

The Texas Education Agency (TEA) proposes new §§71.1001-71.1019, concerning virtual and hybrid education. The new chapter implements Texas Education Code (TEC), Chapter 30B, as added by Senate Bill (SB) 569, 89th Texas Legislature, Regular Session, 2025.

BACKGROUND INFORMATION AND JUSTIFICATION: Proposed new Chapter 71 would provide statewide standards for virtual and hybrid education, clarity on student eligibility for full-time virtual campuses, quality and accessibility criteria for virtual and hybrid courses, and an authorization framework for full-time virtual and hybrid campuses. The proposed rules would operationalize these requirements and establish the monitoring authority of the Texas Education Agency (TEA).

Division 1. General Provisions

Proposed new §71.1001, Definitions, would establish definitions for virtual courses, including local and statewide virtual courses, hybrid courses, full-time virtual and hybrid programs, full-time virtual and hybrid campuses, and whole program virtual instruction providers.

Proposed new §71.1002, Attendance and Funding, would establish attendance-taking procedures for virtual and hybrid courses, full-time virtual and hybrid programs, and full-time virtual and hybrid campuses in accordance with the Student Attendance Accounting Handbook adopted under 19 TAC §129.1025; the funding mechanism for full-time virtual and hybrid programs and campuses; and the requirement for the commissioner to provide proportionate funding for students who alternate between a traditional campus setting and a full-time virtual or hybrid campus.

Proposed new §71.1003, Requirements Related to Private or Third-Party Providers, would establish requirements related to private or third-party providers that act as whole program providers for full-time virtual and hybrid campuses and accountability standards applicable to those providers.

Proposed new §71.1004, Extracurricular Activity, would address extracurricular activity participation for students enrolled in virtual or hybrid courses, programs, or campuses.

Division 2. Virtual and Hybrid Courses and Programs

Proposed new §71.1005, Entities Eligible to Provide Virtual and Hybrid Courses or Programs, would establish eligibility for entities to provide virtual and hybrid courses or programs, including school districts, open-enrollment charter schools, consortiums of school districts and open-enrollment charter schools, institutions of higher education, and regional education service centers.

Proposed new §71.1006, Local Policy Regarding Virtual and Hybrid Courses, would establish requirements for school districts and open-enrollment charter schools to adopt written policies related to student rights, specify the manner and frequency with which they must share those policies with students and their parents, and require acceptance of grades assigned and placement on transcripts.

Proposed new §71.1007, Rights of Students and Parents Concerning Virtual and Hybrid Courses, would detail the rights of students and parents concerning virtual and hybrid courses. The proposed new section would detail the limited mechanisms for a school district or open-enrollment charter school to deny a parent's request to enroll their student in virtual and hybrid courses and provide for an appeal process to the school district's board of trustees or governing board of a charter school if access to a course is denied.

Proposed new §71.1008, Requirements for Entities Providing Virtual and Hybrid Courses, would establish requirements for all entities providing virtual and hybrid courses, including the requirements to comply with all applicable laws and rules, to develop written information about courses, to establish procedures to verify identity and eligibility of students, to ensure each classroom teacher has completed professional development, to annually certify compliance with standards for virtual and hybrid courses, to make decisions regarding serving students with disabilities and emergent bilingual students in alignment with statute and rule, to establish participation necessary to earn credit or a grade for a course, to withdraw students as necessary in alignment with local policy and state requirements, to provide the district or charter school in which students are enrolled with written notice of performance, to develop and implement a contingency plan to ensure continuity of instructional services if an

eligible entity terminates a course or it becomes unavailable, and to administer assessments in the same manner as a student enrolled in an in-person course except when authorized by commissioner rule to not do so.

Proposed new §71.1009, Student Eligibility for Virtual and Hybrid Courses, would establish student eligibility requirements for virtual and hybrid courses.

Proposed new §71.1010, Virtual and Hybrid Course Quality Requirements, would provide for virtual and hybrid course quality requirements, including alignment with the Texas Essential Knowledge and Skills, providing instruction at the appropriate level of rigor, and being designed specifically for virtual and hybrid learning.

Proposed new §71.1011, Virtual and Hybrid Course Annual Submission Process, would provide information about the virtual and hybrid course annual submission process, including required submissions to TEA.

Proposed new §71.1012, Tuition and Fees for Virtual and Hybrid Courses, would establish the ability of school districts and open-enrollment charter schools to charge tuition and fees for students not eligible to enroll in Texas public schools or not enrolled in the school district or open-enrollment charter school, including home-schooled students and those participating in the Texas Education Savings Account program.

Proposed new §71.1013, Rights of Teachers Regarding Virtual and Hybrid Courses, would provide for the rights of teachers regarding virtual and hybrid courses, including requirements for professional development for teachers of virtual and hybrid courses, and would establish that the commissioner may waive specific requirements for teachers of courses included in the enrichment curriculum.

Proposed new §71.1014, Requirements for Full-Time Virtual and Hybrid Programs, would establish requirements for entities providing virtual and hybrid programs, including the requirements to comply with all applicable laws and rules, to develop written information about courses, to establish procedures to verify identity and eligibility of students, to ensure each classroom teacher has completed required professional development, to annually certify compliance with standards for virtual and hybrid courses, to establish participation necessary to earn credit or a grade for a course offered by a school district or charter school, to withdraw students as necessary based on participation, and to provide progress updates as necessary.

Division 3. Full-Time Virtual and Hybrid Campuses

Proposed new §71.1015, Entities Eligible to Provide Virtual and Hybrid Campuses, would establish the eligibility requirements for school districts and open-enrollment charter schools to provide virtual and hybrid campuses.

Proposed new §71.1016, Student Eligibility for Full-Time Virtual and Hybrid Campuses, would address student eligibility categories for full-time hybrid campus enrollment, full-time virtual campus eligibility with a six-week attendance rule, and a prohibition on enrolling ineligible full-time virtual students. The proposed new section would also specify that summer attendance does not satisfy the six-week attendance requirement for enrolling in virtual campuses.

