

## Chapter 70. TechnologyBased Instruction

## Subchapter AA. Commissioner's Rules Concerning the Texas Virtual School Network (TxVSN)

## §70.1001. Definitions.

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

- (1) **Electronic course**--An educational course in which instruction and content are delivered primarily over the Internet, a student and teacher are in different locations for a majority of the student's instructional period, most instructional activities take place in an online environment, the online instructional activities are integral to the academic program, extensive communication between a student and a teacher and among students is emphasized, and a student is not required to be located on the physical premises of a school district or charter school. An electronic course is the equivalent of what would typically be taught in one semester. For example: English IA is treated as a single electronic course and English IB is treated as a single electronic course.
- (2) **Successful course completion**The term that applies when a student taking a single school course has demonstrated academic proficiency of the content 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 the course.
- (3) **Successful program completion**The term that applies when a student in Grades 6-12 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) **Texas Virtual School Network (TxVSN)**A statewide initiative for online learning rather than a telecommunications or information services network. The TxVSN is comprised of two components, the statewide course catalog and the online school program. Authorized by the Texas Education Code, Chapter 30A, the TxVSN is a partnership network administered by the Texas Education Agency (TEA) in coordination with regional education service centers (ESCs), Texas public school districts and charter schools, institutions of higher education, and other eligible entities.
- (5) **TxVSN central operations**The regional education service center that carries out the day-to-day operations of the TxVSN.  
**TxVSN Online School (OLS) program**A full-time, virtual instructional program that is made available through an approved course provider and designed to serve students in Grades K-12 who are not physically present at school.
- (8) **TxVSN course provider**An entity that meets eligibility requirements and provides an electronic course through the TxVSN. Course providers include providers in the statewide course catalog and TxVSN online schools.
- (9) **TxVSN receiver district**A Texas public school district or charter school that has students enrolled in the school district or charter school who take one or more online courses through the TxVSN statewide course catalog.

- (10) TxVSN statewide course catalog supplemental online high school instructional program available through approved course providers.

Statutory Authority: The provisions of this §70.1001 issued under the Texas Education Code, §30A.051(b)

Source: The provisions of this §70.1001 adopted to be effective February 27, 2013, 38 TexReg 163; amended to be effective April 7, 2015, 40 TexReg 1967.

§70.1003. Texas Virtual School Network Governance

- (a) Administration. The Texas Education Agency (TEA) is the administering authority of the Texas Virtual School Network (TxVSN). The role of the administering authority is to:
- (1) set standards of quality and ensure compliance with the Texas Education Code (TEC), §30A.051;
  - (2) establish the policies and procedures necessary for operation of the TxVSN; and
  - (3) oversee the course review process.
- (b) Agency authority. The TEA may conduct routine audits, monitoring, and other investigations of TxVSN central operations, course review, TxVSN course providers, and TxVSN receiver districts to determine compliance and ensure high quality education as authorized in the TEC or other law. For audit purposes, participants must maintain documentation to support the requirements of the TxVSN program and any agreements.
- (c) Central operations. The TxVSN central operations shall:
- (1) coordinate course registration and student enrollments for the TxVSN statewide course catalog;
  - (2) verify the eligibility of TxVSN course providers in both the TxVSN statewide course catalog and the TxVSN Online School (OLS) program;
  - (3) publish an online listing of approved courses for both the TxVSN statewide course catalog and the TxVSN OLS program; and
  - (4) coordinate reporting requirements, including course completion results, parent and surveys,



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Source: The provisions of this §70.1005 adopted to be effective February 27, 2013, 38 TexReg 163; amended to be effective April 7, 2015, 40 TexReg 1967.

§70.1007. Texas Virtual School Network Statewide Course Catalog Course Provider Eligibility and Program Requirements.

(a) The following entities are eligible to serve as course providers in the Texas Virtual School Network (TxVSN) statewide course catalog:

- (1) a school district that is rated acceptable as described in the Texas Education Code (TEC), §39.054.  
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- (3) notify students in writing upon enrollment to participate in the TxVSN course with specific dates and details regarding enrollment;
- (4) meet all federal and state requirements for educating students with disabilities;
- (5) provide a contingency plan for the continuation of instructional services to all TxVSN students allowing them to complete their TxVSN courses in the event that the contract or agreement through which the electronic courses are provided are terminated or the TxVSN courses become unavailable to students;
- (6) ensure a maximum class size limit of 40 students in a single section of a course and ensure that the class size does not exceed the maximum allowed by law and a charter school's charter, as applicable, whichever is less; and
- (7) meet all reporting requirements established by TxVSN central operations, including timely submission of student performance reports, course completion results, catalog data, data required to verify instructor qualifications, and all data necessary for the TxVSN Informed Choice Report required under §70.1031 of this title (relating to Informed Choice Reports).

