

By: Bettencourt, et al. S.B. No. 569
(Bell of Kaufman, Ashby, Buckley, Shaheen, Morales of
Maverick,
et al.)

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the provision of virtual education in public schools
3 and to certain waivers and modifications by the commissioner of
4 education to the method of calculating average daily attendance in
5 an emergency or crisis for purposes of preserving school district
6 funding entitlements under the Foundation School Program during
7 that emergency or crisis; authorizing a fee.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

9 SECTION 1. Section 1.001(b), Education Code, is amended to
10 read as follows:

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

20 SECTION 2. Section 7.0561(f), Education Code, is amended to
21 read as follows:

22 (f) In consultation with interested school districts,
23 open-enrollment charter schools, and other appropriate interested

1 persons, the commissioner shall adopt rules applicable to the
2 consortium, according to the following principles for a next
3 generation of higher performing public schools:

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

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

13 (3) use of multiple assessments of learning capable of
14 being used to inform students, parents, districts, and charter
15 schools on an ongoing basis concerning the extent to which learning
16 is occurring and the actions consortium participants are taking to
17 improve learning; and

18 (4) reliance on local control that enables communities
19 and parents to be involved in the important decisions regarding the
20 education of their children.

21 SECTION 3. Section 25.007(b), Education Code, is amended to
22 read as follows:

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

27 (1) ensuring that school records for a student who is

1 homeless or in substitute care are transferred to the student's new
2 school not later than the 10th working day after the date the
3 student begins enrollment at the school;

4 (2) developing systems to ease transition of a student
5 who is homeless or in substitute care during the first two weeks of
6 enrollment at a new school;

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

11 (4) developing procedures to ensure that a new school
12 relies on decisions made by the previous school regarding placement
13 in courses or educational programs of a student who is homeless or
14 in substitute care and places the student in comparable courses or
15 educational programs at the new school, if those courses or
16 programs are available;

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

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

25 (7) entering into a memorandum of understanding with
26 the Department of Family and Protective Services regarding the
27 exchange of information as appropriate to facilitate the transition

1 of students in substitute care from one school to another;

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

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

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

18 (A) requests or referrals for an evaluation under
19 Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or
20 special education under Section [29.003](#);

21 (B) admission, review, and dismissal committee
22 meetings;

23 (C) manifestation determination reviews required
24 by Section [37.004](#)(b);

25 (D) any disciplinary actions under Chapter [37](#) for
26 which parental notice is required;

27 (E) citations issued for Class C misdemeanor

1 offenses on school property or at school-sponsored activities;

2 (F) reports of restraint and seclusion required
3 by Section 37.0021;

4 (G) use of corporal punishment as provided by
5 Section 37.0011; and

6 (H) appointment of a surrogate parent for the
7 child under Section 29.0151;

8 (11) developing procedures for allowing a student who
9 is homeless or in substitute care who was previously enrolled in a
10 course required for graduation the opportunity, to the extent
11 practicable, to complete the course, at no cost to the student,
12 before the beginning of the next school year;

13 (12) ensuring that a student who is homeless or in
14 substitute care who is not likely to receive a high school diploma
15 before the fifth school year following the student's enrollment in
16 grade nine, as determined by the district, has the student's course
17 credit accrual and personal graduation plan reviewed;

18 (13) ensuring that a student in substitute care who is
19 in grade 11 or 12 be provided information regarding tuition and fee
20 exemptions under Section 54.366 for dual-credit or other courses
21 provided by a public institution of higher education for which a
22 high school student may earn joint high school and college credit;

23 (14) designating at least one agency employee to act
24 as a liaison officer regarding educational issues related to
25 students in the conservatorship of the Department of Family and
26 Protective Services; and

27 (15) providing other assistance as identified by the

1 agency.

2 SECTION 4. The heading to Section 26.0031, Education Code,
3 is amended to read as follows:

4 Sec. 26.0031. RIGHTS CONCERNING [~~STATE~~] VIRTUAL AND HYBRID
5 COURSES [~~SCHOOL NETWORK~~].

6 SECTION 5. Section 26.0031, Education Code, is amended by
7 amending Subsections (a), (b), (c), (c-1), (d), and (e) and adding
8 Subsection (b-1) to read as follows:

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

17 (b) Except as provided by Subsection (c), a school district
18 or open-enrollment charter school in which a student is enrolled as
19 a full-time student may not deny the request of a parent of a
20 student to enroll the student in a virtual or hybrid [~~an electronic~~]
21 course offered by the district or school in which the student is
22 enrolled or by another district or school [~~through the state~~
23 ~~virtual school network~~] under Chapter 30B [~~30A~~].