Proposed new §71.1017, Requirements for Full-Time Virtual and Hybrid Campuses, would establish requirements for entities providing virtual and hybrid campuses, including the requirements to comply with all applicable laws and rules, to develop written information about courses, to establish procedures to verify identity and eligibility of students, to ensure each classroom teacher has completed required professional development, to annually certify compliance with standards for virtual and hybrid courses, to establish participation necessary to earn credit or a grade for a course offered by a school district or charter school, to withdraw students as necessary based on participation, and to provide progress updates as necessary.

Proposed new §71.1018, Authorization of Full-Time Virtual and Full-Time Hybrid Campuses, would establish the authorization process and structure for full-time virtual and hybrid campuses. The proposed new section would add information about the application window, application form and manner, the standard for private or third-party providers, and the standard and expedited authorization processes.

Proposed new §71.1019, Term of Authorization and Revocation of Full-Time Virtual and Hybrid Campuses, would address authorization terms for full-time virtual and hybrid campuses along with revocation standards and processes, including the appeal mechanism available regarding authorization decisions.

FISCAL IMPACT: Marian Schutte, associate commissioner for authorizing and policy, 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 create new regulations for the implementation of virtual and hybrid education through courses, programs, and campuses.

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 expand, 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. Schutte 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 to provide school districts and charter schools with the ability to create virtual and hybrid programs, courses, and campuses. 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: TEA requests public comments on the proposal, including, per Texas Government Code, §2001.024(a)(8), information related to the cost, benefit, or effect of the proposed rule and any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. The public comment period on the proposal begins August 28, 2026, and ends September 28, 2026. 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 28, 2026. A form for submitting public comments is available on the TEA website at <https://tea.texas.gov/laws-and-rules/commissioner-rules-tac/proposed-commissioner-education-rules>.

STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §30B.002, as added by Senate Bill (SB) 569, 89th Texas Legislature, Regular Session, 2025, which requires the commissioner to adopt rules to implement and administer virtual and hybrid campuses, programs, and courses authorized under TEC, Chapter 30B; TEC, §30B.007, as added by SB 569, 89th Texas Legislature, Regular Session, 2025, which requires the commissioner to adopt rules for procedures for reporting and verifying attendance of a student enrolled in a

hybrid course, virtual course, full-time hybrid program, or full-time virtual program provided by a school district or an open-enrollment charter school; TEC, §30B.101, as added by SB 569, 89th Texas Legislature, Regular Session, 2025, which requires the commissioner to 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 hybrid campus or a full-time virtual campus; and SB 569, Section 16, 89th Texas Legislature, Regular Session, 2025, which requires the commissioner to adopt rules providing an expedited authorization process for a school district or an open-enrollment charter school that applies to operate a full-time virtual campus or a full-time hybrid campus under TEC, Chapter 30B, if the district or school, as of the effective date of SB 569, operated an electronic course or full-time program through the state virtual school network in accordance with TEC, Chapter 30A, as that law existed immediately before the effective date of SB 569 or operated a virtual education program, regardless of whether the district or school received funding for students enrolled in the program during the 2022-2023, 2023-2024, or 2024-2025 school year.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code, §§30B.002, 30B.007, and 30B.101, as added by Senate Bill (SB) 569, 89th Texas Legislature, Regular Session, 2025; and SB 569, Section 16, 89th Texas Legislature, Regular Session, 2025.

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§71.1001. Definitions.

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

- (1) Full-time hybrid campus--A school district or an open-enrollment charter school campus at which at least 50% of the enrolled students are enrolled in a full-time hybrid program authorized under Texas Education Code (TEC), Chapter 30B, Subchapter C. The 50% threshold is calculated annually using campus enrollment from the Fall Public Education Information Management System (PEIMS) submission.
- (2) Full-time hybrid program--A full-time educational program offered by a school district or an open-enrollment charter school campus in which:
 - (A) less than 50% of the enrolled students at the campus participate in the program, with the 50% threshold calculated annually using campus enrollment from the Fall PEIMS submission;
 - (B) instruction and content are delivered synchronously or asynchronously over the Internet, in person, or through other means;
 - (C) a student in the program has a schedule consisting of:
 - (i) a combination of in-person and virtual or hybrid courses; or
 - (ii) all hybrid courses; and
 - (D) a student is in attendance for less than 90% of the instructional minutes offered during the school year.
- (3) Full-time virtual campus--A school district or an open-enrollment charter school campus at which at least 50% of the enrolled students participate in a full-time virtual program authorized under TEC, Chapter 30B, Subchapter C. The 50% threshold is calculated annually using campus enrollment from the Fall PEIMS submission.
- (4) Full-time virtual program--A full-time educational program offered by a school district or an open-enrollment charter school campus in which:
 - (A) less than 50% of the enrolled students at the campus participate in the program, with the 50% threshold calculated annually using campus enrollment from the Fall PEIMS submission;