Statutory Authority: The provisions of this §1007 issued under the Texas Education Code, §30A.051(b)

Source: The provisions of this §70.1007 adopted to be effective February 27, 2013, 38 TexReg 163; amended to be

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- (3) notify parents and students of the option to enroll in the TxVSN online school at the time and in the manner that the school district or charter school informs students and parents about instructional programs or courses offered in the district's or school's traditional classroom setting;
- (4) notify students in writing upon acceptance to participate in the TxVSN online school with specific dates and details regarding enrollment;
- (5) document actual dates each student begins and ends enrollment in student data records for local recordkeeping purposes and for state funding reporting purposes;
- (6) ensure that each student enrolled in the TxVSN online school takes any applicable assessment

papers, and records, which are directly pertinent to that specific contract, a minimum of seven years from the day the final state funding payment is made and all other pending matters are closed, including resolution of any audits that started within the seven retention period, in accordance with the record retention requirements for federal and state programs as mandated by the Texas State Library and Archives Commission;

- (17) ensure the ongoing security of all data and its accessibility to the TEA in the requested electronic format; and
  - (18) make decisions regarding serving students with disabilities in accordance with §89.1050 of this title (relating to The Admission, Review, and Dismissal Committee) and regarding English language learners in accordance with §89.1220 of this title (relating to Language Proficiency Assessment Committee).
- (f) TxVSN online schools may:
- (1) determine the number of courses a student takes at one time based on individual student needs; however, course placement decisions must enable a student to make reasonable progress toward graduation in a timely manner;
  - (2) lend equipment to a student and the parents/legal guardians of a student participating in the TxVSN online school for the duration of the student's enrollment in the TxVSN online school; and
  - (3) subsidize or reimburse a student or the parents/legal guardians of a student participating in the TxVSN online school for Internet connectivity for the duration of the student's participation in the TxVSN online school.
- (g) TxVSN online schools may not:
- (1) deny participation to any student based on language or disability; or
  - (2) promise or provide equipment or any other thing of value to a student or a student's parent as an inducement for the student to enroll in the online school.
- (h) Charter schools serving as TxVSN online schools shall:
- (1) operate in compliance with their charter and applicable laws, rules, and regulations;
  - (2) continue current education programs and activities at existing physical location(s) and offer the education program as described in the charter;
  - (3) obtain approval from the commissioner of education for a charter amendment to change the educational program prior to making the change in the educational program as required in §100.1033(c) of this title (relating to Charter Amendment); and
  - (4) count students enrolled in the TxVSN online school toward the charter's enrollment cap and ensure that the charter does not exceed their total enrollment cap.

Statutory Authority: The provisions of this §70.10 issued under the Texas Education Code, §30A.051(b)

Source: The provisions of this §70.10 adopted to be effective February 27, 2013, 38 TexReg 163; amended to be effective April 7, 2015, 40 TexReg 1967.

#### §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) is younger than 21 years of age; or
    - (B) is younger than 26 years of age and entitled to the benefits of the Foundation School Program under the Texas Education Code, §42.003;
  - (2) the student has not graduated from high school; and



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- (d) A student who transfers from one educational setting to another after beginning enrollment in an electronic course is entitled to continue enrollment in the course.

Statutory Authority: The provisions of this §70.150 issued under the Texas Education Code, §30A.051(b)

Source: The provisions of this §70.150 adopted to be effective February 27, 2013, Texas Reg 163.

§70.1017. Texas Virtual School Network Compulsory Attendance.

- (a) Texas public school students are not required to be in physical attendance while participating in courses through a Texas Virtual School Network (TxVSN) online school in the TxVSN course catalog.
- (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 9-12, students are considered to have met attendance requirements for that course or program. A student who has successfully completed the grade

## §70.1023. Accountability.

- (a) All Texas public school students enrolled in the Texas Virtual School Network (TxVSN) are required to take the statewide assessments as required in the Texas Education Code, §9.023.
- (b) All school districts and charter schools participating in the TxVSN Online School (OLS) program are included in the state's academic accountability system.

Statutory Authority: The provisions of this §70.1023 issued under the Texas Education Code, §30A.051(b)

Source: The provisions of this §70.1023 adopted to be effective February 27, 2013, 38 TexReg 163.

