARTICLE 1. VIRTUAL EDUCATION

1-34 SECTION 1.01. The heading to Section 26.0031, Education
 1-35 Code, is amended to read as follows:

1-36 Sec. 26.0031. RIGHTS CONCERNING ~~[STATE]~~ VIRTUAL COURSES
 1-37 ~~[SCHOOL NETWORK]~~.

1-38 SECTION 1.02. Section 26.0031, Education Code, is amended
 1-39 by amending Subsections (a), (b), (c), (c-1), (d), and (e) and
 1-40 adding Subsection (b-1) to read as follows:

1-41 (a) At the time and in the manner that a school district or
 1-42 open-enrollment charter school informs students and parents about
 1-43 courses that are offered in the district's or school's traditional
 1-44 classroom setting, the district or school shall notify parents and
 1-45 students of the option to enroll in a virtual ~~[an electronic]~~ course
 1-46 offered by the district or school in which the student is enrolled
 1-47 or by another district or school ~~[through the state virtual school~~
 1-48 ~~network]~~ under Chapter 30B ~~[30A]~~.

1-49 (b) Except as provided by Subsection (c), a school district
 1-50 or open-enrollment charter school in which a student is enrolled as
 1-51 a full-time student may not deny the request of a parent of a
 1-52 student to enroll the student in a virtual ~~[an electronic]~~ course
 1-53 offered by the district or school in which the student is enrolled
 1-54 or by another district or school ~~[through the state virtual school~~
 1-55 ~~network]~~ under Chapter 30B ~~[30A]~~.

1-56 (b-1) A school district or open-enrollment charter school
 1-57 may not actively discourage a student, including by threat or
 1-58 intimidation, from enrolling in a virtual course.

1-59 (c) A school district or open-enrollment charter school may
 1-60 deny a request to enroll a student in a virtual ~~[an electronic]~~

2-1 course if:

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

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

2-10 (3) the district or school determines that the cost of
2-11 the course is too high [~~offers a substantially similar course~~].

2-12 (c-1) A school district or open-enrollment charter school
2-13 may decline to pay the cost for a student of more than three
2-14 yearlong virtual [~~electronic~~] courses, or the equivalent, during
2-15 any school year. This subsection does not:

2-16 (1) limit the ability of the student to enroll in
2-17 additional virtual [~~electronic~~] courses at the student's cost; or

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

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

2-26 (e) A school district or open-enrollment charter school
2-27 that denies a request to enroll a student in a virtual course under
2-28 Subsection (c) must provide a written explanation of the denial to
2-29 the student and the student's parent. The written explanation must
2-30 provide notice of the student's ability to appeal the decision and
2-31 an explanation of the appeal process, including the process of
2-32 pursuing a final appeal heard by the board of trustees of the
2-33 district or the governing board of the school. A determination made
2-34 by the board of trustees of the school district or the governing
2-35 board of the open-enrollment charter school [~~A parent may appeal to~~
2-36 ~~the commissioner a school district's or open-enrollment charter~~
2-37 ~~school's decision to deny a request to enroll a student in an~~
2-38 ~~electronic course offered through the state virtual school network.~~
2-39 ~~The commissioner's decision] under this subsection is final and may
2-40 not be appealed.~~

2-41 SECTION 1.03. Subtitle F, Title 2, Education Code, is
2-42 amended by adding Chapter 30B to read as follows:

2-43 CHAPTER 30B. VIRTUAL COURSES AND FULL-TIME HYBRID AND VIRTUAL
2-44 CAMPUSES

2-45 SUBCHAPTER A. GENERAL PROVISIONS

2-46 Sec. 30B.001. DEFINITIONS. In this chapter:

2-47 (1) "Full-time hybrid campus" means a full-time
2-48 educational program authorized under Subchapter C in which:

2-49 (A) a student is in attendance in person for less
2-50 than 90 percent of the minutes of instruction provided; and

2-51 (B) the instruction and content may be delivered
2-52 over the Internet, in person, or through other means.

2-53 (2) "Full-time virtual campus" means a full-time
2-54 educational program authorized under Subchapter C in which:

2-55 (A) a student is in attendance in person
2-56 minimally or not at all; and

2-57 (B) the instruction and content are delivered
2-58 primarily over the Internet.

2-59 (3) "Parent" means a student's parent or a person
2-60 standing in parental relation to a student.

2-61 (4) "Virtual course" means a course in which
2-62 instruction and content are delivered primarily over the Internet.

2-63 (5) "Whole campus virtual instruction provider" means
2-64 a private or third-party service that provides oversight and
2-65 management of the virtual instruction services or otherwise
2-66 provides a preponderance of those services for a full-time virtual
2-67 or full-time hybrid campus.

2-68 Sec. 30B.002. RULES. (a) The commissioner shall adopt
2-69 rules as necessary to administer this chapter.

3-1 (b) To the extent practicable, the commissioner shall
 3-2 consult school districts, open-enrollment charter schools, and
 3-3 parents in adopting rules under this section.