- (B) instruction and content are delivered either synchronously or asynchronously over the Internet through virtual courses;
 - (C) a student in the program has a schedule of all virtual courses; and
 - (D) the following attendance provisions also apply:
 - (i) a student is in attendance in person minimally or not at all; and
 - (ii) any minimal in-person attendance for specific courses or instructional components, including those associated with University Interscholastic League participation or career and technical education, does not affect the designation of the program as a full-time virtual program.
- (5) Hybrid course--An educational course in which:
 - (A) the student is in attendance in person for less than 90% of the minutes of instruction provided;
 - (B) instruction and content are delivered synchronously or asynchronously over the Internet, in person, or through other means;
 - (C) a student and teacher interact both at the physical location of a school district or an open-enrollment charter school and, during online instructional activities, synchronously or asynchronously, in different locations through a virtual environment;
 - (D) there is frequent communication between a student and a teacher; and
 - (E) the content of the course aligns with the Texas Essential Knowledge and Skills (TEKS) for the subject and grade level.
- (6) Local virtual course--A virtual course provided exclusively to students who are enrolled in the specific school district or open-enrollment charter school offering the course.
- (7) Statewide virtual course--A virtual course provided by a school district or an open-enrollment charter school and made available to a student who is not otherwise enrolled in that district or charter school.
- (8) Virtual course--An educational course in which:
 - (A) instruction and content are delivered synchronously or asynchronously primarily over the Internet;
 - (B) a student and teacher are in different locations for a majority of the student's instructional minutes;
 - (C) there is frequent communication between a student and a teacher;
 - (D) there is no requirement for students to be present at the school's physical location; and
 - (E) the content of the course aligns with the TEKS for the subject and grade level.
- (9) Whole program virtual instruction provider--A private or third-party service that:
 - (A) provides oversight and management of virtual instruction services for a full-time virtual or full-time hybrid campus or program; or
 - (B) provides a preponderance of virtual instruction services, including, but not limited to, supplying instructional staff, overseeing student progress monitoring, ensuring course compliance with the TEKS and other applicable state and federal requirements, or assuming responsibility for administering and delivering instruction beyond providing instructional materials.

§71.1002. Attendance and Funding.

- (a) Attendance-taking procedures for virtual and hybrid courses, full-time virtual and hybrid programs, and full-time virtual and hybrid campuses must be in accordance with the Student Attendance Accounting Handbook adopted under §129.1025 of this title (relating to Adoption by Reference: Student Attendance Accounting Handbook).
- (b) For purposes of calculating the average daily attendance of students attending a full-time virtual campus or full-time hybrid campus, the commissioner of education 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 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.
- (c) The commissioner shall provide proportionate funding to the applicable school district or open-enrollment charter school for a student who 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.

§71.1003. Requirements Related to Private or Third-Party Providers.

- (a) A school district or an open-enrollment charter school shall provide notice to the commissioner of education of the use of or change in affiliation of a private or third-party provider acting as a whole program virtual instruction provider for a full-time virtual or hybrid program or campus.
- (b) A school district or an open-enrollment charter school may not implement a change in the private or third-party provider acting as a whole program virtual instruction provider for a full-time virtual or hybrid program or campus unless the district or school has received prior approval from the commissioner.
- (c) The commissioner will establish and publish a standard to determine if a private or third-party provider is ineligible to act as a whole program virtual instruction provider. A private or third-party provider determined to be ineligible remains ineligible until after the fifth anniversary of that determination.
- (d) A school district or an open-enrollment charter school may not use a private or third party to act as a whole program virtual instruction provider if the party has been determined to be ineligible unless:
 - (1) the district or school requests approval from the commissioner; and
 - (2) the commissioner determines that the reasons the private or third party was declared ineligible will not affect the operation of the party as a whole program virtual instruction provider at the district or school.

§71.1004. Extracurricular Activity.

A student enrolled in a virtual or hybrid course, program, or campus offered under this subchapter 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.

STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §30B.002, as added by Senate Bill (SB) 569, 89th Texas Legislature, Regular Session, 2025, which requires the commissioner to adopt rules to implement and administer virtual and hybrid campuses, programs, and courses authorized under TEC, Chapter 30B; TEC, §30B.007, as added by SB 569, 89th Texas Legislature, Regular Session, 2025, which requires the commissioner to adopt rules for procedures for reporting and verifying attendance of a student enrolled in a hybrid course, virtual course, full-time hybrid program, or full-time virtual program provided by a school district or an open-enrollment charter school; TEC, §30B.101, as added by SB 569, 89th Texas Legislature, Regular Session, 2025, which requires the commissioner to 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 hybrid campus or a full-time virtual campus; and SB 569, Section 16, 89th Texas Legislature, Regular Session, 2025, which requires the commissioner to adopt rules providing an expedited authorization process for a school district or an open-enrollment charter school that applies to operate a full-time virtual campus or a full-time hybrid campus under TEC, Chapter 30B, if the district or school, as of the effective date of SB 569, operated an electronic course or full-time program through the state virtual school network in accordance with TEC, Chapter 30A, as that law existed immediately before the effective date of SB 569 or operated a virtual education program, regardless of whether the district or school received funding for students enrolled in the program during the 2022-2023, 2023-2024, or 2024-2025 school year.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code, §§30B.002, 30B.007, and 30B.101, as added by Senate Bill (SB) 569, 89th Texas Legislature, Regular Session, 2025; and SB 569, Section 16, 89th Texas Legislature, Regular Session, 2025.

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§71.1005. Entities Eligible to Provide Virtual and Hybrid Courses or Programs.

- (a) A school district or an open-enrollment charter school may deliver instruction through virtual courses, hybrid courses, full-time virtual programs, and full-time hybrid programs as defined in this subchapter.
- (b) The following entities may deliver instruction through virtual or hybrid courses as defined in this subchapter in the same manner provided for a school district or an 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 Texas Education Code (TEC), §61.003; or
 - (3) a regional education service center.
- (c) Two or more school districts or open-enrollment charter schools may enter into a consortium agreement under TEC, §30B.006, to jointly offer virtual or hybrid courses. Each participating district or charter school in the consortium remains individually responsible for compliance with all requirements under this subchapter, including student eligibility verification and reporting obligations.
- (d) An eligible entity may partner with a school district or an open-enrollment charter school to deliver virtual or hybrid course instruction only under a written agreement.
- (e) An entity other than a school district or an open-enrollment charter school is not authorized to award course credit or a diploma for courses offered under this subchapter.

§71.1006. Local Policy Regarding Virtual and Hybrid Courses.

- (a) Each school district and open-enrollment charter school shall adopt a written policy consistent with §71.1007 of this title (relating to Rights of Students and Parents Concerning Virtual and Hybrid Courses) that provides students enrolled in the district or charter school with the opportunity to enroll in courses provided by the district or school in which the student is enrolled or by another district or school under Texas Education Code, Chapter 30B.