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

27 (c) A school district or open-enrollment charter school may

1 deny a request to enroll a student in a virtual or hybrid [~~an~~
2 ~~electronic~~] course if:

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

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

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

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

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

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

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

27 (e) A school district or open-enrollment charter school

1 that denies a request to enroll a student in a virtual or hybrid
2 course under Subsection (c) must provide a written explanation of
3 the denial to the student and the student's parent. The written
4 explanation must provide notice of the student's ability to appeal
5 the decision and an explanation of the appeal process, including
6 the process of pursuing a final appeal heard by the board of
7 trustees of the district or the governing board of the school. A
8 determination made by the board of trustees of the school district
9 or the governing board of the open-enrollment charter school [A
10 ~~parent may appeal to the commissioner a school district's or~~
11 ~~open-enrollment charter school's decision to deny a request to~~
12 ~~enroll a student in an electronic course offered through the state~~
13 ~~virtual school network. The commissioner's decision]~~ under this
14 subsection is final and may not be appealed.

15 SECTION 6. Section 29.081, Education Code, is amended by
16 amending Subsections (e-2) and (f) and adding Subsections (f-1) and
17 (i) to read as follows:

18 (e-2) A remote or hybrid dropout recovery education program
19 must:

20 (1) include as a part of its curriculum credentials,
21 certifications, or other course offerings that relate directly to
22 employment opportunities in the state;

23 (2) employ as faculty and administrators persons with
24 baccalaureate or advanced degrees;

25 (3) provide an academic coach and local advocate for
26 each student;

27 (4) use an individual learning plan to monitor each

1 student's progress;

2 (5) establish satisfactory requirements for the
3 monthly progress of students according to standards set by the
4 commissioner;

5 (6) provide a monthly report to the student's school
6 district or open-enrollment charter school regarding the student's
7 progress;

8 (7) perform satisfactorily according to performance
9 indicators and accountability standards adopted for alternative
10 education programs by the commissioner;

11 (8) operate an in-person student engagement center at
12 a location suitable for high school students; ~~and~~

13 (9) be a full-time hybrid program or a full-time
14 virtual program, as those terms are defined by Section 30B.001, or a
15 full-time hybrid or virtual campus authorized under Chapter 30B;
16 and

17 (10) comply with this title and rules adopted under
18 this title except as otherwise provided by this subsection.

19 (f) Except as provided by Subsection (f-1), the ~~[The]~~
20 commissioner shall include a student who has enrolled in
21 ~~[successfully completes]~~ a course offered through a program under
22 Subsection (e) in the computation of the district's or school's
23 average daily attendance for funding purposes. ~~[For a student who~~
24 ~~successfully completes a remote course offered through the program,~~
25 ~~the commissioner shall include the student in the computation of~~
26 ~~the district's or school's average daily attendance with an~~
27 ~~attendance rate equal to:~~

1 ~~[(1) the district's or school's average attendance~~
2 ~~rate for students successfully completing a course offered in~~
3 ~~person under the program; or~~

4 ~~[(2) if the district or school does not offer courses~~
5 ~~in person under the program, the statewide average attendance rate~~
6 ~~for students successfully completing a course offered in person~~
7 ~~under a program under Subsection (e).]~~

8 (f-1) The commissioner shall include a student enrolled in a
9 remote or hybrid dropout recovery education program under
10 Subsection (e-2) in the computation of the district's or school's
11 average daily attendance for funding purposes in the same manner as
12 students enrolled in a full-time hybrid or virtual program or
13 full-time hybrid or virtual campus, as applicable, under Chapter
14 30B.

15 (i) The commissioner may adopt rules as necessary to
16 implement this section.

