

The Texas Education Agency (TEA) proposes amendments to §§70.1001, 70.1005, 70.1008, 70.1009, 70.1013, 70.1015, 70.1017, 70.1027, and 70.1028, concerning the Texas Virtual School Network (TxVSN). The proposed amendments would permit courses lower than Grade 9 to be offered to Texas public schools through the statewide course catalog, update the definition of central operations and student eligibility for full-time enrollment in the TxVSN, eliminate references to the International Association for K-12 Online Learning, and update references to statute and other administrative rule.

BACKGROUND INFORMATION AND JUSTIFICATION: In 2003, the 78th Texas Legislature, Regular Session, established the electronic course program, allowing school districts to offer electronic courses through a full-time online program. TEC, Chapter 30A, State Virtual School Network, added by the 80th Texas Legislature, 2007, provided for the establishment of a state virtual school network to provide supplemental online courses. In 2009, House Bill (HB) 3646, 81st Texas Legislature, Regular Session, incorporated the electronic course program under the state virtual school network. Additional amendments to TEC, Chapter 30A, were adopted in 2011 and 2015. In 2017, Senate Bill (SB) 587, 85th Texas Legislature, Regular Session, amended eligibility requirements for students to enroll full time in the TxVSN. In 2019, HB 3, 86th Texas Legislature, updated references to statute.

The commissioner adopted 19 TAC Chapter 70 effective February 27, 2013. Additional revisions were adopted effective April 7, 2015. The proposed amendments would update portions of the rules to align with changes made to statute in 2017 and 2019. Additionally, the proposed amendments would permit courses lower than Grade 9 to be offered to Texas public schools through the statewide course catalog, update the definition of central operations, and eliminate references to the International Association for K-12 Online Learning.

The proposed amendment to §70.1001, Definitions, would revise the successful course completion definition, allowing for the expansion of courses to be offered in the statewide course catalog by removing high school-specific references. The proposed amendment would clarify the successful program completion definition and update who carries out the day-to-day operations of the TxVSN because TxVSN central operations was statutorily transitioned to TEA.

The proposed amendments to §70.1005, Texas Virtual School Network Course Requirements; §70.1027, Requirements for Educators of Electronic Courses; and §70.1028, Requirements for Texas Virtual School Network Educator Professional Development, would revise the name of the national standards that are used to establish quality online courses.

The proposed amendment to §70.1009, Texas Virtual School Network Online School Eligibility, would update a cross reference to the rule on financial accountability ratings.

The proposed amendment to §70.1013, Texas Virtual School Network Student Eligibility, would update a cross reference to reflect the renumbering of statute.

The proposed amendment to §70.1015, Texas Virtual School Network Enrollment, Advancement, and Withdrawal, would revise the requirements for a student's home district to include earned grades in the student's academic record and would clarify that a student enrolled full time in an online school program in Grades 3-8 must demonstrate academic proficiency sufficient to earn promotion to the next grade level.

The proposed amendment to §70.1017, Texas Virtual School Network Compulsory Attendance, would revise successful completion attendance requirements by removing grade level references to courses and programs.

FISCAL IMPACT: Monica Martinez, associate commissioner for standards and programs, has determined that for the first five-year period the proposal is in effect, there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would expand existing regulations by allowing for online middle school courses to be offered to Texas public schools through the statewide course catalog and by providing conforming changes to current standards and statutes.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not limit or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Ms. Martinez has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be providing local education agencies and students with additional course options and flexibility in offering and completing course requirements. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The public comment period on the proposal begins August 16, 2024, and ends September 16. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the Texas Register on August 16, 2024. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_\(TAC\)/Proposed_Commissioner_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/).

STATUTORY AUTHORITY. The amendments are proposed under Texas Education Code (TEC), §30A.051(b), which authorizes the commissioner of education to adopt rules necessary to implement the state virtual school network.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code, §30A.051(b).

<rule>

§70.1001. Definitions.

The following terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) (No change.)

- (2) Successful course completion--The term that applies when a student [~~taking a high school course~~] has demonstrated academic proficiency of course [~~the~~] content by earning [~~for a high school course and has earned~~] a minimum passing grade of 70% or above on a 100-point scale, as assigned by the properly credentialed online teacher(s), sufficient to earn credit for a high school [~~the~~] course.
- (3) Successful program completion--The term that applies when a student enrolled in a Texas Virtual School Network Online School program in Grades 3-8 has demonstrated academic proficiency and has earned a minimum passing grade of 70% or above on a 100-point scale, as assigned by the properly credentialed online teacher(s) for the educational program, sufficient for promotion to the next grade level.
- (4) (No change.)
- (5) TxVSN central operations--The TEA staff [~~regional education service center~~] that carries out the day-to-day operations of the TxVSN, including the centralized student registration system, statewide course catalog listings, and other administrative and reporting functions.
- (6)-(9) (No change.)
- (10) TxVSN statewide course catalog--A supplemental online [~~high school~~] instructional program available through approved course providers.

§70.1005. Texas Virtual School Network Course Requirements.

- (a) All electronic courses to be made available through the Texas Virtual School Network (TxVSN) shall be reviewed and approved prior to being offered.
 - (1) Each electronic course approved for inclusion in the TxVSN shall:
 - (A)-(E) (No change.)
 - (F) be aligned with the current [~~International Association for K-12 Learning (iNACOL)~~] National Standards for Quality Online Courses;
 - (G)-(H) (No change.)
 - (2)-(6) (No change.)
- (b)-(c) (No change.)

