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HOUSE VERSION

SECTION 1. Section 25.092(a-4), Education Code, is amended to read as follows:

(a-4) A school district or open-enrollment charter school may adopt a policy to exempt students from the requirements of this section for one or more courses identified in the policy that are offered under a local remote learning program under Section 29.9091. [~~This subsection expires September 1, 2023.~~]

SECTION 2. Section 29.9091(r), Education Code, is amended to read as follows:

(r) In calculating under Subsection (q) the number of students that may be enrolled in a local remote learning program, a school district or open-enrollment charter school shall count students who spend at least half of the student's instructional time during the [2021-2022] school year [~~or 2022-2023 school year, as applicable,~~] enrolled in virtual courses or receiving remote instruction, other than by enrollment in electronic courses offered through the state virtual school network under Chapter 30A, including students enrolled in virtual courses or who received remote instruction during the [2021-2022] school year [~~or 2022-2023 school year, as applicable,~~] because the student was:

- (1) medically fragile;
- (2) placed in a virtual setting by an admission, review, and dismissal committee; or
- (3) receiving accommodations under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794).

SENATE VERSION (IE)

No equivalent provision. *But see SECTION 4.01(2) below.*

No equivalent provision. *But see SECTION 4.01(4) below.*

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SECTION 3. Section 48.005(h-1), Education Code, is amended to read as follows:

(h-1) Subject to rules adopted by the commissioner under Section 48.007(b), time that a student participates in a course or program provided under Section 48.0071(b) shall be counted as part of the minimum number of instructional hours required for a student to be considered a full-time student in average daily attendance for purposes of this section. [This subsection expires September 1, 2023.]

SECTION 4. The following provisions of the Education Code are repealed:

- (1) Section 29.9091(s);
- (2) Section 39.0549(d);
- (3) Section 39.301(c-2);
- (4) Section 48.005(m-2);
- (5) Section 48.0071(d); and
- (6) Section 48.053(b-2).

No equivalent provision.

No equivalent provision.

SENATE VERSION (IE)

No equivalent provision. *But see SECTION 4.01(8) below.*

See SECTION 4.01 below.

ARTICLE 1. VIRTUAL EDUCATION

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

Sec. 26.0031. RIGHTS CONCERNING [STATE]
VIRTUAL COURSES [SCHOOL NETWORK].

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No equivalent provision.

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

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

(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 ~~[an electronic]~~ course offered by the district or school in which the student is enrolled or by another district or school ~~[through the state virtual school network]~~ under Chapter ~~30B~~ [30A].

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

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

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

(2) the student requests permission to enroll in a virtual ~~[an electronic]~~ course at a time that is not consistent with the

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enrollment period established by the school district or open-enrollment charter school providing the course; or

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

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

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

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

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

(e) A school district or open-enrollment charter school that denies a request to enroll a student in a virtual course under Subsection (c) must provide a written explanation of the denial to the student and the student's parent. The written explanation 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 of the district or the governing board of the school. A determination made by the board of trustees of the school district or the governing board of the open-enrollment charter school [~~A parent may 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. The~~

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~~commissioner's decision]~~ under this subsection is final and may not be appealed.

No equivalent provision.

SECTION 1.03. Subtitle F, Title 2, Education Code, is amended by adding Chapter 30B to read as follows:
CHAPTER 30B. VIRTUAL COURSES AND FULL-TIME HYBRID AND VIRTUAL CAMPUSES
SUBCHAPTER A. GENERAL PROVISIONS
Sec. 30B.001. DEFINITIONS. In this chapter:
(1) "Full-time hybrid campus" means a full-time educational program authorized under Subchapter C in which:
(A) a student is in attendance in person for less than 90 percent of the minutes of instruction provided; and
(B) the instruction and content may be delivered over the Internet, in person, or through other means.
(2) "Full-time virtual campus" means a full-time educational program authorized under Subchapter C in which:
(A) a student is in attendance in person minimally or not at all; and
(B) the instruction and content are delivered primarily over the Internet.
(3) "Parent" means a student's parent or a person standing in parental relation to a student.
(4) "Virtual course" means a course in which instruction and content are delivered primarily over the Internet.
(5) "Whole campus virtual instruction provider" means 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.

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

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

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

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

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

Sec. 30B.004. PROVISION OF COMPUTER EQUIPMENT OR INTERNET SERVICE. 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) A school district or open-enrollment

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charter school may deliver instruction through virtual courses in the manner provided by this chapter.