17 SECTION 7. Subtitle F, Title 2, Education Code, is amended
18 by adding Chapter 30B to read as follows:

19 CHAPTER 30B. VIRTUAL AND HYBRID CAMPUSES, PROGRAMS, AND COURSES

20 SUBCHAPTER A. GENERAL PROVISIONS

21 Sec. 30B.001. DEFINITIONS. In this chapter:

22 (1) "Full-time hybrid campus" means a school district
23 or open-enrollment charter school campus at which at least 50
24 percent of the enrolled students are enrolled in a full-time hybrid
25 program authorized under Subchapter C.

26 (2) "Full-time hybrid program" means a full-time
27 educational program offered by a school district or open-enrollment

1 charter school campus in which:

2 (A) a student is in attendance in person for less
3 than 90 percent of the minutes of instruction provided in a school
4 year; and

5 (B) the instruction and content may be delivered
6 synchronously or asynchronously over the Internet, in person, or
7 through other means.

8 (3) "Full-time virtual campus" means a school district
9 or open-enrollment charter school campus at which at least 50
10 percent of the enrolled students are enrolled in a full-time
11 virtual program authorized under Subchapter C.

12 (4) "Full-time virtual program" means a full-time
13 educational program offered by a school district or open-enrollment
14 charter school campus in which:

15 (A) a student is in attendance in person
16 minimally or not at all; and

17 (B) the instruction and content are delivered
18 synchronously or asynchronously primarily over the Internet.

19 (5) "Hybrid course" means a course in which:

20 (A) a student is in attendance in person for less
21 than 90 percent of the minutes of instruction provided; and

22 (B) the instruction and content may be delivered
23 synchronously or asynchronously over the Internet, in person, or
24 through other means.

25 (6) "Parent" means a student's parent or a person
26 standing in parental relation to a student.

27 (7) "Virtual course" means a course in which

1 instruction and content are delivered synchronously or
2 asynchronously primarily over the Internet.

3 (8) "Whole program virtual instruction provider"
4 means a private or third-party service that provides oversight and
5 management of the virtual instruction services or otherwise
6 provides a preponderance of those services for a full-time virtual
7 or full-time hybrid campus or program.

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

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

13 (c) The agency may form an advisory committee to comply with
14 the provisions of this section. Chapter 2110, Government Code,
15 does not apply to an advisory committee formed under this section.

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

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

22 Sec. 30B.004. PROVISION OF COMPUTER EQUIPMENT OR INTERNET
23 SERVICE. This chapter does not:

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

1 charter school; or

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

6 Sec. 30B.005. EXTRACURRICULAR ACTIVITY. A student enrolled
7 in a virtual or hybrid course, program, or campus offered under this
8 chapter may participate in an extracurricular activity sponsored or
9 sanctioned by the school district or open-enrollment charter school
10 in which the student is enrolled or by the University
11 Interscholastic League in the same manner as other district or
12 school students.

13 Sec. 30B.006. HYBRID AND VIRTUAL INSTRUCTION PERMITTED.

14 (a) A school district or open-enrollment charter school may
15 deliver instruction through hybrid courses, virtual courses,
16 full-time hybrid programs, and full-time virtual programs in the
17 manner provided by this chapter.

18 (b) The following entities may deliver instruction through
19 hybrid or virtual courses under this chapter in the same manner
20 provided for a school district or open-enrollment charter school:

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

23 (2) an institution of higher education, as that term
24 is defined by Section 61.003; or

25 (3) a regional education service center.

26 (c) A school district or open-enrollment charter school
27 that delivers instruction through a hybrid or virtual course shall

1 develop written information describing each hybrid or virtual
2 course available for enrollment and complying with any other
3 requirement of Section 26.0031.

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

9 Sec. 30B.007. FOUNDATION SCHOOL PROGRAM FUNDING. The
10 commissioner by rule shall adopt procedures for reporting and
11 verifying the attendance of a student enrolled in a hybrid course,
12 virtual course, full-time hybrid program, or full-time virtual
13 program provided by a school district or open-enrollment charter
14 school under this chapter. The procedures must:

15 (1) provide a district or school with flexibility to
16 provide instruction over the Internet, through synchronous or
17 asynchronous delivery; and

18 (2) allow for the district or school to, without
19 requiring in-person attendance or synchronous instruction at a
20 specific time or location, receive the same amount of funding per
21 student for a course or program described by this section that the
22 district or school would receive per student for that course or
23 program if the course or program was provided fully in person.