- (b) A school district or an open-enrollment charter school shall, at least once per year, send to the parent of each student enrolled a copy of the policy adopted under this section. A district or charter school may send the policy with any other information that the district or charter schools sends to the parent.
- (c) For each student enrolled in virtual or hybrid courses through an eligible entity, the student's enrolled district or charter school must:
 - (1) accept the grade assigned by the course offering entity's certified teacher; and
 - (2) record the accepted grade on the student's official transcript.

§71.1007. Rights of Students and Parents Concerning Virtual and Hybrid Courses.

- (a) At the time and in the manner that a school district or an open-enrollment charter school informs students and parents about courses that are offered in the district's or school's traditional classroom setting and at the time students ordinarily select courses, the district or school shall notify parents and students of the option to enroll in a virtual or hybrid course offered by the district or school in which the student is enrolled or by another district or school under Texas Education Code (TEC), Chapter 30B. The district or charter school may also provide this information to students and parents at additional times as determined by the district or charter school.
- (b) A school district or an open-enrollment charter school may not actively discourage a student, including by threat or intimidation, from enrolling in a virtual or hybrid course.
- (c) Except as provided in §71.1016 of this title (relating to Student Eligibility for Full-Time Virtual and Hybrid Campuses), a school district or an open-enrollment charter school may not require a student to enroll in a virtual or hybrid course.
- (d) A school district or an open-enrollment charter school in which a student is enrolled as a full-time student may not deny the request of a parent to enroll the student in a virtual or hybrid course offered by the district or school in which the student is enrolled or by another district or school under TEC, Chapter 30B, unless:
 - (1) a student attempts to enroll in a course load that is inconsistent with the student's high school graduation plan, requirements for college admission, or requirements for earning an industry certification;
 - (2) the student requests permission to enroll in a virtual or hybrid course at a time that is inconsistent with the enrollment period established by the school district or open-enrollment charter school providing the course; or
 - (3) the district or charter school determines that the cost of the course is too high.
- (e) Notwithstanding subsection (d)(2) of this section, a school district or an open-enrollment charter school that provides a virtual or hybrid course under TEC, Chapter 30B, shall make all reasonable efforts to accommodate the enrollment of a student in the course under special circumstances.
- (f) A school district or an open-enrollment charter school that denies a request to enroll a student in a virtual or hybrid course under subsection (d) of this section shall provide a written explanation of the denial to the student and the student's parent.
 - (1) The written explanation must provide:
 - (A) notice of the student's ability to appeal the decision; and
 - (B) 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.
 - (2) A determination made by the board of trustees of the school district or the governing board of the open-enrollment charter school under this subsection is final and may not be appealed.
- (g) A student who transfers from one school system to another after beginning enrollment in a virtual course is entitled to continue enrollment in the course.

§71.1008. Requirements for Entities Providing Virtual and Hybrid Courses.

A school district, an open-enrollment charter school, or eligible entity listed in §71.1005(b) of this title (relating to Entities Eligible to Provide Virtual and Hybrid Courses or Programs) that delivers instruction through a virtual or hybrid course under Texas Education Code (TEC), Chapter 30B, shall:

- (1) comply with all applicable laws and rules governing traditional instructional programs, except as expressly provided in this subchapter, including, but not limited to:
 - (A) teacher certifications requirements under TEC, Chapter 21, Subchapter B, unless exempted under the terms of a charter; and
 - (B) maintaining records of student enrollment and withdrawal dates for local and state reporting purposes;
- (2) develop written information describing each virtual or hybrid course available for enrollment;
- (3) establish procedures to verify the identity of each student and confirm eligibility requirements under TEC, Chapter 30B;
- (4) ensure that each classroom teacher has completed professional development in virtual or hybrid instruction as required by TEC, §30B.053;
- (5) annually certify compliance with standards for virtual and hybrid course design and delivery through the Virtual and Hybrid Course List Certification Process in alignment with §71.1011 of this title (relating to Virtual and Hybrid Course Annual Submission Process);
- (6) 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 emergent bilingual students in accordance with §89.1220 of this title (relating to Language Proficiency Assessment Committee (LPAC));
- (7) establish the participation necessary to earn credit or a grade for a virtual or hybrid course offered by the district or school;
- (8) consider a student withdrawn from a virtual or hybrid course or program when the student is no longer actively participating in the course or program or never participates after enrollment, and report the student as withdrawn in accordance with applicable local policy and state requirements;
- (9) provide the district or charter school in which each student is enrolled with written notice of the student's performance in the course at least once every six weeks;
- (10) provide the district or charter school in which each student is enrolled with written notice of the student's performance at least once every three weeks if the student's performance in the course is consistently unsatisfactory, as determined by the course-offering entity;
- (11) develop and implement a contingency plan to ensure continuity of instructional services to all enrolled students if an eligible entity terminates the course or the course becomes unavailable; and
- (12) except as authorized by commissioner rule in Chapter 101 of this title (relating to Assessment), administer an assessment instrument under TEC, §39.023 or §39.025, to a 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.

§71.1009. Student Eligibility for Virtual and Hybrid Courses.

A school district or an open-enrollment charter school may provide a virtual or hybrid course at any grade level to:

- (1) a student enrolled in that district or charter school;
- (2) a student enrolled in another Texas public school district or charter school;
- (3) a student who resides in Texas and is enrolled in a school other than a public school district or charter school; or

- (4) a student who qualifies under §71.1012 of this title (relating to Tuition and Fees for Virtual and Hybrid Courses).

§71.1010. Virtual and Hybrid Course Quality Requirements.