3-4 (c) The agency may form an advisory committee similar to an
 3-5 advisory committee described by Section 2110.001, Government Code,
 3-6 to comply with the provisions of this section. Chapter 2110,
 3-7 Government Code, does not apply to an advisory committee formed
 3-8 under this section.

3-9 Sec. 30B.003. GRANTS AND FEDERAL FUNDS. (a) For purposes
 3-10 of this chapter, the commissioner may seek and accept a grant from a
 3-11 public or private person.

3-12 (b) For purposes of this chapter, the commissioner may
 3-13 accept federal funds and shall use those funds in compliance with
 3-14 applicable federal law, regulations, and guidelines.

3-15 Sec. 30B.004. PROVISION OF COMPUTER EQUIPMENT OR INTERNET
 3-16 SERVICE. This chapter does not:

3-17 (1) require a school district, an open-enrollment
 3-18 charter school, a virtual course provider, or the state to provide a
 3-19 student with home computer equipment or Internet access for a
 3-20 virtual course provided by a school district or open-enrollment
 3-21 charter school; or

3-22 (2) prohibit a school district or open-enrollment
 3-23 charter school from providing a student with home computer
 3-24 equipment or Internet access for a virtual course provided by the
 3-25 district or school.

3-26 SUBCHAPTER B. VIRTUAL COURSES

3-27 Sec. 30B.051. VIRTUAL COURSE INSTRUCTION PERMITTED. (a) A
 3-28 school district or open-enrollment charter school may deliver
 3-29 instruction through virtual courses in the manner provided by this
 3-30 chapter.

3-31 (a-1) The following entities may deliver instruction
 3-32 through virtual courses under this chapter in the same manner
 3-33 provided for a school district or open-enrollment charter school:

3-34 (1) a consortium of school districts or
 3-35 open-enrollment charter schools;

3-36 (2) an institution of higher education, as that term
 3-37 is defined by Section 61.003; or

3-38 (3) a regional education service center.

3-39 (b) A school district or open-enrollment charter school
 3-40 that delivers instruction through a virtual course shall develop
 3-41 written information describing each virtual course available for
 3-42 enrollment and complying with any other requirement of Section
 3-43 26.0031.

3-44 (c) A school district or open-enrollment charter school
 3-45 shall make information under this section available to students and
 3-46 parents at the time students ordinarily select courses and may
 3-47 provide that information to students and parents at other times as
 3-48 determined by the district or school.

3-49 Sec. 30B.052. VIRTUAL COURSE QUALITY REQUIREMENTS. A
 3-50 school district or open-enrollment charter school that offers a
 3-51 virtual course under this chapter must certify to the commissioner
 3-52 that the virtual course:

3-53 (1) includes the appropriate essential knowledge and
 3-54 skills adopted under Subchapter A, Chapter 28;

3-55 (2) provides instruction at the appropriate level of
 3-56 rigor for the grade level at which the course is offered and will
 3-57 prepare a student enrolled in the course for the student's next
 3-58 grade level or a subsequent course in a similar subject matter; and

3-59 (3) meets standards for virtual courses adopted by the
 3-60 commissioner, or, if standards are not adopted by the commissioner
 3-61 for virtual courses, the National Standards for Quality Online
 3-62 Courses published by the Virtual Learning Leadership Alliance,
 3-63 Quality Matters, and the Digital Learning Collaborative, or a
 3-64 successor publication.

3-65 Sec. 30B.053. RIGHTS OF STUDENTS REGARDING VIRTUAL COURSES.

3-66 (a) Except as provided by Section 30B.106(b), a school district or
 3-67 open-enrollment charter school may not require a student to enroll
 3-68 in a virtual course.

3-69 (b) A student enrolled in a virtual course offered under

4-1 this chapter may participate in an extracurricular activity
 4-2 sponsored or sanctioned by the school district or open-enrollment
 4-3 charter school in which the student is enrolled or by the University
 4-4 Interscholastic League in the same manner as other district or
 4-5 school students.

4-6 (c) A virtual course offered under this chapter to a student
 4-7 receiving special education services or other accommodations must
 4-8 meet the needs of the participating student in a manner consistent
 4-9 with Subchapter A, Chapter 29, and with federal law, including the
 4-10 Individuals with Disabilities Education Act (20 U.S.C. Section 1400
 4-11 et seq.) and Section 504, Rehabilitation Act of 1973 (29 U.S.C.
 4-12 Section 794), as applicable.

4-13 Sec. 30B.054. RIGHTS OF TEACHERS REGARDING VIRTUAL COURSES.

4-14 (a) A school district or open-enrollment charter school may not
 4-15 require a classroom teacher to provide both virtual instruction and
 4-16 in-person instruction for a course offered under this chapter
 4-17 during the same class period. The commissioner may waive the
 4-18 requirements of this subsection for courses included in the
 4-19 enrichment curriculum under Section 28.002.

4-20 (b) A classroom teacher may not provide instruction for a
 4-21 virtual course offered under this chapter unless:

4-22 (1) the teacher has received appropriate professional
 4-23 development in virtual instruction, as determined by the school
 4-24 district or open-enrollment charter school at which the teacher is
 4-25 employed; or

4-26 (2) the district or school has determined that the
 4-27 teacher has sufficient previous experience to not require the
 4-28 professional development described by Subdivision (1).