24 SUBCHAPTER B. HYBRID AND VIRTUAL COURSES

25 Sec. 30B.051. HYBRID OR VIRTUAL COURSE QUALITY
26 REQUIREMENTS. (a) A school district or open-enrollment charter
27 school that offers a hybrid or virtual course under this chapter

1 must certify to the commissioner that the course:

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

4 (2) provides instruction at the appropriate level of
5 rigor for the grade level at which the course is offered and will
6 prepare a student enrolled in the course for the student's next
7 grade level or a subsequent course in a similar subject matter; and

8 (3) except as provided by Subsection (b), meets
9 standards for hybrid or virtual courses adopted by the
10 commissioner.

11 (b) If the commissioner has not adopted applicable
12 standards for hybrid or virtual courses, a school district or
13 open-enrollment charter school that offers a hybrid or virtual
14 course must instead certify to the commissioner that the course
15 meets the National Standards for Quality Online Courses published
16 by the Virtual Learning Leadership Alliance, Quality Matters, and
17 DLAC, or a successor publication.

18 Sec. 30B.052. RIGHTS OF STUDENTS REGARDING HYBRID AND
19 VIRTUAL COURSES. (a) Except as provided by Section 30B.104(b), a
20 school district or open-enrollment charter school may not require a
21 student to enroll in a hybrid or virtual course.

22 (b) A hybrid or virtual course offered under this chapter to
23 a student receiving special education services or other
24 accommodations must meet the needs of the participating student in
25 a manner consistent with Subchapter A, Chapter 29, and with federal
26 law, including the Individuals with Disabilities Education Act (20
27 U.S.C. Section 1400 et seq.) and Section 504, Rehabilitation Act of

1 1973 (29 U.S.C. Section 794), as applicable.

2 Sec. 30B.053. RIGHTS OF TEACHERS REGARDING HYBRID AND
3 VIRTUAL COURSES. (a) Except as provided by Subsection (a-1), a
4 school district or open-enrollment charter school may not require a
5 classroom teacher to provide both virtual instruction and in-person
6 instruction for a course offered under this chapter during the same
7 class period. The commissioner may waive the requirements of this
8 subsection for courses included in the enrichment curriculum under
9 Section 28.002.

10 (a-1) Subsection (a) does not apply to a requirement that a
11 classroom teacher simulcast the teacher's in-person instruction
12 provided that the teacher is not required to interact with students
13 observing the instruction virtually.

14 (b) A classroom teacher may not provide instruction for a
15 hybrid or virtual course offered under this chapter unless:

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

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

23 (c) A school district or open-enrollment charter school may
24 not directly or indirectly coerce any classroom teacher hired to
25 provide in-person instruction to agree to an assignment to teach a
26 hybrid or virtual course.

27 Sec. 30B.054. ASSESSMENTS. Except as authorized by

1 commissioner rule, an assessment instrument administered under
2 Section 39.023 or 39.025 to a student enrolled in a hybrid or
3 virtual course offered under this chapter shall be administered to
4 the student in the same manner in which the assessment instrument is
5 administered to a student enrolled in an in-person course at the
6 student's school district or open-enrollment charter school.

7 Sec. 30B.055. TUITION AND FEES. A school district or
8 open-enrollment charter school may charge tuition and fees for a
9 hybrid or virtual course provided to a student who:

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

12 (2) is not enrolled in the school district or
13 open-enrollment charter school.

14 Sec. 30B.056. ATTENDANCE FOR CLASS CREDIT OR GRADE.
15 Notwithstanding Section 25.092, a school district or
16 open-enrollment charter school shall establish the participation
17 necessary to earn credit or a grade for a hybrid or virtual course
18 offered by the district or school.

19 Sec. 30B.057. AGENCY PUBLICATION OF AVAILABLE VIRTUAL
20 COURSES. (a) The agency shall publish a list of virtual courses
21 offered by school districts and open-enrollment charter schools in
22 this state that includes:

23 (1) whether the course is available to a student who is
24 not otherwise enrolled in the offering district or school;

25 (2) the cost of the course; and

26 (3) information regarding any third-party provider
27 involved in the delivery of the course.

1 (b) A school district or open-enrollment charter school
2 shall provide to the agency information required to publish the
3 list under Subsection (a).

