

The Texas Education Agency adopts new §102.1501, concerning blended learning grant programs. The new section is adopted with changes to the proposed text as published in the December 11, 2020 issue of the *Texas Register* (45 TexReg 8817) and will be republished. The adopted new section establishes 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.

REASONED JUSTIFICATION: Adopted new 19 TAC §102.1501 implements the provisions of Texas Education Code, §29.924. The new rule defines the application and selection process through which Blended Learning Grant Program (BLGP) grants are earned by school districts and open-enrollment charter schools. The rule provides school districts and open-enrollment charter schools with a clear understanding of the processes that lead to grant receipt under the BLGP.

The adopted new rule also establishes the process by which training programs are approved for use by school districts and open-enrollment charter schools participating in the BLGP. The rule enables 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.

Based on public comments, changes were made at adoption to §102.1501(a)(2). Language was revised to better align the definition of "blended learning" with the definition in statute and prevent potential negative impacts on school funding.

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began December 11, 2020, and ended January 11, 2021. Following is a summary of the public comments received and corresponding responses.

Comment: The Association of Texas Professional Educators (ATPE) requested alignment of the definition of "blended learning" in the proposed rule ("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") with the definition included in the associated statute ("combines classroom and online instruction"). ATPE also requested removing the phrase "teacher-led remote instruction" from the definition to prevent a potential negative impact to school funding.

Response: The agency agrees. At adoption, the definition of "blended learning" in subsection (a)(2) was modified to read, "an instructional delivery method that combines classroom and online instruction and is facilitated with instructional software."

Comment: The Texas Public Charter Schools Association requested modifying the grantee planning process depending on a grantee's status as a Math Innovation Zone or exempting those grantees from evaluation.

Response: The agency disagrees. The strategic plan and corresponding evaluation required by the rule are necessary for a high-fidelity implementation of the BLGP. If a participating BLGP school district or open-enrollment charter school has previously earned approval of its plan as a Math Innovation Zone, it should keep the components of the previously approved plan that remain relevant to its non-math blended learning program as components of its BLGP plan. Plan components that need to be adjusted for new subject areas should be adjusted as needed. The comprehensive plan must still receive approval after evaluation.

STATUTORY AUTHORITY. The new section is adopted 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 and online instruction and is facilitated with 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.