4-29 (c) A school district or open-enrollment charter school may
 4-30 not directly or indirectly coerce any classroom teacher hired to
 4-31 provide in-person instruction to agree to an assignment to teach a
 4-32 virtual course or a course at a full-time hybrid campus.

4-33 Sec. 30B.055. ASSESSMENTS. Except as authorized by
 4-34 commissioner rule, an assessment instrument administered under
 4-35 Section 39.023 or 39.025 to a student enrolled in a virtual course
 4-36 offered under this chapter shall be administered to the student in
 4-37 the same manner in which the assessment instrument is administered
 4-38 to a student enrolled in an in-person course at the student's school
 4-39 district or open-enrollment charter school.

4-40 Sec. 30B.056. TUITION AND FEES. A school district or
 4-41 open-enrollment charter school may charge tuition and fees for a
 4-42 virtual course provided to a student who:

4-43 (1) is not eligible to enroll in a public school in
 4-44 this state; or

4-45 (2) is not enrolled in the school district or
 4-46 open-enrollment charter school.

4-47 Sec. 30B.057. ATTENDANCE FOR CLASS CREDIT OR GRADE. A
 4-48 school district or open-enrollment charter school shall establish
 4-49 the participation necessary to earn credit or a grade for a virtual
 4-50 course offered by the district or school notwithstanding Section
 4-51 25.092.

4-52 Sec. 30B.058. FOUNDATION SCHOOL FUNDING. A student
 4-53 enrolled in a virtual course offered under this chapter by a school
 4-54 district or open-enrollment charter school is counted toward the
 4-55 district's or school's average daily attendance in the same manner
 4-56 as district or school students not enrolled in a virtual course.

4-57 Sec. 30B.059. AGENCY PUBLICATION OF AVAILABLE COURSES. (a)
 4-58 The agency shall publish a list of virtual courses offered by school
 4-59 districts and open-enrollment charter schools in this state that
 4-60 includes:

4-61 (1) whether the course is available to a student who is
 4-62 not otherwise enrolled in the offering district or school;

4-63 (2) the cost of the course; and

4-64 (3) information regarding any third-party provider
 4-65 involved in the delivery of the course.

4-66 (b) A school district or open-enrollment charter school
 4-67 shall provide to the agency information required to publish the
 4-68 list under Subsection (a).

5-1 SUBCHAPTER C. FULL-TIME VIRTUAL AND FULL-TIME HYBRID CAMPUSES

5-2 Sec. 30B.101. FULL-TIME VIRTUAL OR FULL-TIME HYBRID CAMPUS
 5-3 AUTHORIZATION. (a) A school district or open-enrollment charter
 5-4 school may operate a full-time virtual campus or a full-time hybrid
 5-5 campus if authorized by the commissioner in accordance with this
 5-6 section.

5-7 (b) The commissioner shall adopt rules establishing the
 5-8 requirements for and process by which a school district or
 5-9 open-enrollment charter school may apply for authorization to
 5-10 operate a full-time virtual campus or a full-time hybrid campus.
 5-11 The rules adopted by the commissioner may require certain written
 5-12 application materials and interviews and shall require a school
 5-13 district or open-enrollment charter school to:

5-14 (1) engage in a year of planning before offering a
 5-15 course under this chapter to verify the course is designed in
 5-16 accordance with high-quality criteria;

5-17 (2) develop an academic plan that incorporates:
 5-18 (A) curriculum and instructional practices
 5-19 aligned with the appropriate essential knowledge and skills
 5-20 provided under Subchapter A, Chapter 28;

5-21 (B) monitoring of the progress of student
 5-22 performance and interventions;

5-23 (C) a method for meeting the needs of and
 5-24 complying with federal and state requirements for special
 5-25 populations and at-risk students; and

5-26 (D) compliance with the requirements of this
 5-27 chapter;

5-28 (3) develop an operations plan that addresses:
 5-29 (A) staffing models;
 5-30 (B) the designation of selected school leaders;
 5-31 (C) professional development for staff;
 5-32 (D) student and family engagement;
 5-33 (E) school calendars and schedules;
 5-34 (F) student enrollment eligibility;
 5-35 (G) cybersecurity and student data privacy
 5-36 measures; and

5-37 (H) any educational services to be provided by a
 5-38 private or third party; and

5-39 (4) demonstrate the capacity to execute the district's
 5-40 or school's plan successfully.

5-41 (c) A full-time virtual campus or full-time hybrid campus
 5-42 authorized under this section must include:

5-43 (1) at least one grade level in which an assessment
 5-44 instrument is required to be administered under Section 39.023(a)
 5-45 or (c), including each subject or course for which an assessment
 5-46 instrument is required in that grade level;

5-47 (2) sufficient grade levels, as determined by the
 5-48 commissioner, to allow for the annual evaluation of the performance
 5-49 of students who complete the courses offered; or

5-50 (3) for a campus that does not include grade levels
 5-51 described by Subdivision (1) or (2), another performance evaluation
 5-52 measure approved by the commissioner during the authorization
 5-53 process.