A school district or an open-enrollment charter school offering virtual or hybrid courses under Texas Education Code (TEC), Chapter 30B, must certify to the commissioner of education, through the Virtual and Hybrid Course Annual Submission Process, that each course:

- (1) includes the appropriate essential knowledge and skills adopted under TEC, Chapter 28, Subchapter A;
- (2) provides instruction at the appropriate level of rigor for the grade level at which the course is offered and prepares a student enrolled in the course for the student's next grade level or a subsequent course in a similar subject matter;
- (3) is designed specifically for a virtual or hybrid learning environment and incorporates appropriate instructional procedures, assessment features, collaborative communication tools, and mechanisms for monitoring student engagement and progress;
- (4) meets the National Standards for Quality Online Courses published by the Virtual Learning Leadership Alliance, Quality Matters, and the Digital Learning Collaborative, or any successor publication; and
- (5) meets the needs of a student receiving special education services or other accommodations in a manner consistent with TEC, Chapter 29, Subchapter A, and with federal law, including the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) as applicable, and the Rehabilitation Act of 1973 (29 U.S.C. Section 794), Section 504, as applicable.

§71.1011. Virtual and Hybrid Course Annual Submission Process.

- (a) An eligible entity offering a virtual or hybrid course under Texas Education Code (TEC), Chapter 30B, must annually certify each course to the commissioner of education for inclusion in the Virtual and Hybrid Course List in accordance with TEC, §30B.057(b).
- (b) Each course offered under TEC, Chapter 30B, shall be submitted and certified to the commissioner by the school district or open-enrollment charter school through the Virtual and Hybrid Course List submission process in the manner prescribed by the Texas Education Agency (TEA).
 - (1) Certification must include verification that the course meets the requirements of §71.1008 of this title (relating to Requirements for Entities Providing Virtual and Hybrid Courses).
 - (2) The submission must also include:
 - (A) whether the course is available to a student who is not enrolled in the offering district or school;
 - (B) the cost of the course;
 - (C) information regarding any third-party provider involved in the delivery of the course; and
 - (D) any additional information required by TEA to provide a comprehensive list for students and parents.

§71.1012. Tuition and Fees for Virtual and Hybrid Courses.

- (a) A school district or an open-enrollment charter school may decline to pay the course costs for a student who chooses to enroll in more than three year-long virtual courses, or the equivalent, during any school year. This does not limit the ability of the student to enroll in additional virtual courses at the student's cost or apply to a student enrolled in a full-time virtual program or campus.
- (b) A school district or an open-enrollment charter school may offer virtual or hybrid courses in accordance with this subchapter and may charge tuition and fees for such courses provided to a student who:

- (1) is not eligible to enroll in a public school in this state;
- (2) is not enrolled in the school district or open-enrollment charter school, including a home-schooled student, as defined by Texas Education Code (TEC), §29.916(a)(1), and a student utilizing funds awarded through a Texas Education Savings Account for approved education-related expenses, as defined by TEC, §29.359(a)(1); or
- (3) elects to enroll in a virtual course provided by a school district or an open-enrollment charter school if the district or charter school in which the student is enrolled declines to pay the course cost because the course exceeds the limit of three year-long courses.

§71.1013. Rights of Teachers Regarding Virtual and Hybrid Courses.

- (a) Except as provided in subsection (b) of this section, a school district or an open-enrollment charter school may not require a classroom teacher to provide both virtual instruction and in-person instruction for a course offered under Texas Education Code (TEC), Chapter 30B, during the same class period.
- (b) Subsection (a) of this section does not apply to a requirement that a classroom teacher simulcast the teacher's in-person instruction provided that the teacher is not required to interact with students observing the instruction virtually.
- (c) The commissioner of education may waive the requirement of subsection (a) of this section included in the enrichment curriculum under TEC, §28.002.
- (d) A classroom teacher may not provide instruction for a virtual or hybrid course offered under TEC, Chapter 30B, unless:
 - (1) the teacher has received appropriate professional development in virtual or hybrid 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 paragraph (1) of this subsection.
- (e) A school district or an 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 or hybrid course.

§71.1014. Requirements for Full-Time Virtual and Hybrid Programs.

- (a) A school district or an open-enrollment charter school may provide a full-time virtual or hybrid program only to students in any grade level who are enrolled in the campus offering the program.
- (b) A school district or an open-enrollment charter school may establish additional eligibility criteria for participation in the virtual or hybrid program, provided the criteria comply with state and federal law, are applied uniformly and without discrimination, are included in the district's adopted admissions policy, and are clearly communicated in writing to parents at the time of enrollment and/or application to the program.
- (c) A school district or an open-enrollment charter school that operates a virtual or hybrid program under Texas Education Code (TEC), Chapter 30B, shall:
 - (1) have a coordinated set of instructional and support services that together provide a comprehensive educational experience for students;
 - (2) enroll a student taking four or more virtual or hybrid courses within a semester in a full-time virtual or hybrid program; and
 - (3) ensure that courses in full-time virtual or hybrid programs meet all requirements in §§71.1008, 71.1010, 71.1011, and 71.1012 of this title (relating to Requirements for Entities Providing Virtual and Hybrid Courses, Virtual and Hybrid Course Quality Requirements, Virtual and Hybrid Course Annual Submission Process, and Tuition and Fees for Virtual and Hybrid Courses), as applicable.
- (d) A school operating a full-time virtual or hybrid program shall include the following components as part of the implementation structure:

- (1) approval of the program by the school district's board of trustees or governing body of the open-enrollment charter school;
 - (2) development of an academic plan that incorporates:
 - (A) curriculum and instructional practices aligned with the appropriate essential knowledge and skills provided under TEC, Chapter 28, Subchapter A;
 - (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 TEC, Chapter 30B;
 - (3) development of 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;
 - (F) cybersecurity and student data privacy measures; and
 - (G) any educational services to be provided by a third party;
 - (4) demonstration of the capacity to execute the district's or school's plan successfully;
 - (5) a comprehensive enrollment process that includes timelines, eligibility verification, and communication in writing to parents;
 - (6) operational infrastructure, such as a learning management system and access to curriculum through appropriate technology;
 - (7) onboarding and offboarding procedures to orient students and parents to program expectations and ensure proper record transfer upon exit;
 - (8) attendance-taking procedures for full-time virtual and hybrid programs that ensure integration with the student information system for compliance with state reporting requirements;
 - (9) assurance that each teacher providing instruction is reported in the Texas Student Data System in accordance with Public Education Information Management System Data Standards;
 - (10) publication in a prominent location on the Internet website for the campus's virtual or hybrid program any applicable criteria for enrollment and any enrollment deadlines for each virtual or hybrid program; and
 - (11) compliance with all laws and rules applicable to traditional schools unless otherwise provided in this subchapter.
- (e) A virtual or hybrid program must be offered as part of an existing traditional campus or a campus that has received approval under TEC, §30B.101. A program may not operate independently of a campus, and enrollment in the program shall be tied to the campus where the student is registered for accountability and funding purposes. A campus may offer multiple full-time programs, such as a full-time virtual program and a full-time hybrid program. The combined total of students participating in all such programs must remain less than 50% of the students enrolled at that campus as defined in §71.1001 of this title (relating to Definitions).
- (f) Third-party providers of virtual and hybrid instruction that have been deemed ineligible by the commissioner as defined in §71.1003 of this title (relating to Requirements Related to Private or Third-Party Providers) may not be used as whole program virtual instruction providers for a full-time virtual or hybrid program.

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STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §30B.002, as added by Senate Bill (SB) 569, 89th Texas Legislature, Regular Session, 2025, which requires the commissioner to adopt rules to implement and administer virtual and hybrid campuses, programs, and courses authorized under TEC, Chapter 30B; TEC, §30B.007, as added by SB 569, 89th Texas Legislature, Regular Session, 2025, which requires the commissioner to adopt rules for procedures for reporting and verifying attendance of a student enrolled in a hybrid course, virtual course, full-time hybrid program, or full-time virtual program provided by a school district or an open-enrollment charter school; TEC, §30B.101, as added by SB 569, 89th Texas Legislature, Regular Session, 2025, which requires the commissioner to 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 hybrid campus or a full-time virtual campus; and SB 569, Section 16, 89th Texas Legislature, Regular Session, 2025, which requires the commissioner to adopt rules providing an expedited authorization process for a school district or an open-enrollment charter school that applies to operate a full-time virtual campus or a full-time hybrid campus under TEC, Chapter 30B, if the district or school, as of the effective date of SB 569, operated an electronic course or full-time program through the state virtual school network in accordance with TEC, Chapter 30A, as that law existed immediately before the effective date of SB 569 or operated a virtual education program, regardless of whether the district or school received funding for students enrolled in the program during the 2022-2023, 2023-2024, or 2024-2025 school year.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code, §§30B.002, 30B.007, and 30B.101, as added by Senate Bill (SB) 569, 89th Texas Legislature, Regular Session, 2025; and SB 569, Section 16, 89th Texas Legislature, Regular Session, 2025.

<rule>

§71.1015. Entities Eligible to Provide Virtual and Hybrid Campuses.

A school district or an open-enrollment charter school may operate a full-time virtual or hybrid campus if authorized by the commissioner of education in accordance with §71.1018 of this title (relating to Authorization of Full-Time Virtual and Full-Time Hybrid Campuses).

§71.1016. Student Eligibility for Full-Time Virtual and Hybrid Campuses.

- (a) A student eligible to enroll in a public school in any grade level in Texas is eligible to enroll at a full-time hybrid campus under Texas Education Code (TEC), §30B.103(a).
- (b) A student is eligible to enroll in a full-time virtual campus in any grade level under TEC, §30B.103(b), if the student:
 - (1) attended a public school in Texas 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 Grade 1 or a lower grade level;
 - (3) was not required to attend public school in Texas 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 Texas.
- (c) 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.
- (d) An open-enrollment charter school may require a student to attend a full-time hybrid campus or virtual campus.
- (e) A school district or open-enrollment charter school may establish additional eligibility criteria for participation in the virtual or hybrid campus, provided the criteria comply with state and federal law.

including, at a minimum, compliance with the requirements of TEC, §30B.103(b); are applied uniformly and without discrimination; and are clearly communicated in writing to parents at the time of enrollment and/or application to the campus.

(f) A school district or an open-enrollment charter school may not enroll a student in a full-time virtual campus if the student does not meet the eligibility requirements under TEC, §30B.103, regardless of whether the district or charter school seeks state funding for that student.

(g) To meet the six-week attendance requirement under subsection(b)(1) of this section, the student must:

(1) attend classes for at least six weeks during the regular school year, and attendance during summer school shall not be counted toward this requirement; and

(2) have generated Foundation School Program funding while in attendance in accordance with the Student Attendance Accounting Handbook adopted under §129.1025 of this title (relating to Adoption by Reference: Student Attendance Accounting Handbook).

§71.1017. Requirements for Full-Time Virtual and Hybrid Campuses.

(a) A school district or open-enrollment charter school operating a full-time virtual or hybrid campus shall include the following components as part of the implementation structure:

(1) approval of the campus by the school district's board of trustees or governing body of the open-enrollment charter school;

(2) development of an academic plan that incorporates:

(A) curriculum and instructional practices aligned with the appropriate essential knowledge and skills provided under Texas Education Code (TEC), Chapter 28, Subchapter A;

(B) monitoring 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 TEC, Chapter 30B;

(3) development of 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;

(F) cybersecurity and student data privacy measures; and

(G) any educational services to be provided by a third party;

(4) demonstration of the capacity to execute the campus's plan successfully;

(5) a comprehensive enrollment process that includes timelines, eligibility verification, and communication in writing to parents;

(6) operational infrastructure, such as a learning management system and access to curriculum through appropriate technology;

(7) onboarding and offboarding procedures to orient students and parents to campus expectations and ensure proper record transfer upon exit;

(8) attendance-taking procedures for full-time virtual and hybrid campus that ensure integration with the student information system for compliance with state reporting requirements; and