(a-1) The following entities may 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 by Section 61.003; or

(3) a regional education service center.

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

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

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

(1) includes the appropriate essential knowledge and skills adopted under Subchapter A, 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

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(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) Except as provided by Section 30B.106(b), a school district or open-enrollment charter school may not require a student to enroll in a virtual course. (b) Subject to Subsection (b-1), a student enrolled in a virtual course offered under this chapter may 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. [FA1(1)]

(b-1) A student enrolled in a virtual course offered under this chapter may only participate in an activity sponsored by the University Interscholastic League for the school in the school district or an open-enrollment charter school that the student would be eligible to attend based on the student's residential address. [FA1(2)]

(c) A virtual course offered under this chapter to a student receiving special education services or other accommodations must meet the needs of the participating student in a manner consistent with Subchapter A, 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.

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Sec. 30B.054. RIGHTS OF TEACHERS REGARDING VIRTUAL COURSES. (a) A school district or open-enrollment charter school may not require a classroom teacher to provide both virtual instruction and in-person instruction for a course offered under this chapter during the same class period. The commissioner may waive the requirements of this subsection for courses included in the enrichment curriculum under Section 28.002.

(b) A classroom teacher may not provide 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) A school district or open-enrollment charter school may not directly or indirectly coerce 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. Except as authorized by commissioner rule, an assessment instrument administered under Section 39.023 or 39.025 to a student enrolled in a virtual course offered under this chapter shall 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.

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Sec. 30B.056. TUITION AND FEES. A school district or open-enrollment charter school may 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 the school district or open-enrollment charter school.

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

Sec. 30B.058. FOUNDATION SCHOOL FUNDING. 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) The agency shall 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) A school district or open-enrollment charter school shall provide to the agency information required to publish the list under Subsection (a).

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

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

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

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(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) A full-time virtual campus or full-time hybrid campus authorized under this section must include:
(1) at least one grade level in which an assessment instrument is required to be administered under Section 39.023(a) or (c), 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) A campus approved under this subchapter may only apply for and receive authorization to operate as a full-time virtual campus or a full-time hybrid campus. A campus may not change its operation designation during the authorization process or after the campus is authorized.
(e) The commissioner may only authorize a school district or open-enrollment charter school to operate a full-time virtual campus or a full-time hybrid campus if the commissioner determines that the authorization of the campus is likely to result in improved student learning opportunities. If a district or school will use a private or third party in operating the campus, the commissioner shall

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consider the historical performance of the private or third party, if known, in making a determination under this section.

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

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

(b) The commissioner shall 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, Chapter 39;

(2) a financial accountability performance rating under Subchapter D, 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) The commissioner may, based on a special investigation conducted under Section 39.003:

(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) If a private or third party is determined to be ineligible under Section 30B.104, the commissioner shall revoke an authorization of a full-time virtual campus or full-time

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hybrid campus for which the private or third party acts as a whole campus virtual instruction provider, unless the commissioner approves a request by the school district or open-enrollment charter school that operates the campus to use an alternative private or third party.

(e) 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 must be made under Section 39A.301.

Sec. 30B.103. REVISION RELATING TO A PRIVATE OR THIRD PARTY. A school district or open-enrollment charter school shall 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) The commissioner shall, to the extent feasible, 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) The commissioner shall 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 under this section remains ineligible until after the fifth anniversary of that determination.

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

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

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(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) A student enrolled in a school district may not be compelled to enroll in a full-time virtual or full-time hybrid campus. A school district must offer the option for a student's parent to select in-person instruction for the student.

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

Sec. 30B.107. CAMPUS DESIGNATIONS. The commissioner shall 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) For purposes of calculating the average daily attendance of students attending a full-time virtual campus or full-time hybrid campus, the commissioner shall 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

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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 under this section, the commissioner shall use the statewide average attendance rate.

(b) The commissioner shall 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. From funds appropriated or otherwise available, the agency shall 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. From funds appropriated or otherwise available, the agency shall 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.

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

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

No equivalent provision.

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school shall consider the appropriateness and feasibility of enrolling the student in a full-time virtual education program as an alternative to expulsion.

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

No equivalent provision.

ARTICLE 2. THE FOUNDATION SCHOOL PROGRAM

No equivalent provision.