5-54 (d) A campus approved under this subchapter may only apply
 5-55 for and receive authorization to operate as a full-time virtual
 5-56 campus or a full-time hybrid campus. A campus may not change its
 5-57 operation designation during the authorization process or after the
 5-58 campus is authorized.

5-59 (e) The commissioner may only authorize a school district or
 5-60 open-enrollment charter school to operate a full-time virtual
 5-61 campus or a full-time hybrid campus if the commissioner determines
 5-62 that the authorization of the campus is likely to result in improved
 5-63 student learning opportunities. If a district or school will use a
 5-64 private or third party in operating the campus, the commissioner
 5-65 shall consider the historical performance of the private or third
 5-66 party, if known, in making a determination under this section.

5-67 (f) A determination made by the commissioner under this
 5-68 section is final and not subject to appeal.

5-69 Sec. 30B.102. REVOCATION. (a) Unless revoked as provided

6-1 by this section, the commissioner's authorization of a full-time
6-2 virtual campus or full-time hybrid campus under Section 30B.101
6-3 continues indefinitely.

6-4 (b) The commissioner shall revoke the authorization of a
6-5 full-time virtual campus or full-time hybrid campus if the campus
6-6 has been assigned, for the three preceding school years:

6-7 (1) an unacceptable performance rating under
6-8 Subchapter C, Chapter 39;

6-9 (2) a financial accountability performance rating
6-10 under Subchapter D, Chapter 39, indicating financial performance
6-11 lower than satisfactory;

6-12 (3) any combination of the ratings described by
6-13 Subdivision (1) or (2); or

6-14 (4) a rating of performance that needs improvement or
6-15 unacceptable, as determined by the commissioner, on a performance
6-16 evaluation approved by the commissioner under Section
6-17 30B.101(c)(3).

6-18 (c) The commissioner may, based on a special investigation
6-19 conducted under Section 39.003:

6-20 (1) revoke an authorization of a full-time virtual
6-21 campus or full-time hybrid campus; or

6-22 (2) require any intervention authorized under that
6-23 section.

6-24 (d) If a private or third party is determined to be
6-25 ineligible under Section 30B.104, the commissioner shall revoke an
6-26 authorization of a full-time virtual campus or full-time hybrid
6-27 campus for which the private or third party acts as a whole campus
6-28 virtual instruction provider, unless the commissioner approves a
6-29 request by the school district or open-enrollment charter school
6-30 that operates the campus to use an alternative private or third
6-31 party.

6-32 (e) An appeal by a school district or open-enrollment
6-33 charter school of a revocation of an authorization under this
6-34 chapter that results in the closure of a campus must be made under
6-35 Section 39A.301.

6-36 Sec. 30B.103. REVISION RELATING TO A PRIVATE OR THIRD
6-37 PARTY. A school district or open-enrollment charter school shall
6-38 provide notice to the commissioner of the use of or change in
6-39 affiliation of a private or third party acting as a whole campus
6-40 virtual instruction provider for the full-time virtual campus or
6-41 full-time hybrid campus.

6-42 Sec. 30B.104. PRIVATE OR THIRD PARTY ACCOUNTABILITY. (a)
6-43 The commissioner shall, to the extent feasible, evaluate the
6-44 performance of a private or third party acting as a whole campus
6-45 virtual instruction provider for a school district or
6-46 open-enrollment charter school.

6-47 (b) The commissioner shall establish a standard to
6-48 determine if a private or third party is ineligible to act as a
6-49 whole campus virtual education provider. A private or third party
6-50 determined to be ineligible under this section remains ineligible
6-51 until after the fifth anniversary of that determination.

6-52 Sec. 30B.105. STUDENT ELIGIBILITY. (a) A student eligible
6-53 to enroll in a public school of this state is eligible to enroll at a
6-54 full-time hybrid campus.

6-55 (b) A student is eligible to enroll in a full-time virtual
6-56 campus if the student:

6-57 (1) attended a public school in this state for a
6-58 minimum of six weeks in the current school year or in the preceding
6-59 school year;

6-60 (2) is, in the school year in which the student first
6-61 seeks to enroll in the full-time virtual campus, enrolled in the
6-62 first grade or a lower grade level;

6-63 (3) was not required to attend public school in this
6-64 state due to nonresidency during the preceding school year;

6-65 (4) is a dependent of a member of the United States
6-66 military who has been deployed; or

6-67 (5) has been placed in substitute care in this state.

6-68 Sec. 30B.106. STUDENT RIGHTS REGARDING FULL-TIME VIRTUAL
6-69 AND FULL-TIME HYBRID CAMPUSES. (a) A student enrolled in a school

7-1 district may not be compelled to enroll in a full-time virtual or
 7-2 full-time hybrid campus. A school district must offer the option
 7-3 for a student's parent to select in-person instruction for the
 7-4 student.

7-5 (b) Notwithstanding Subsection (a) or Section 30B.053, an
 7-6 open-enrollment charter school may require a student to attend a
 7-7 full-time virtual or full-time hybrid campus.

