

ATTACHMENT II
Text of Proposed New 19 TAC

Chapter 70. Technology-Based 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 high 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 3-8 has demonstrated academic proficiency and has earned a minimum passing grade of 70% or above on a 100-point scale, as assigned by the properly credentialed online teacher(s) for the educational program, sufficient for promotion to the next grade level.
- (4) Texas Virtual School Network (TxVSN)--A state-led 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 (TEC), 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, and institutions of higher education.
- (5) TxVSN central operations--The regional education service center that carries out the day-to-day operations of the TxVSN, including the centralized student registration system, statewide course catalog listings, and other administrative and reporting functions.
- (6) TxVSN online school--A Texas public school district or charter school that meets eligibility requirements and serves students who are enrolled full time in an approved TxVSN Online School program.
- (7) TxVSN Online School (OLS) program--A full-time, virtual instructional program that is made available through an approved provider district and is designed to serve students in Grades 3-12 who are not physically present at school.
- (8) TxVSN provider district--An entity that meets eligibility requirements and provides an electronic course through the TxVSN. Provider districts 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.

- (10) TxVSN statewide course catalog--A supplemental online high school instructional program available through approved providers for students in Grades 8-12.

§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, and TxVSN provider and 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. For courses offered through the TxVSN statewide course catalog, the TxVSN central operations shall:
- (1) coordinate course registration and student enrollments;
 - (2) ensure the eligibility of TxVSN providers;
 - (3) publish an online listing of approved courses; and
 - (4) coordinate reporting requirements.

§70.1005. Texas Virtual School Network Course Requirements.

- (a) All electronic courses to be made available through the Texas Virtual School Network (TxVSN) shall be reviewed and approved prior to being offered.
- (1) Each electronic course approved for inclusion in the TxVSN shall:
- (A) be in a specific subject that is part of the required curriculum;
 - (B) be aligned with the Texas Essential Knowledge and Skills (TEKS) approved for implementation in a given school year for a grade level at or above Grade 3;
 - (C) be the equivalent in instructional rigor and scope to a course that is provided in a traditional classroom setting during:
 - (i) a semester of 90 instructional days; and
 - (ii) a school day that meets the minimum length of a school day;
 - (D) be led by a qualified teacher and designed specifically for an online learning environment, including instructional tools, assessment features, and collaborative communication tools as appropriate;
 - (E) be aligned with the current International Association for K-12 Learning (iNACOL) National Standards for Quality Online Courses;
 - (F) meet accessibility requirements established by the U.S. Rehabilitation Act, §508; the World Wide Web Consortium's (W3C) Web Content Accessibility Guidelines; and TxVSN accessibility guidelines; and
 - (G) ensure that each student enrolled in a TxVSN electronic course takes any applicable assessment instrument required under the Texas Education Code, §39.023, according to the standard administration schedule and that each assessment is supervised by a proctor.

- (2) Secondary (Grades 6-12) science courses shall include at least 40% hands-on laboratory investigations and field work using appropriate scientific inquiry as required by §74.3(b)(2)(C) of this title (relating to Description of a Required Secondary Curriculum).
 - (3) An Advanced Placement (AP) course must have documented approval from the College Board as an AP course prior to submission for TxVSN course review.
 - (4) If the TEKS with which an approved course is aligned are modified, the provider district or school shall be provided the same time period to revise the course to achieve alignment with the modified TEKS as is provided for the modification of a course provided in a traditional classroom setting.
 - (5) An online dual credit course to be offered as part of the TxVSN shall be submitted for review and approval prior to being offered.
 - (6) If the administering authority does not approve an electronic course, a provider district or school may appeal to the commissioner of education.
 - (A) A TxVSN provider must obtain support from the local governing board in order to appeal to the commissioner regarding the administering authority's refusal to approve an electronic course.
 - (B) If the commissioner determines that the administering authority's evaluation did not follow the criteria or was otherwise irregular, the commissioner may overrule the administering authority and place the course in the TxVSN course catalog.
 - (C) The commissioner's decision under this section is final and may not be appealed.
- (b) A Texas public school district or charter school may apply to the commissioner for a waiver of the course review requirement if the school district or charter school certifies that courses they will offer meet all of the requirements of subsection (a)(1) of this section.
- (1) A school district or charter school that receives a waiver of this requirement shall ensure that students enrolled in online courses that have not gone through the course review process perform at a rate at least equal to that of the district or charter as a whole.
 - (2) A school district or charter school that does not maintain student performance at least equal to that of the district or charter as a whole may be required to submit courses for review as a condition of continued participation in the TxVSN.

§70.1007. Texas Virtual School Network Provider District Eligibility and Program Requirements.