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

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

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

17 (1) engage in a year of planning before offering a
18 course under this chapter to verify the course is designed in
19 accordance with high-quality criteria;

20 (2) develop an academic plan that incorporates:

21 (A) curriculum and instructional practices
22 aligned with the appropriate essential knowledge and skills
23 provided under Subchapter A, Chapter 28;

24 (B) monitoring of the progress of student
25 performance and interventions;

26 (C) a method for meeting the needs of and
27 complying with federal and state requirements for special

1 populations and at-risk students; and
2 (D) compliance with the requirements of this
3 chapter;
4 (3) develop an operations plan that addresses:
5 (A) staffing models;
6 (B) the designation of selected school leaders;
7 (C) professional development for staff;
8 (D) student and family engagement;
9 (E) school calendars and schedules;
10 (F) student enrollment eligibility;
11 (G) cybersecurity and student data privacy
12 measures; and
13 (H) any educational services to be provided by a
14 private or third party; and
15 (4) demonstrate the capacity to execute the district's
16 or school's plan successfully.
17 (c) A full-time hybrid campus or full-time virtual campus
18 authorized under this section must include:
19 (1) at least one grade level in which an assessment
20 instrument is required to be administered under Section 39.023(a)
21 or (c), including each subject or course for which an assessment
22 instrument is required in that grade level;
23 (2) sufficient grade levels, as determined by the
24 commissioner, to allow for the annual evaluation of the performance
25 of students who complete the courses offered; or
26 (3) for a campus that does not include grade levels
27 described by Subdivision (1) or (2), another performance evaluation

1 measure approved by the commissioner during the authorization
2 process.

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

8 (e) The commissioner may only authorize a school district or
9 open-enrollment charter school to operate a full-time hybrid campus
10 or a full-time virtual campus if the commissioner determines that
11 the authorization of the campus is likely to result in improved
12 student learning opportunities. If a district or school will use a
13 private or third party in operating the campus, the commissioner
14 shall consider the historical performance of the private or third
15 party, if known, in making a determination under this section.

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

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

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

25 (1) a needs improvement or unacceptable performance
26 rating under Subchapter C, Chapter 39;

27 (2) a rating of performance that needs improvement or

1 unacceptable, as determined by the commissioner, on a performance
2 evaluation approved by the commissioner under Section
3 30B.101(c)(3); or

4 (3) any combination of the ratings described by
5 Subdivision (1) or (2).

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

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

10 (2) require any intervention authorized under that
11 section.

12 (d) If a private or third party is determined to be
13 ineligible under Section 30B.152, the commissioner shall revoke an
14 authorization of a full-time hybrid campus or full-time virtual
15 campus for which the private or third party acts as a whole program
16 virtual instruction provider, unless the commissioner approves a
17 request by the school district or open-enrollment charter school
18 that operates the campus to use an alternative private or third
19 party.

20 (e) An appeal by a school district or open-enrollment
21 charter school of a revocation of an authorization under this
22 chapter that results in the closure of a campus must be made under
23 Section 39A.301.

24 Sec. 30B.103. STUDENT ELIGIBILITY. (a) A student eligible
25 to enroll in a public school of this state is eligible to enroll at a
26 full-time hybrid campus.

27 (b) A student is eligible to enroll in a full-time virtual

1 campus if the student:

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

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

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

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

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

13 Sec. 30B.104. STUDENT RIGHTS REGARDING FULL-TIME HYBRID AND
14 FULL-TIME VIRTUAL CAMPUSES. (a) A student enrolled in a school
15 district may not be compelled to enroll in a full-time hybrid or
16 full-time virtual campus. A school district must offer the option
17 for a student's parent to select in-person instruction for the
18 student.

19 (b) Notwithstanding Subsection (a) or Section 30B.052, an
20 open-enrollment charter school may require a student to attend a
21 full-time hybrid or full-time virtual campus.

22 Sec. 30B.105. CAMPUS DESIGNATIONS. The commissioner shall
23 determine and assign a unique campus designation number to each
24 full-time hybrid campus or full-time virtual campus authorized
25 under this subchapter.