7-8 Sec. 30B.107. CAMPUS DESIGNATIONS. The commissioner shall
 7-9 determine and assign a unique campus designation number to each
 7-10 full-time virtual campus or full-time hybrid campus authorized
 7-11 under this subchapter.

7-12 Sec. 30B.108. FUNDING. (a) For purposes of calculating the
 7-13 average daily attendance of students attending a full-time virtual
 7-14 campus or full-time hybrid campus, the commissioner shall use the
 7-15 number of full-time equivalent students enrolled in the full-time
 7-16 virtual or full-time hybrid campus multiplied by the average
 7-17 attendance rate of the school district or open-enrollment charter
 7-18 school that offers the full-time virtual or full-time hybrid campus
 7-19 not including any student enrolled full-time in a full-time virtual
 7-20 or full-time hybrid campus. In the event that a reliable attendance
 7-21 rate cannot be determined under this section, the commissioner
 7-22 shall use the statewide average attendance rate.

7-23 (b) The commissioner shall provide proportionate funding to
 7-24 the applicable school district or open-enrollment charter school
 7-25 for a student that alternates attendance between a traditional,
 7-26 in-person campus setting and the full-time virtual or full-time
 7-27 hybrid campus of any single district or school in the same school
 7-28 year.

SUBCHAPTER D. STATE SUPPORT

7-30 Sec. 30B.151. EDUCATOR PROFESSIONAL DEVELOPMENT. From
 7-31 funds appropriated or otherwise available, the agency shall develop
 7-32 professional development courses and materials aligned with
 7-33 research-based practices for educators in providing high-quality
 7-34 virtual education.

7-35 Sec. 30B.152. DEVELOPMENT GRANTS FOR VIRTUAL EDUCATION.
 7-36 From funds appropriated or otherwise available, the agency shall
 7-37 provide grants and technical assistance to school districts and
 7-38 open-enrollment charter schools to aid in the establishment of
 7-39 high-quality full-time virtual or full-time hybrid campuses.

7-40 SECTION 1.04. Subchapter A, Chapter 37, Education Code, is
 7-41 amended by adding Section 37.0071 to read as follows:

7-42 Sec. 37.0071. VIRTUAL EDUCATION AS ALTERNATIVE TO
 7-43 EXPULSION. (a) Except as provided by Subsection (b), before a
 7-44 school district or open-enrollment charter school may expel a
 7-45 student, the district or school shall consider the appropriateness
 7-46 and feasibility of enrolling the student in a full-time virtual
 7-47 education program as an alternative to expulsion.

7-48 (b) Subsection (a) does not apply to a student expelled
 7-49 under Section 37.0081 or 37.007(a), (d), or (e).

ARTICLE 2. THE FOUNDATION SCHOOL PROGRAM

7-51 SECTION 2.01. Section 48.005, Education Code, is amended by
 7-52 adding Subsection (e-1) to read as follows:

7-53 (e-1) In a school year in which the occurrence of an
 7-54 emergency or crisis, as defined by commissioner rule, causes a
 7-55 statewide decrease in average daily attendance of school districts
 7-56 entitled to funding under this chapter or, for an emergency or
 7-57 crisis occurring only within a specific region of this state,
 7-58 causes a regional decrease in the average daily attendance of
 7-59 school districts located in the affected region, the commissioner
 7-60 shall modify or waive requirements applicable to the affected
 7-61 districts under this section and adopt appropriate safeguards as
 7-62 necessary to ensure the continued support and maintenance of an
 7-63 efficient system of public free schools and the continued delivery
 7-64 of high-quality instruction under that system.

7-65 SECTION 2.02. Section 48.053(b), Education Code, is amended
 7-66 to read as follows:

7-67 (b) A school district to which this section applies is
 7-68 entitled to funding under this chapter as if the district were a
 7-69 full-time virtual campus or full-time hybrid campus for purposes of

8-1 Section 30B.108 with ~~had~~ no tier one local share for purposes of
8-2 Section 48.256 for each student enrolled in the district:

8-3 (1) who resides in this state; or

8-4 (2) who:

8-5 (A) is a dependent of a member of the United
8-6 States military;

8-7 (B) was previously enrolled in school in this
8-8 state; and

8-9 (C) does not reside in this state due to a
8-10 military deployment or transfer.

8-11 ARTICLE 3. CONFORMING CHANGES

8-12 SECTION 3.01. Section 1.001(b), Education Code, is amended
8-13 to read as follows:

8-14 (b) Except as provided by Chapter 18, Chapter 19, Subchapter
8-15 A of Chapter 29, or Subchapter E of Chapter 30, ~~[or Chapter 30A,~~
8-16 this code does not apply to students, facilities, or programs under
8-17 the jurisdiction of the Department of Aging and Disability
8-18 Services, the Department of State Health Services, the Health and
8-19 Human Services Commission, the Texas Juvenile Justice Department,
8-20 the Texas Department of Criminal Justice, a Job Corps program
8-21 operated by or under contract with the United States Department of
8-22 Labor, or any juvenile probation agency.