- (a) The following entities are eligible to serve as Texas Virtual School Network (TxVSN) provider districts:
- (1) a Texas school district that is rated acceptable as described in the Texas Education Code (TEC), §39.054. A Texas school district may provide an electronic course through the TxVSN to:
 - (A) students enrolled in that district or school; or
 - (B) students enrolled in another school district or school in the state;
 - (2) a charter school that is rated recognized or higher as described in the TEC, §39.202, except that a campus may act as a provider district to students receiving educational services under the supervision of a juvenile probation department, the Texas Juvenile Justice Department, or the Texas Department of Criminal Justice if the campus is rated acceptable under the TEC, §39.054. A charter school may provide an electronic course through the TxVSN to:
 - (A) students within the school district in which the campus is located or within its service area, whichever is smaller;
 - (B) students enrolled in another school district or school in the state through an agreement with the school district in which the student resides; or
 - (C) students enrolled in another school district or school in the state if the student receives educational services under the supervision of a juvenile probation department, the Texas

Juvenile Justice Department, or the Texas Department of Criminal Justice through an agreement with the applicable agency;

- (3) a Texas public or private institution of higher education that provides a course through the TxVSN statewide course catalog; and
 - (4) an education service center that adheres to the general provisions of the TEC, Chapter 8, and that provides a course through the TxVSN statewide course catalog.
- (b) TxVSN provider districts shall:
- (1) 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;
 - (2) notify students in writing upon acceptance to participate in the TxVSN online school with specific dates and details regarding enrollment;
 - (3) meet all federal and state requirements for educating students with disabilities;
 - (4) provide a contingency plan for the continuation of instructional services to all TxVSN Online School (OLS) program students allowing them to complete their TxVSN OLS program subject areas or courses in the event that the contract or agreement through which the TxVSN OLS program instructional services are provided is terminated or a TxVSN OLS program subject area or course becomes unavailable to the student; and
 - (5) 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.

§70.1009. Texas Virtual School Network Online School Eligibility.

- (a) To be eligible to serve as a Texas Virtual School Network (TxVSN) online school, a school district or charter school shall:
 - (1) have a current accreditation status of Accredited as specified in §97.1055 of this title (relating to Accreditation Status);
 - (2) be rated acceptable as described in the Texas Education Code, §39.054;
 - (3) be rated at the Standard Achievement level or higher under the state financial accountability rating system as specified in §109.1003 of this title (relating to Types of Financial Accountability Ratings);
 - (4) have met statutory requirements for timely submission of annual audit and compliance reports, Public Education Information Management System (PEIMS) reports, and timely deposits with the Teacher Retirement System, with all records and reports reflecting satisfactory performance; and
 - (5) be in good standing with other programs, grants, and projects administered through the Texas Education Agency (TEA).
- (b) Based on the most recent available status as of the beginning of a school year, the TEA may suspend a TxVSN Online School (OLS) program that no longer meets the requirements of subsection (a) of this section.

§70.1011. Texas Virtual School Network Online School Program Requirements.

- (a) A Texas Virtual School Network (TxVSN) online school may serve students in Grades 3-12, but may not serve students in Kindergarten-Grade 2.
- (b) A school district or charter school wishing to operate a TxVSN online school in order to serve students in full-time virtual instruction shall, prior to the start of each academic year, notify the Texas Education Agency (TEA) of grade levels to be served and the total number of students to be served during that

academic year. A school district or charter school may not add grade levels after the start of the school year.

- (c) A TxVSN online school or a school district or charter school wishing to begin operating a TxVSN online school shall certify that the online school has courses sufficient to comprise a full instructional program for each grade level served by the online school prior to serving that grade level.
- (d) School districts or charter schools approved to serve as TxVSN online schools shall follow the TEA procedures related to obtaining a campus number for the virtual campus through which they serve their TxVSN online school students.
- (e) School districts and charter schools serving as TxVSN online schools shall:
 - (1) follow the same laws and rules that apply to traditional schools unless otherwise indicated in this chapter;
 - (2) verify the identity and eligibility of each student seeking to enroll full time in TxVSN online courses;
 - (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 instrument required under the Texas Education Code, §39.023, according to the standard administration schedule and that each assessment is supervised by a proctor;
 - (7) allow access to proctored test administrations by any personnel or agent of the TEA;
 - (8) adopt an instructional calendar for the TxVSN online school and keep an instructional calendar for each TxVSN online school student on file and make these records available to the TEA, upon request in the requested electronic format;
 - (9) meet all federal and state requirements for educating students with disabilities;
 - (10) publish on the school district's or charter school's Internet website an Informed Choice Report that includes all of the components required under §70.1031 of this title (relating to Informed Choice Reports);
 - (11) provide a contingency plan for the continuation of instructional services to all TxVSN Online School (OLS) program students allowing them to complete their TxVSN OLS program subject areas or courses in the event that the contract or agreement through which the TxVSN OLS program instructional services are provided is terminated or a TxVSN OLS program subject area or course becomes unavailable to the student;
 - (12) ensure a maximum class size limit of 40 students in a single section of a Grades 5-12 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;
 - (13) organize, retain in a centralized unit or office within the organizational structure of the TxVSN online school, and make available to the TEA, upon request in the requested electronic format, the following:
 - (A) all fiscal documentation;
 - (B) detailed records that support the program of instruction; and
 - (C) detailed records that document student participation in the TxVSN online school and grades earned;