§70.1008. Texas Virtual School Network Statewide Course Catalog Receiver District Requirements.

- (a)-(b) (No change.)
- (c) Each TxVSN receiver district shall:
 - (1)-(3) (No change.)
 - (4) in accordance with §74.26 of this title (relating to Award of Credit), award credit to a student enrolled in the district who has successfully completed all state and local requirements and received a grade that is the equivalent of 70 on a scale of 100, based upon the essential knowledge and skills for a high school course offered through the TxVSN statewide course catalog.
- (d)-(e) (No change.)

§70.1009. Texas Virtual School Network Online School Eligibility.

- (a) To be eligible to serve as a Texas Virtual School Network (TxVSN) online school, a school district or charter school shall:
 - (1)-(2) (No change.)

- (3) be rated at the Standard Achievement level or higher under the state financial accountability rating system as specified in §109.1001 [~~§109.1003~~] of this title (relating to ~~Types of~~ Financial Accountability Ratings);
- (4)-(6) (No change.)
- (b) (No change.)

§70.1013. Texas Virtual School Network Student Eligibility.

- (a) A student is eligible to enroll in a course provided by the Texas Virtual School Network (TxVSN) only if:
 - (1) the student on September 1 of the school year:
 - (A) (No change.)
 - (B) is younger than 26 years of age and entitled to the benefits of the Foundation School Program under the Texas Education Code, §48.003 [~~§42.003~~];
 - (2) (No change.)
 - (3) the student:
 - (A) (No change.)
 - (B) ~~the student~~ is a dependent of a member of the United States military, was previously enrolled in high school in this state, and no longer resides in this state as a result of a military deployment or transfer.
- (b) A student is eligible to enroll full time in courses provided through the TxVSN only if the student :
 - (1) ~~the student~~ was enrolled in a public school in this state in the preceding school year;
 - (2) is a dependent of a member of the United States military who has been deployed or transferred to this state and was enrolled in a publicly funded school outside of this state in the preceding school year; or
 - (3) ~~(2)~~ ~~the student~~ has been placed in substitute care in this state, regardless of whether the student was enrolled in a public school in this state in the preceding school year ~~; ~~or~~~~
 - ~~(3) ~~the student~~:~~
 - ~~(A) ~~is a dependent of a member of the United States military;~~~~
 - ~~(B) ~~was previously enrolled in high school in this state; and~~~~
 - ~~(C) ~~no longer resides in this state as a result of a military deployment or transfer.~~~~
- (c)-(d) (No change.)

§70.1015. Texas Virtual School Network Enrollment, Advancement, and Withdrawal.

- (a) A student taking a course through the Texas Virtual School Network (TxVSN) statewide course catalog or a TxVSN Online School (OLS) program is considered to:
 - (1) (No change.)
 - (2) have successfully completed a course if the student demonstrates academic proficiency and for a high school course, earns credit for the course, as determined by the TxVSN teacher; and
 - (3) (No change.)
- (b) A student taking a course through the TxVSN statewide course catalog:
 - (1)-(3) (No change.)
 - (4) shall have the grade assigned by the TxVSN teacher added to the student's record ~~transcript~~ by the student's home district and, for a high school course, added to the student's transcript .

- (c) A student enrolled full time in a TxVSN Online School program in Grades 3-8 must demonstrate academic proficiency sufficient to earn promotion to the next grade, as determined by the TxVSN teacher for the educational program.
- (d) (No change.)

§70.1017. Texas Virtual School Network Compulsory Attendance.

- (a) (No change.)
- (b) Based upon successful completion of a TxVSN course [~~for students in Grades 9-12~~] or a TxVSN Online School (OLS) instructional program [~~for students in Grades 3-8~~], students are considered to have met attendance requirements for that course or program. A student who has successfully completed the grade level or course is eligible to receive any weighted funding for which the student is eligible.
- (c) (No change.)

§70.1027. Requirements for Educators of Electronic Courses.

- (a) Each instructor of an electronic course, including a dual credit course, offered through the Texas Virtual School Network (TxVSN) by a course provider must be certified under the Texas Education Code (TEC), Chapter 21, Subchapter B, to teach that course and grade level or meet the credentialing requirements of the institution of higher education with which they are affiliated and that is serving as a course provider. In addition, each instructor:
 - (1) must:
 - (A) (No change.)
 - (B) have a graduate degree in online or distance learning and have demonstrated mastery of the [~~International Association for K-12 Learning (iNACOL)~~] National Standards for Quality Online Teaching; or
 - (C) have two or more years of documented experience teaching online courses for students in Grades 3-12 and have demonstrated mastery of the [~~iNACOL~~] National Standards for Quality Online Teaching; and
 - (2) (No change.)
- (b) (No change.)
- (c) TxVSN course providers shall affirm the preparedness of instructors of TxVSN electronic courses to teach public school-age students in a highly interactive online classroom and shall:
 - (1) maintain records documenting:
 - (A)-(B) (No change.)
 - (C) instructor's demonstrated mastery of the [~~iNACOL~~] National Standards for Quality Online Teaching prior to teaching through the TxVSN;
 - (2)-(5) (No change.)

§70.1028. Requirements for Texas Virtual School Network Educator Professional Development.

- (a)-(b) (No change.)
- (c) The Texas Education Agency shall use the most recent [~~International Association for K-12 Learning (iNACOL)~~] National Standards for Quality Online Teaching to evaluate professional development courses submitted by a TxVSN course provider for approval.