26 Sec. 30B.106. FUNDING. (a) For purposes of calculating the
27 average daily attendance of students attending a full-time hybrid

1 campus or full-time virtual campus, the commissioner shall use the
2 number of full-time equivalent students enrolled in the full-time
3 hybrid or full-time virtual campus multiplied by the average
4 attendance rate of the school district or open-enrollment charter
5 school that offers the full-time hybrid or full-time virtual campus
6 not including any student enrolled full-time in a full-time hybrid
7 or full-time virtual campus. In the event that a reliable
8 attendance rate cannot be determined under this section, the
9 commissioner shall use the statewide average attendance rate.

10 (b) The commissioner shall provide proportionate funding to
11 the applicable school district or open-enrollment charter school
12 for a student that alternates attendance between a traditional,
13 in-person campus setting and the full-time hybrid or full-time
14 virtual campus of any single district or school in the same school
15 year.

16 SUBCHAPTER D. PRIVATE AND THIRD-PARTY PROVIDERS

17 Sec. 30B.151. NOTICE AND USE OF PRIVATE OR THIRD PARTY. (a)
18 A school district or open-enrollment charter school shall provide
19 notice to the commissioner of the use of or change in affiliation of
20 a private or third party acting as a whole program virtual
21 instruction provider for a full-time hybrid or full-time virtual
22 campus or program.

23 (b) Except as provided by Section 30B.152, a school district
24 or open-enrollment charter school may not use a private or third
25 party to act as a whole program virtual instruction provider if the
26 party has been determined to be ineligible under that section.

27 Sec. 30B.152. PRIVATE OR THIRD-PARTY ACCOUNTABILITY. (a)

1 The commissioner shall, to the extent feasible, evaluate the
2 performance of a private or third party acting as a whole program
3 virtual instruction provider for a school district or
4 open-enrollment charter school.

5 (b) The commissioner shall establish a standard to
6 determine if a private or third party is ineligible to act as a
7 whole program virtual instruction provider. A private or third
8 party determined to be ineligible under this section remains
9 ineligible until after the fifth anniversary of that determination.

10 (c) A school district or open-enrollment charter school may
11 use a private or third party determined to be ineligible under
12 Subsection (b) as a whole program virtual instruction provider if:

13 (1) the district or school requests approval from the
14 commissioner; and

15 (2) the commissioner determines that the reasons the
16 private or third party was declared ineligible under Subsection (b)
17 will not affect the operation of the party as a whole program
18 virtual instruction provider at the district or school.

19 SUBCHAPTER E. STATE SUPPORT

20 Sec. 30B.201. EDUCATOR PROFESSIONAL DEVELOPMENT. From
21 funds appropriated or otherwise available, the agency shall develop
22 professional development courses and materials aligned with
23 research-based practices for educators in providing high-quality
24 virtual education.

25 Sec. 30B.202. DEVELOPMENT GRANTS FOR VIRTUAL EDUCATION.
26 From funds appropriated or otherwise available, the agency shall
27 provide grants and technical assistance to school districts and

1 open-enrollment charter schools to aid in the establishment of
2 high-quality full-time hybrid or full-time virtual campuses.

3 SECTION 8. Section 33.009(d), Education Code, is amended to
4 read as follows:

5 (d) An academy developed under this section must provide
6 counselors and other postsecondary advisors with knowledge and
7 skills to provide counseling to students regarding postsecondary
8 success and productive career planning and must include information
9 relating to:

10 (1) each endorsement described by Section
11 28.025(c-1), including:

12 (A) the course requirements for each
13 endorsement; and

14 (B) the postsecondary educational and career
15 opportunities associated with each endorsement;

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

20 (3) general academic performance requirements for
21 admission to an institution of higher education, including the
22 requirements for automatic admission to a general academic teaching
23 institution under Section 51.803;

24 (4) regional workforce needs, including information
25 about the required education and the average wage or salary for
26 careers that meet those workforce needs; and

27 (5) effective strategies for engaging students and

1 parents in planning for postsecondary education and potential
2 careers, including participation in mentorships and business
3 partnerships.

4 SECTION 9. Subchapter A, Chapter 37, Education Code, is
5 amended by adding Section 37.0071 to read as follows:

6 Sec. 37.0071. VIRTUAL EDUCATION AS ALTERNATIVE TO
7 EXPULSION. (a) Except as provided by Subsection (b), before a
8 school district or open-enrollment charter school may expel a
9 student, the district or school shall consider the appropriateness
10 and feasibility of, as an alternative to expulsion, enrolling the
11 student in a full-time hybrid program, full-time virtual program,
12 full-time hybrid campus, or full-time virtual campus, as those
13 terms are defined in Section 30B.001.