8-23 SECTION 3.02. Section 7.0561(f), Education Code, is amended
8-24 to read as follows:

8-25 (f) In consultation with interested school districts,
8-26 open-enrollment charter schools, and other appropriate interested
8-27 persons, the commissioner shall adopt rules applicable to the
8-28 consortium, according to the following principles for a next
8-29 generation of higher performing public schools:

8-30 (1) engagement of students in digital learning,
8-31 including engagement through the use of electronic textbooks and
8-32 instructional materials adopted under Subchapters B and B-1,
8-33 Chapter 31, and virtual courses offered by school districts and
8-34 open-enrollment charter schools under Chapter 30B ~~[through the~~
8-35 ~~state virtual school network under Subchapter 30A]~~;

8-36 (2) emphasis on learning standards that focus on
8-37 high-priority standards identified in coordination with districts
8-38 and charter schools participating in the consortium;

8-39 (3) use of multiple assessments of learning capable of
8-40 being used to inform students, parents, districts, and charter
8-41 schools on an ongoing basis concerning the extent to which learning
8-42 is occurring and the actions consortium participants are taking to
8-43 improve learning; and

8-44 (4) reliance on local control that enables communities
8-45 and parents to be involved in the important decisions regarding the
8-46 education of their children.

8-47 SECTION 3.03. Section 25.007(b), Education Code, is amended
8-48 to read as follows:

8-49 (b) In recognition of the challenges faced by students who
8-50 are homeless or in substitute care, the agency shall assist the
8-51 transition of students who are homeless or in substitute care from
8-52 one school to another by:

8-53 (1) ensuring that school records for a student who is
8-54 homeless or in substitute care are transferred to the student's new
8-55 school not later than the 10th working day after the date the
8-56 student begins enrollment at the school;

8-57 (2) developing systems to ease transition of a student
8-58 who is homeless or in substitute care during the first two weeks of
8-59 enrollment at a new school;

8-60 (3) developing procedures for awarding credit,
8-61 including partial credit if appropriate, for course work, including
8-62 electives, completed by a student who is homeless or in substitute
8-63 care while enrolled at another school;

8-64 (4) developing procedures to ensure that a new school
8-65 relies on decisions made by the previous school regarding placement
8-66 in courses or educational programs of a student who is homeless or
8-67 in substitute care and places the student in comparable courses or
8-68 educational programs at the new school, if those courses or
8-69 programs are available;

- 9-1 (5) promoting practices that facilitate access by a
9-2 student who is homeless or in substitute care to extracurricular
9-3 programs, summer programs, credit transfer services, virtual
9-4 [electronic] courses provided under Chapter 30B [30A], and
9-5 after-school tutoring programs at nominal or no cost;
- 9-6 (6) establishing procedures to lessen the adverse
9-7 impact of the movement of a student who is homeless or in substitute
9-8 care to a new school;
- 9-9 (7) entering into a memorandum of understanding with
9-10 the Department of Family and Protective Services regarding the
9-11 exchange of information as appropriate to facilitate the transition
9-12 of students in substitute care from one school to another;
- 9-13 (8) encouraging school districts and open-enrollment
9-14 charter schools to provide services for a student who is homeless or
9-15 in substitute care in transition when applying for admission to
9-16 postsecondary study and when seeking sources of funding for
9-17 postsecondary study;
- 9-18 (9) requiring school districts, campuses, and
9-19 open-enrollment charter schools to accept a referral for special
9-20 education services made for a student who is homeless or in
9-21 substitute care by a school previously attended by the student, and
9-22 to provide comparable services to the student during the referral
9-23 process or until the new school develops an individualized
9-24 education program for the student;
- 9-25 (10) requiring school districts, campuses, and
9-26 open-enrollment charter schools to provide notice to the child's
9-27 educational decision-maker and caseworker regarding events that
9-28 may significantly impact the education of a child, including:
- 9-29 (A) requests or referrals for an evaluation under
9-30 Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or
9-31 special education under Section 29.003;
- 9-32 (B) admission, review, and dismissal committee
9-33 meetings;
- 9-34 (C) manifestation determination reviews required
9-35 by Section 37.004(b);
- 9-36 (D) any disciplinary actions under Chapter 37 for
9-37 which parental notice is required;
- 9-38 (E) citations issued for Class C misdemeanor
9-39 offenses on school property or at school-sponsored activities;
- 9-40 (F) reports of restraint and seclusion required
9-41 by Section 37.0021;
- 9-42 (G) use of corporal punishment as provided by
9-43 Section 37.0011; and
- 9-44 (H) appointment of a surrogate parent for the
9-45 child under Section 29.0151;
- 9-46 (11) developing procedures for allowing a student who
9-47 is homeless or in substitute care who was previously enrolled in a
9-48 course required for graduation the opportunity, to the extent
9-49 practicable, to complete the course, at no cost to the student,
9-50 before the beginning of the next school year;
- 9-51 (12) ensuring that a student who is homeless or in
9-52 substitute care who is not likely to receive a high school diploma
9-53 before the fifth school year following the student's enrollment in
9-54 grade nine, as determined by the district, has the student's course
9-55 credit accrual and personal graduation plan reviewed;
- 9-56 (13) ensuring that a student in substitute care who is
9-57 in grade 11 or 12 be provided information regarding tuition and fee
9-58 exemptions under Section 54.366 for dual-credit or other courses
9-59 provided by a public institution of higher education for which a
9-60 high school student may earn joint high school and college credit;
- 9-61 (14) designating at least one agency employee to act
9-62 as a liaison officer regarding educational issues related to
9-63 students in the conservatorship of the Department of Family and
9-64 Protective Services; and
- 9-65 (15) providing other assistance as identified by the
9-66 agency.
- 9-67 SECTION 3.04. Section 33.009(d), Education Code, is amended
9-68 to read as follows:
- 9-69 (d) An academy developed under this section must provide