- (9) compliance with all laws and rules applicable to traditional schools unless otherwise provided in this subchapter.
- (b) Full-time virtual or hybrid campuses shall:
 - (1) verify the identity and eligibility of each student seeking to enroll in a full-time virtual or hybrid campus;
 - (2) notify students in writing upon acceptance to participate in the full-time virtual or hybrid campus with specific dates and details regarding enrollment;
 - (3) document the dates each student begins and ends enrollment in student data records for local recordkeeping purposes and for state funding reporting purposes;
 - (4) ensure that each teacher providing instruction is reported in the Texas Student Data System in accordance with Public Education Information Management System Data Standards;
 - (5) publish in a prominent location on the Internet website for the school district's or charter school's virtual or hybrid school any applicable criteria for enrollment and any enrollment deadlines for each virtual or hybrid campus;
 - (6) ensure that courses in full-time virtual or hybrid programs must meet all requirements in §§71.1008, 71.1010, 71.1011, and 71.1012 of this title (relating to Requirements for Entities Providing Virtual and Hybrid Courses, Virtual and Hybrid Course Quality Requirements, Virtual and Hybrid Course Annual Submission Process, and Tuition and Fees for Virtual and Hybrid Courses), as applicable;
 - (7) offer at least one grade level in which an assessment instrument is required to be administered under TEC, §39.023(a) or (c), including each subject or course for which an assessment instrument is required in that grade level; offer sufficient grade levels to allow for the annual evaluation of the performance of students who complete the courses offered; or be evaluated on another performance evaluation measure approved by the commissioner of education during the authorization process; and
 - (8) comply with all laws and rules applicable to traditional schools unless otherwise provided in this subchapter.
- (c) School districts and open-enrollment charter schools operating virtual or hybrid campuses may 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.
- (d) Charter schools operating a full-time virtual or hybrid campus shall:
 - (1) operate in compliance with their charter and applicable laws, rules, and regulations;
 - (2) continue to provide the educational program described in the charter at approved campus locations unless amended in accordance with this subchapter;
 - (3) obtain approval from the commissioner, as applicable under Chapter 100 of this title (relating to Charters), prior to:
 - (A) establishing a new open-enrollment charter school proposing to operate as a full-time virtual or hybrid campus, including submission of any required virtual or hybrid program addendum as part of the charter application;
 - (B) adding a new campus to operate as a full-time virtual or hybrid campus through a charter expansion amendment; or
 - (C) changing an existing campus to operate as a full-time virtual or hybrid campus through a non-expansion amendment to change the educational program of the campus prior to making the change as required in §100.1035(d) of this title (relating to Charter Amendment); and

- (4) ensure that students enrolled in the full-time virtual or hybrid campuses are included in the charter's maximum allowable enrollment established in its charter contract and ensure the charter does not exceed its maximum allowable enrollment.
- (e) Third-party providers of virtual and hybrid instruction that have been deemed ineligible by the commissioner as defined in §71.1003 of this title (relating to Requirements Related to Private or Third-Party Providers) may not be used as whole program virtual instruction providers for a full-time virtual or hybrid program.

§71.1018. Authorization of Full-Time Virtual and Full-Time Hybrid Campuses.

- (a) Prior to each application cycle, the Texas Education Agency (TEA) shall publish the application form and process for school systems seeking to operate a full-time virtual or hybrid campus through either the standard or expedited authorization pathway. The application form shall address the content requirements specified in Texas Education Code (TEC), §30B.101, and contain the following:
 - (1) the mandatory timeline for submission and review;
 - (2) applicant conferences and training prerequisites;
 - (3) scoring criteria and procedures for reviewing both the standard and expedited authorization pathways;
 - (4) the minimum score necessary for an application to be eligible for a capacity interview; and
 - (5) the earliest date an authorized campus may begin operations.
- (b) Upon receipt, TEA shall review applications for completeness and provide each applicant with a notice that documents the status of each requirement as complete or incomplete. The agency shall remove applications without further processing if documents are:
 - (1) received after the submission deadline as provided in the request for application; or
 - (2) substantially incomplete.
- (c) Before applying for the authorization of a new full-time virtual or hybrid campus, a school district's board of trustees or the governing body of an open-enrollment charter school must include the application on a posted agenda for a regular meeting in compliance with applicable open meetings requirements, approve the application, and submit documentation of the approval as part of the application.
- (d) The commissioner may only authorize a school district or an open-enrollment charter school to operate a full-time virtual or 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 consider the historical performance of the private or third party, if known, in making a determination under this section.
- (e) A determination made by the commissioner under this section is final and not subject to appeal.
- (f) A school system may seek authorization under one of the following pathways.
 - (1) Standard authorization.
 - (A) Standard authorization applies to school systems seeking to establish a new full-time virtual or hybrid campus.
 - (B) The standard authorization process requires engaging in a year of planning before offering a course at a full-time virtual or hybrid campus under this subchapter.
 - (C) The planning year must include, at a minimum:
 - (i) documentation of school system data analysis demonstrating how the proposed full-time virtual or hybrid campus supports the district or charter school's long-term strategic goals and aligns with student needs;

