

The Texas Education Agency (TEA) proposes new §102.1501, concerning blended learning grant programs. The proposed new rule would establish an application and selection process for awarding grants under this section and an application process to establish a list of programs that may be used for training.

**BACKGROUND INFORMATION AND JUSTIFICATION:** Proposed new 19 TAC §102.1501 would implement the provisions of Texas Education Code (TEC), §29.924. The proposed new rule would define the application and selection process through which Blended Learning Grant Program grants are earned by school districts and open-enrollment charter schools. The rule would provide school districts and open-enrollment charter schools with a clear understanding of the processes that lead to grant receipt under the Blended Learning Grant Program.

The proposed new rule would also establish the process by which training programs are approved for use by school districts and open-enrollment charter schools participating in the Blended Learning Grant Program. The rule would enable a prospective third-party vendor to understand the processes by which the vendor can earn approval of its goods and services for use by school districts and open-enrollment charter schools participating in the program.

**FISCAL IMPACT:** Kristen Hole, associate commissioner for instructional strategy, 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 a new regulation. The proposed new rule would define the application and selection process for the Blended Learning Grant Program and the approval process for training programs in use through the Blended Learning Grant Program.

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 the rule's applicability; and would not positively or adversely affect the state's economy.

**PUBLIC BENEFIT AND COST TO PERSONS:** Ms. Hole 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 clarifying processes for school districts, open-enrollment charter schools, and third-party vendors to participate in the Blended Learning Grant Program. 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 December 11, 2020, and ends January 11, 2021. 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 December 11, 2020. 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 new section is proposed under Texas Education Code (TEC), §29.924, which requires the commissioner to adopt rules as necessary to implement a blended learning grant program, including rules establishing an application and selection process for awarding grants under the statute and a list of programs that may be used for training for the grant program. In adopting rules for this grant program, the commissioner may not impose any requirements on a school district's or open-enrollment charter school's plan to implement a blended learning model not listed under TEC, §29.924(d).

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §29.924.

<rule>

### **§102.1501. Blended Learning Grant Program.**

(a) General provisions.

- (1) The Texas Education Agency (TEA) will announce and execute an open application for blended learning grants pursuant to Texas Education Code (TEC), §29.924, to assist school districts and open-enrollment charter schools in implementing effective blended learning models.
- (2) "Blended learning" means an instructional delivery method that combines classroom instruction, which includes teacher-led in-person or remote instruction and online instruction that is facilitated by instructional software.

(b) Application and selection process.

- (1) TEA will make publicly available the blended learning grant application, eligibility criteria, and scoring rubric. Priority will be given to school districts and open-enrollment charter schools with the highest numbers of educationally disadvantaged students.
- (2) Submitted applications will be scored according to the published scoring rubric, and grants will be awarded by TEA to the school districts and open-enrollment charter schools whose applications are scored highest under the rubric.
- (3) All grantees must complete the requirements of the program described in TEC, §29.924(d).

(c) Training programs. TEA will publish a list of approved training programs pursuant to TEC, §29.924. TEA will approve training programs based on a scoring rubric that will be made publicly available. The list of currently approved training programs is available on the TEA website, and TEA will update the list at its discretion.