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

(e-1) 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 this chapter 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, the commissioner shall modify or waive requirements applicable to the affected districts under this section 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.

No equivalent provision.

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

(b) A school district to which this section 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

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Section 30B.108 with [had] no tier one local share for purposes of Section 48.256 for each student enrolled in the district:

- (1) who resides in this state; or
- (2) who:
 - (A) is a dependent of a member of the United States military;
 - (B) was previously enrolled in school in this state; and
 - (C) does not reside in this state due to a military deployment or transfer.

No equivalent provision.

SECTION 2. ____. Section 48.101(a), Education Code, is amended to read as follows:

- (a) Small and mid-sized districts are entitled to an annual allotment in accordance with this section. In this section:
 - (1) "AA" is the district's annual allotment per student in average daily attendance;
 - (2) "ADA" is the number of students in average daily attendance for which the district is entitled to an allotment under Section 48.051, excluding those students whose inclusion in the average daily attendance of the district is based on the student's participation in a virtual course or a full-time virtual or full-time hybrid campus under Chapter 30B; and
 - (3) "BA" is the basic allotment determined under Section 48.051. [FA2]

No equivalent provision.

ARTICLE 3. CONFORMING CHANGES

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No equivalent provision.

No equivalent provision.

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

(b) Except as provided by Chapter 18, Chapter 19, Subchapter A of Chapter 29, or Subchapter E of Chapter 30, ~~[or Chapter 30A,]~~ 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.

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

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

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

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

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- (3) use of multiple assessments of learning capable of being used to inform students, parents, districts, and charter schools on an ongoing basis concerning the extent to which learning is occurring and the actions consortium participants are taking to improve learning; and
- (4) reliance on local control that enables communities and parents to be involved in the important decisions regarding the education of their children.

No equivalent provision.

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

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

- (1) ensuring that school records for a student who is homeless or in substitute care are transferred to the student's new school not later than the 10th working day after the date the student begins enrollment at the school;
- (2) developing systems to ease transition of a student who is homeless or in substitute care during the first two weeks of enrollment at a new school;
- (3) developing procedures for awarding credit, including partial credit if appropriate, for course work, including electives, completed by a student who is homeless or in substitute care while enrolled at another school;
- (4) developing procedures to ensure that a new school relies on decisions made by the previous school regarding placement in courses or educational programs of a student who is homeless or in substitute care and places the student

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in comparable courses or educational programs at the new school, if those courses or programs are available;

(5) promoting practices that facilitate access by a student who is homeless or in substitute care to extracurricular programs, summer programs, credit transfer services, virtual [~~electronic~~] courses provided under Chapter 30B [~~30A~~], and after-school tutoring programs at nominal or no cost;

(6) establishing procedures to lessen the adverse impact of the movement of a student who is homeless or in substitute care to a new school;

(7) entering into a memorandum of understanding with the Department of Family and Protective Services regarding the exchange of information as appropriate to facilitate the transition of students in substitute care from one school to another;

(8) encouraging school districts and open-enrollment charter schools to provide services for a student who is homeless or in substitute care in transition when applying for admission to postsecondary study and when seeking sources of funding for postsecondary study;

(9) requiring school districts, campuses, and open-enrollment charter schools to accept a referral for special education services made for a student who is homeless or in substitute care by a school previously attended by the student, and to provide comparable services to the student during the referral process or until the new school develops an individualized education program for the student;

(10) requiring school districts, campuses, and open-enrollment charter schools to provide notice to the child's educational decision-maker and caseworker regarding events that may significantly impact the education of a child, including:

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- (A) requests or referrals for an evaluation under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or special education under Section 29.003;
- (B) admission, review, and dismissal committee meetings;
- (C) manifestation determination reviews required by Section 37.004(b);
- (D) any disciplinary actions under Chapter 37 for which parental notice is required;
- (E) citations issued for Class C misdemeanor offenses on school property or at school-sponsored activities;
- (F) reports of restraint and seclusion required by Section 37.0021;
- (G) use of corporal punishment as provided by Section 37.0011; and
- (H) appointment of a surrogate parent for the child under Section 29.0151;
- (11) developing procedures for allowing a student who is homeless or in substitute care who was previously enrolled in a course required for graduation the opportunity, to the extent practicable, to complete the course, at no cost to the student, before the beginning of the next school year;
- (12) ensuring that a student who is homeless or in substitute care who is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade nine, as determined by the district, has the student's course credit accrual and personal graduation plan reviewed;
- (13) ensuring that a student in substitute care who is in grade 11 or 12 be provided information regarding tuition and fee exemptions under Section 54.366 for dual-credit or other courses provided by a public institution of higher education for which a high school student may earn joint high school and college credit;

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- (14) designating at least one agency employee to act as a liaison officer regarding educational issues related to students in the conservatorship of the Department of Family and Protective Services; and
- (15) providing other assistance as identified by the agency.