- (ii) evidence of stakeholder engagement activities to demonstrate sufficient interest in the model and projected enrollment; and
 - (iii) evidence of a pilot of the model.
- (D) For the purpose of this section, a "pilot" means a structured, time-limited operation of a virtual or hybrid model designed to demonstrate the school system's capacity or a previous operation of a full-time virtual or hybrid program or campus to deliver full-time instruction in accordance with state and federal standards.
- (E) For campuses seeking authorization for the 2026-2027 school year, a pilot must be implemented in accordance with guidance issued by TEA. TEA will provide criteria, timelines, and reporting requirements through non-regulatory guidance to allow flexibility during initial implementation.
- (F) Campuses seeking authorization for the 2027-2028 school year or later must demonstrate that the following requirements have been met:
 - (i) completion of one of the following:
 - (I) a pilot of a full-time virtual or hybrid program, as defined in §71.1001 of this title (relating to Definitions). A pilot under this subclause shall:
 - (-a-) serve a defined cohort of students enrolled full-time in the virtual or hybrid model for a minimum of a semester or 12 consecutive instructional weeks;
 - (-b-) include at least one complete grade level or a cohort of no fewer than 25 students;
 - (-c-) utilize a technology platform, such as a learning management system, that supports course delivery of virtual or hybrid courses that are aligned with the Texas Essential Knowledge and Skills (TEKS) and the other requirements in §71.1010 of this title (relating to Virtual and Hybrid Course Quality Requirements);
 - (-d-) provide academic instruction and support to students and ensure access to all required services and supports for students, including those with disabilities and other special populations, in compliance with applicable state and federal laws, including the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. Section 1400 et seq.), and the Rehabilitation Act of 1973, Section 504 (29 U.S.C. Section 794);
 - (-e-) include staff who will provide instruction and perform operational roles relevant to the proposed campus model;
 - (-f-) track student attendance and monitor student engagement and academic progress in the program;
 - (-g-) establish a defined schedule incorporating synchronous or asynchronous instruction; and
 - (-h-) collect and report data on student performance, engagement, and stakeholder feedback for continuous improvement; or
 - (II) a virtual or hybrid course pilot for a proposed full-time hybrid campus that demonstrates capacity at the course level rather than through a full-program model. A pilot under this subclause shall:

- (-a-) offer a minimum of three virtual or hybrid courses to a defined group of students for at least 12 consecutive instructional weeks;
- (-b-) utilize a technology platform, such as a learning management system, that supports course delivery of virtual or hybrid courses that are aligned with the TEKS and other requirements in §71.1010 of this title;
- (-c-) provide academic instruction and ensure access to all required services and supports for students, including those with disabilities and other special populations, in compliance with applicable state and federal laws, including IDEA and Section 504;
- (-d-) include staff who will provide instruction and perform operational roles relevant to the proposed hybrid campus model;
- (-e-) track attendance, engagement, and academic progress within participating courses;
- (-f-) establish a defined schedule incorporating synchronous or asynchronous instruction; and
- (-g-) collect and report data on student performance, engagement, and stakeholder feedback to inform readiness for a full-time hybrid campus implementation;
- (ii) identification of a campus principal who meets applicable qualifications and has prior experience relevant to virtual or hybrid education; and
- (iii) documentation that the leadership team and instructional staff have engaged in professional development to prepare for virtual or hybrid instruction, including:
 - (I) participation in structured programming of virtual or hybrid campus design; or
 - (II) completion of virtual or hybrid education certification, such as graduate-level coursework or micro-credentialing.

(2) Expedited authorization.

- (A) A school district or an open-enrollment charter school may apply for expedited authorization to operate a full-time virtual campus or a full-time hybrid campus under TEC, Chapter 30B, if the district or charter school, as of May 6, 2025:
 - (i) operated an electronic course or full-time program through the state virtual school network in accordance with TEC, Chapter 30A, as that law existed immediately before May 6, 2025; or
 - (ii) operated a virtual education program, regardless of whether the district or school received funding for students enrolled in the program during the 2022-2023, 2023-2024, or 2024-2025 school year. For purposes of this clause, virtual education program means:
 - (I) students were enrolled in a virtual or hybrid educational program and took four or more virtual or hybrid courses within a semester;
 - (II) the majority of instruction was delivered through the virtual or hybrid educational program as part of a cohesive instructional program with coordinated curriculum, staffing, and student supports; and

- (III) the program was not limited to individual or supplemental virtual courses taken by students otherwise enrolled in and required to attend an in-person campus.
- (B) A school system that is eligible for expedited authorization under subparagraph (A)(ii) of this paragraph and is approved under expedited authorization may operate without a planning year if the applicant demonstrates compliance with program implementation requirements under subparagraph (A)(ii) of this paragraph and submits an abridged application, if required, that includes evidence of student performance, leadership capacity, and alignment of the current school design with TEC, Chapter 30B.
- (3) Implementation readiness. TEA may require additional documentation or impose conditions to ensure readiness for full implementation.
- (4) Campus number designation. A school district or an open-enrollment charter school approved to serve as a full-time virtual campus or a full-time hybrid campus shall follow the TEA procedures related to obtaining a county district campus number for the virtual or hybrid campus through which they serve their students. The commissioner shall determine and assign a unique campus designation number to each authorized full-time virtual or hybrid campus.

§71.1019. Term of Authorization and Revocation of Full-Time Virtual and Hybrid Campuses.

- (a) Authorization for a full-time virtual campus or hybrid campus under Texas Education Code (TEC), Chapter 30B, continues indefinitely unless revoked by the commissioner of education in accordance with TEC, §30B.102.
- (b) The commissioner shall revoke authorization if, for the three preceding school years, the campus has received:
 - (1) a needs improvement or unacceptable performance rating under TEC, Chapter 39, Subchapter C;
 - (2) a rating of performance that needs improvement or is unacceptable, as determined by the commissioner, on a performance evaluation approved under TEC, §30B.101(c)(3); or
 - (3) any combination of the ratings described in paragraphs (1) and (2) of this subsection.
- (c) Based on a special investigation conducted under TEC, §39.003, the commissioner may revoke authorization or require any intervention authorized under TEC, Chapter 39.
- (d) If a private or third-party provider is determined ineligible under TEC, §30B.152, and §71.1003(c) of this title (relating to Requirements Related to Private or Third-Party Providers), the commissioner shall revoke an authorization of a full-time virtual or hybrid campus for which the private or third party acts as a whole program 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) A school district or an open-enrollment charter school may appeal the revocation of an authorization that results in the closure of a full-time virtual or hybrid campus. This appeal of a revocation of authorization must be made under TEC, §39A.301.
- (f) For purposes of monitoring and revocation, the three-year evaluation period begins only after the campus has received authorization and commenced operation under TEC, Chapter 30B.