10-1 counselors and other postsecondary advisors with knowledge and
 10-2 skills to provide counseling to students regarding postsecondary
 10-3 success and productive career planning and must include information
 10-4 relating to:

10-5 (1) each endorsement described by Section
 10-6 28.025(c-1), including:

10-7 (A) the course requirements for each
 10-8 endorsement; and

10-9 (B) the postsecondary educational and career
 10-10 opportunities associated with each endorsement;

10-11 (2) available methods for a student to earn credit for
 10-12 a course not offered at the school in which the student is enrolled,
 10-13 including enrollment in a virtual ~~[an electronic]~~ course provided
 10-14 ~~[through the state virtual school network]~~ under Chapter 30B ~~[30A]~~;

10-15 (3) general academic performance requirements for
 10-16 admission to an institution of higher education, including the
 10-17 requirements for automatic admission to a general academic teaching
 10-18 institution under Section 51.803;

10-19 (4) regional workforce needs, including information
 10-20 about the required education and the average wage or salary for
 10-21 careers that meet those workforce needs; and

10-22 (5) effective strategies for engaging students and
 10-23 parents in planning for postsecondary education and potential
 10-24 careers, including participation in mentorships and business
 10-25 partnerships.

10-26 SECTION 3.05. Section 48.104(f), Education Code, is amended
 10-27 to read as follows:

10-28 (f) A student receiving a full-time virtual education
 10-29 provided through a full-time virtual campus under Chapter 30B
 10-30 ~~[through the state virtual school network]~~ may be included in
 10-31 determining the number of students who are educationally
 10-32 disadvantaged and reside in an economically disadvantaged census
 10-33 block group under Subsection (b) or (e), as applicable, if the
 10-34 school district submits to the commissioner a plan detailing the
 10-35 enhanced services that will be provided to the student and the
 10-36 commissioner approves the plan.

10-37 SECTION 3.06. Section 48.111(b), Education Code, is amended
 10-38 to read as follows:

10-39 (b) For purposes of Subsection (a), in determining the
 10-40 number of students enrolled in a school district, the commissioner
 10-41 shall exclude students enrolled in the district who receive
 10-42 full-time instruction provided through a full-time virtual campus
 10-43 under Chapter 30B ~~[through the state virtual school network under~~
 10-44 ~~Chapter 30A]~~.

10-45 ARTICLE 4. REPEALER; TRANSITION; EFFECTIVE DATE

10-46 SECTION 4.01. The following provisions of the Education
 10-47 Code are repealed:

- 10-48 (1) Section 21.051(g);
- 10-49 (2) Section 25.092(a-4);
- 10-50 (3) Section 26.0031(f);
- 10-51 (4) Section 29.9091;
- 10-52 (5) Chapter 30A;
- 10-53 (6) Section 39.0549;
- 10-54 (7) Sections 39.301(c-1) and (c-2);
- 10-55 (8) Sections 48.005(h-1), (m-1), and (m-2);
- 10-56 (9) Sections 48.053(b-1) and (b-2); and
- 10-57 (10) Section 48.0071.

10-58 SECTION 4.02. (a) Notwithstanding the repeal by this Act of
 10-59 Chapter 30A, Education Code, a school district or open-enrollment
 10-60 charter school providing an electronic course or a full-time
 10-61 program through the state virtual school network in accordance with
 10-62 Chapter 30A, Education Code, as that law existed immediately before
 10-63 the effective date of this Act, may, except as provided by
 10-64 Subsection (b) of this section, continue to provide that course or
 10-65 full-time program as if that chapter were still in effect until the
 10-66 end of the 2024-2025 school year.

10-67 (b) The funding provided to a school district or
 10-68 open-enrollment charter school for a student enrolled in an
 10-69 electronic course or full-time program offered through the state

11-1 virtual school network in accordance with Chapter 30A, Education
 11-2 Code, as that law existed immediately before the effective date of
 11-3 this Act, shall be determined, as applicable, under Section 30B.058
 11-4 or 30B.108, Education Code, as added by this Act.

11-5 SECTION 4.03. (a) Notwithstanding the repeal by this Act of
 11-6 Section 29.9091, Education Code, a school district or
 11-7 open-enrollment charter school operating a full-time local remote
 11-8 learning program in accordance with Section 29.9091, Education
 11-9 Code, as that law existed immediately before the effective date of
 11-10 this Act, may, except as provided by Subsections (b) and (c) of this
 11-11 section, continue to operate the local remote learning program as
 11-12 if that section were still in effect until the end of the 2024-2025
 11-13 school year.