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

16 SECTION 10. Section 48.005, Education Code, is amended by
17 adding Subsection (e-1) to read as follows:

18 (e-1) In a school year in which the occurrence of an
19 emergency or crisis, as defined by commissioner rule, causes a
20 statewide decrease in average daily attendance of school districts
21 entitled to funding under this chapter or, for an emergency or
22 crisis occurring only within a specific region of this state,
23 causes a regional decrease in the average daily attendance of
24 school districts located in the affected region, the commissioner
25 shall modify or waive requirements applicable to the affected
26 districts under this section and adopt appropriate safeguards as
27 necessary to ensure the continued support and maintenance of an

1 efficient system of public free schools and the continued delivery
2 of high-quality instruction under that system.

3 SECTION 11. Section 48.053(b), Education Code, is amended
4 to read as follows:

5 (b) A school district to which this section applies is
6 entitled to funding under this chapter as if the district were a
7 full-time hybrid campus or full-time virtual campus for purposes of
8 Section 30B.106 with [had] no tier one local share for purposes of
9 Section 48.256 for each student enrolled in the district:

10 (1) who resides in this state; or

11 (2) who:

12 (A) is a dependent of a member of the United
13 States military;

14 (B) was previously enrolled in school in this
15 state; and

16 (C) does not reside in this state due to a
17 military deployment or transfer.

18 SECTION 12. Section 48.104(f), Education Code, is amended
19 to read as follows:

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

1 ~~commissioner approves the plan~~].

2 SECTION 13. Section 48.111, Education Code, is amended by
3 amending Subsection (b) and adding Subsection (b-1) to read as
4 follows:

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

11 (b-1) For purposes of Subsection (a), in determining the
12 number of students enrolled in a school district, the commissioner
13 shall exclude students enrolled in the district who receive
14 full-time instruction through the state virtual school network
15 under Chapter 30A as that chapter existed on September 1, 2024.
16 This subsection expires September 1, 2031.

17 SECTION 14. The following provisions of the Education Code
18 are repealed:

- 19 (1) Section 26.0031(f);
- 20 (2) Section 29.909; and
- 21 (3) Chapter 30A.

22 SECTION 15. (a) Notwithstanding the repeal by this Act of
23 Chapter 30A, Education Code, a school district or open-enrollment
24 charter school providing an electronic course or a full-time
25 program through the state virtual school network in accordance
26 with, or under a waiver of the provisions of, Chapter 30A, Education
27 Code, as that law existed immediately before the effective date of

1 this Act, may, except as provided by Subsection (b) of this section,
2 continue to provide that course or full-time program as if that
3 chapter were still in effect until the end of the 2026-2027 school
4 year.

5 (b) The funding provided to a school district or
6 open-enrollment charter school for a student enrolled in an
7 electronic course or full-time program offered through the state
8 virtual school network in accordance with, or under a waiver of the
9 provisions of, Chapter 30A, Education Code, as that law existed
10 immediately before the effective date of this Act, shall be
11 determined, as applicable, under Section 30B.007 or 30B.106,
12 Education Code, as added by this Act.

13 SECTION 16. The commissioner of education shall adopt rules
14 providing an expedited authorization process for a school district
15 or open-enrollment charter school that applies to operate a
16 full-time hybrid campus or a full-time virtual campus under Chapter
17 30B, Education Code, as added by this Act, if the district or
18 school, as of the effective date of this Act:

19 (1) operates an electronic course or full-time program
20 through the state virtual school network in accordance with Chapter
21 30A, Education Code, as that law existed immediately before the
22 effective date of this Act; or

23 (2) operates a virtual education program, regardless
24 of whether the district or school received funding for students
25 enrolled in the program during the 2022-2023, 2023-2024, or
26 2024-2025 school year.

27 SECTION 17. This Act applies beginning with the 2025-2026

1 school year.

2 SECTION 18. This Act takes effect immediately if it
3 receives a vote of two-thirds of all the members elected to each
4 house, as provided by Section 39, Article III, Texas Constitution.
5 If this Act does not receive the vote necessary for immediate
6 effect, this Act takes effect September 1, 2025.