## §70.1025. Statewide Course Catalog Fees.

- (a) A Texas Virtual School Network (TxVSN) course cost may not exceed the lesser of the cost of providing the course or \$400.
- (b) A school district or charter school may decline to pay the course costs for a student who chooses to enroll in more than three yearlong electronic courses, or the equivalent, during any school year. This does not limit the ability of the student to enroll in additional electronic courses offered through the TxVSN at the student's expense.
- (c) A school district or charter school may charge the course cost for enrollment in an electronic course provided through the TxVSN statewide course catalog to a student who:
  - (1) resides in Texas and is enrolled in a school district or charter school as a student with a course load greater than that normally taken by students in the equivalent grade level;
  - (2) elects to enroll in an electronic course provided through TxVSN if the school district or charter school in which the student is enrolled declines to pay the course cost because the course exceeds the limit of three yearlong courses; or
  - (3) enrolls in a TxVSN course during the summer.
- (d) A school district or charter school shall charge the course cost for enrollment in an electronic course provided through the TxVSN to a student who resides in Texas and is not enrolled in a school district or charter school. A student who is not enrolled in a school district or charter school is not entitled to the benefits of the Foundation School Program.
- (e) TxVSN central operations may only accept course payment from a school district or charter school.
- (f) A school district or charter school that is not the course provider may charge a student enrolled in the district or school a nominal fee, not to exceed \$50, for enrollment in an electronic course provided through the TxVSN that exceeds the course load normally taken by students in the equivalent grade level. A juvenile probation department or state agency may charge a nominal fee, not to exceed \$50, to a student under the supervision of the department or agency.
- (g) A course provider in the TxVSN statewide course catalog shall receive:
  - (1) no more than 70% of the catalog course cost prior to a student successfully completing the course; and
  - (2) the remaining 30% of the catalog course cost when the student successfully completes the course.

Statutory Authority: The provisions of this §70.1025 issued under the Texas Education Code, §30A.051(b)

Source: The provisions of this §70.1025 adopted to be effective February 27, 2013, 38 TexReg 163; amended to be effective April 7, 2015, 40 TexReg 1967.

## §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) successfully complete a professional development course or program approved by TxVSN central operations before teaching an electronic course offered through the TxVSN; or
  - (B) have a graduate degree in online or distance learning and have demonstrated mastery of the International Association for K12 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 K12 and have demonstrated mastery of the iNACOL National Standards for Quality Online Teaching; and
- (2) must successfully complete one continuing professional development course specific to online learning every three years.
- (b) Each instructor of an electronic course, including a dual credit course, offered through the TxVSN by a course provider must meet highly qualified teacher requirements under the Elementary and Secondary Education Act, as applicable.
- (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) valid Texas educator certification credentials appropriate for the instructor's TxVSN assignment;
    - (B) successful initial completion of TxVSN approved professional development, evidence of prior online teaching, or a graduate degree in online or distance learning; and
    - (C) instructor's demonstrated mastery of the iNACOL National Standards for Quality Online Teaching prior to teaching through the TxVSN;
  - (2) conduct and maintain records for background check;
  - (3) maintain records of successful completion of continuing professional development;
  - (4) maintain records documenting successful completion of TxVSN approved professional development before the end of the school year for any instructor who is hired after the school year

- (c) The Texas Education Agency shall use the most recent International Association for Learning (iNACOL) National Standards for Quality Online Teaching to evaluate professional development courses submitted by a TxVSN course provider for approval.

Statutory Authority: The provisions of this §70.280 issued under the Texas Education Code, §30A.051(b)

Source: The provisions of this §70.280 adopted to be effective April 7, 2015, 40 TexReg 1967.

§70.1029. Texas Virtual School Network Participation and Performance.

- (a) A public school district or charter school, institution of higher education, regional education service center,

(C) the number of credits to be earned for a high school course;

(D) a course syllabus for Grades 19 or a course overview and lesson guide for Grades 3 and

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- (d) A parent/legal guardian may appeal to the commissioner of education a school district's or charter school's decision to deny a request to enroll a student in an electronic course offered through the TxVSN.
- (1) The parent shall submit a written request to the commissioner within ten business days of receiving a final decision in the local grievance process that the student was denied the opportunity to enroll in an electronic course offered through the TxVSN in accordance with guidelines established by the Texas Education Agency.
  - (2) An appeal under this section shall be based on review of the local record developed in the grievance process.
  - (3) If the commissioner determines that a student was unreasonably denied the opportunity to enroll in an electronic course, the school district or charter school shall immediately enroll the student in the electronic course or a similar course in accordance with the enrollment windows established by the provider.
  - (4) The commissioner's decision under this section is final and may not be appealed.

Statutory Authority: The provisions of this §70.AA issued under the Texas Education Code, §30A.051(b)

Source: The provisions of this §70.AA adopted to be effective February 27, 2013, 38 TexReg 163; amended to be effective April 7, 2015, 40 TexReg 1967.