11-14 (b) A local remote learning program operated by a school
 11-15 district in accordance with Section 29.9091, Education Code, as
 11-16 that section existed immediately before the effective date of this
 11-17 Act, must operate in compliance with Section 30B.105, Education
 11-18 Code, as added by this Act, and may not operate in compliance with
 11-19 Section 29.9091(d) or (e) or Section 48.005(m-1), Education Code,
 11-20 as those sections existed immediately before the effective date of
 11-21 this Act.

11-22 (c) The funding provided to a school district or
 11-23 open-enrollment charter school for a student enrolled in a local
 11-24 remote learning program operated in accordance with Section
 11-25 29.9091, Education Code, as that law existed immediately before the
 11-26 effective date of this Act, shall be determined under Section
 11-27 30B.108, Education Code, as added by this Act.

11-28 SECTION 4.04. (a) Notwithstanding the repeal by this Act of
 11-29 Section 48.0071, Education Code, a school district or
 11-30 open-enrollment charter school providing an off-campus electronic
 11-31 course, off-campus electronic program, or instructional program
 11-32 that combines in-person instruction and off-campus electronic
 11-33 instruction in accordance with Section 48.0071, Education Code, as
 11-34 that law existed immediately before the effective date of this Act,
 11-35 may, except as provided by Subsections (b) and (c) of this section,
 11-36 continue to provide the off-campus electronic course, off-campus
 11-37 electronic program, or instructional program that combines
 11-38 in-person instruction and off-campus electronic instruction as if
 11-39 that section were still in effect until the end of the 2024-2025
 11-40 school year.

11-41 (b) An off-campus electronic course, off-campus electronic
 11-42 program, or instructional program that combines in-person
 11-43 instruction and off-campus electronic instruction provided by a
 11-44 school district in accordance with Section 48.0071, Education Code,
 11-45 as that section existed immediately before the effective date of
 11-46 this Act, must operate in compliance with Section 30B.105,
 11-47 Education Code, as added by this Act, and may not operate in
 11-48 compliance with Section 48.005(m-1), Education Code, as that
 11-49 section existed immediately before the effective date of this Act.

11-50 (c) The funding provided to a school district or
 11-51 open-enrollment charter school for a student enrolled in an
 11-52 off-campus electronic course, off-campus electronic program, or
 11-53 instructional program that combines in-person instruction and
 11-54 off-campus electronic instruction provided in accordance with
 11-55 Section 48.0071, Education Code, as that law existed immediately
 11-56 before the effective date of this Act, shall be determined under
 11-57 Section 30B.108, Education Code, as added by this Act.

11-58 SECTION 4.05. The commissioner of education shall adopt
 11-59 rules providing an expedited authorization process for a school
 11-60 district or open-enrollment charter school that applies to operate
 11-61 a full-time virtual campus or a full-time hybrid campus under
 11-62 Chapter 30B, Education Code, as added by this Act, if the district
 11-63 or school, as of the effective date of this Act:

11-64 (1) operates an electronic course or full-time program
 11-65 through the state virtual school network in accordance with Chapter
 11-66 30A, Education Code, as that law existed immediately before the
 11-67 effective date of this Act;

11-68 (2) operates a local remote learning program under
 11-69 Section 29.9091, Education Code, as that law existed immediately

12-1 before the effective date of this Act; or
12-2 (3) provides electronic instruction in accordance
12-3 with Section 48.0071, Education Code, as that law existed
12-4 immediately before the effective date of this Act.

12-5 SECTION 4.06. (a) Notwithstanding any other section of
12-6 this Act, in a state fiscal year, the Texas Education Agency is not
12-7 required to implement a provision found in another section of this
12-8 Act that is drafted as a mandatory provision imposing a duty on the
12-9 agency to take an action unless money is specifically appropriated
12-10 to the agency for that fiscal year to carry out that duty. The Texas
12-11 Education Agency may implement the provision in that fiscal year to
12-12 the extent other funding is available to the agency to do so.

12-13 (b) If, as authorized by Subsection (a) of this section, the
12-14 Texas Education Agency does not implement the mandatory provision
12-15 in a state fiscal year, the agency, in its legislative budget
12-16 request for the next state fiscal biennium, shall certify that fact
12-17 to the Legislative Budget Board and include a written estimate of
12-18 the costs of implementing the provision in each year of that next
12-19 state fiscal biennium.

12-20 (c) This section and the suspension of the Texas Education
12-21 Agency's duty to implement a mandatory provision of this Act, as
12-22 provided by Subsection (a) of this section, expires and the duty to
12-23 implement the mandatory provision resumes on September 1, 2027.

12-24 SECTION 4.07. This Act takes effect immediately if it
12-25 receives a vote of two-thirds of all the members elected to each
12-26 house, as provided by Section 39, Article III, Texas Constitution.
12-27 If this Act does not receive the vote necessary for immediate
12-28 effect, this Act takes effect September 1, 2023.

12-29 * * * * *