No equivalent provision.

SECTION 3.04. Section 33.009(d), Education Code, is amended to read as follows:

- (d) An academy developed under this section must provide counselors and other postsecondary advisors with knowledge and skills to provide counseling to students regarding postsecondary success and productive career planning and must include information relating to:
 - (1) each endorsement described by Section 28.025(c-1), including:
 - (A) the course requirements for each endorsement; and
 - (B) the postsecondary educational and career opportunities associated with each endorsement;
 - (2) available methods for a student to earn credit for a course not offered at the school in which the student is enrolled, including enrollment in a virtual [~~an electronic~~] course provided [~~through the state virtual school network~~] under Chapter 30B [~~30A~~];
 - (3) general academic performance requirements for admission to an institution of higher education, including the requirements for automatic admission to a general academic teaching institution under Section 51.803;
 - (4) regional workforce needs, including information about the required education and the average wage or salary for careers that meet those workforce needs; and

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

No equivalent provision.

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

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

No equivalent provision.

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

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

No equivalent provision.

ARTICLE 4. REPEALER; TRANSITION; EFFECTIVE DATE

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See SECTION 4 above.

No equivalent provision.

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SECTION 4.01. The following provisions of the Education Code are repealed:

- (1) Section 21.051(g);
- (2) Section 25.092(a-4);
- (3) Section 26.0031(f);
- (4) Section 29.9091;
- (5) Chapter 30A;
- (6) Section 39.0549;
- (7) Sections 39.301(c-1) and (c-2);
- (8) Sections 48.005(h-1), (m-1), and (m-2);
- (9) Sections 48.053(b-1) and (b-2); and
- (10) Section 48.0071.

SECTION 4.02. (a) Notwithstanding the repeal by this Act of Chapter 30A, Education Code, 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, may, 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.

(b) 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, shall be determined, as applicable, under Section 30B.058 or 30B.108, Education Code, as added by this Act.

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No equivalent provision.

SECTION 4.03. (a) Notwithstanding the repeal by this Act of Section 29.9091, Education Code, 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, during the 2022-2023 school year, may, 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 local remote program fails to receive a rating of C or higher under subsection (d). [FA3(1)-(2)]

(b) 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, must operate in compliance with Section 30B.105, Education Code, as added by this Act, and may not operate 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) The funding provided to a school district or open-enrollment charter school for a student enrolled in 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, shall be determined under Section 30B.108, Education Code, as added by this Act.

(d) Section 39.0549, as that law existed immediately before the effective date of this Act, is continued for purposes of determining eligibility under subsection (a) except that no provision of that section may be construed to prevent the

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assigning of a rating that removes eligibility of a district to provide a local remote program under subsection (a).
[FA3(3)]

No equivalent provision.

SECTION 4.04. (a) Notwithstanding the repeal by this Act of Section 48.0071, Education Code, 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, may, 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.

(b) 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, must operate in compliance with Section 30B.105, Education Code, as added by this Act, and may not operate in compliance with Section 48.005(m-1), Education Code, as that section existed immediately before the effective date of this Act.

(c) 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

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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, shall be determined under Section 30B.108, Education Code, as added by this Act.

No equivalent provision.

SECTION 4.05. The commissioner of education shall 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.

No equivalent provision.

SECTION 4.06. (a) Notwithstanding any other section of this Act, in a state fiscal year, the Texas Education Agency 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 the agency to take an action unless

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money is specifically appropriated to the agency for that fiscal year to carry out that duty. The Texas Education Agency may implement the provision in that fiscal year to the extent other funding is available to the agency to do so.

(b) If, as authorized by Subsection (a) of this section, the Texas Education Agency does not implement the mandatory provision in a state fiscal year, the agency, in its legislative budget request for the next state fiscal biennium, shall 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) This section and the suspension of the Texas Education Agency'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 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect **August 31, 2023**.

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