- (14) require contractors to retain and make available to the TEA, upon request in the requested electronic format, any and all financial and programmatic records, including books, documents, papers, and records, which are directly pertinent to that specific contract for 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-year retention period, in accordance with the record retention requirements for federal and state programs as mandated by the Texas State Library and Archives Commission; and
- (15) ensure the ongoing security of all data and its accessibility to the TEA in the requested electronic format.
- (f) School districts and charter schools serving as 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) 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) School districts and charter schools serving as TxVSN online schools may not:
 - (1) deny participation to any student based on ability, language, disability, socio-economic status, or access to or familiarity with technology required for completion of the course or instructional program;
 - (2) give a student or the parents/legal guardians of a student participating in the TxVSN OLS program ownership of any equipment; or
 - (3) provide payment to a student or the parents/legal guardians of a student participating in the TxVSN OLS program for:
 - (A) TxVSN OLS program subject areas or courses;
 - (B) services or materials; or
 - (C) any other purpose, other than reimbursement for Internet connectivity for the duration of the student's participation in the TxVSN OLS program.
- (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.

§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
- (3) the student:
 - (A) is otherwise eligible to enroll in a public school in this state; or
 - (B) the student is a dependent of a member of the United States military, was previously enrolled in high school in this state, and no longer resides in this state as a result of a military deployment or transfer.
- (b) A student is eligible to enroll full time in courses provided through the TxVSN only if:
 - (1) the student was enrolled in a public school in this state for at least one full grading period in the preceding school year;
 - (2) the student has been placed in substitute care in this state, regardless of whether the student was enrolled in a public school in this state in the preceding school year; or
 - (3) the student:
 - (A) is a dependent of a member of the United States military;
 - (B) was previously enrolled in high school in this state; and
 - (C) no longer resides in this state as a result of a military deployment or transfer.

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

- (a) A student taking a course through the Texas Virtual School Network (TxVSN) statewide course catalog or a TxVSN Online School (OLS) program is considered to:
 - (1) be enrolled in a TxVSN course when he or she begins receiving instruction and actively engages in instructional activities in a TxVSN subject area or course;
 - (2) have successfully completed a course if the student demonstrates academic proficiency and earns credit for the course, as determined by the TxVSN teacher; and
 - (3) be, and must be reported as, withdrawn from the TxVSN when the student is no longer actively participating in the TxVSN course or program.
- (b) A student taking a course through the TxVSN statewide course catalog:
 - (1) shall enroll in each TxVSN course through the TxVSN online registration system;
 - (2) shall be assigned a grade by the TxVSN teacher after the drop period established by TxVSN central operations;
 - (3) may withdraw from a course taken through the TxVSN after the instructional start date without academic or financial penalty within the drop period established by TxVSN central operations; and
 - (4) shall have the grade assigned by the TxVSN teacher added to the student's transcript by the student's home district.
- (c) A student enrolled full time in Grades 3-8 must demonstrate academic proficiency sufficient to earn promotion to the next grade, as determined by the TxVSN teacher for the educational program.
- (d) 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.

§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 or 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 3-8, students are considered to have met attendance requirements for that course or program. A student who has successfully completed the grade level or course is eligible to receive any weighted funding for which the student is eligible.
- (c) For audit purposes, TxVSN course providers and TxVSN receiver districts shall maintain documentation to support the students' successful completion and to support verification of compulsory attendance.

§70.1019. Public or Private Institutions of Higher Education.

Public or private institutions of higher education participating as Texas Virtual School Network (TxVSN) provider districts shall:

- (1) serve students statewide. TxVSN student enrollments are not subject to service area priorities or restrictions;
- (2) enroll students through the standardized requirements and application/enrollment process approved by TxVSN central operations or the TxVSN online school; and
- (3) use the articulation agreement available through TxVSN central operations or the TxVSN online school.

§70.1021. Private Entities Providing Online Courses.

Private entities that supply online courses offered by Texas Virtual School Network provider districts as authorized under the Texas Education Code, Chapter 30A, do not become public schools by that relationship. Only school districts and charter schools may claim to be Texas public schools or to be accredited or approved by the Texas Education Agency or the State of Texas. The vendor of the course may not claim those designations in its advertising and informational materials.

§70.1023. Accountability.

- (a) All Texas public school students enrolled in courses through the Texas Virtual School Network (TxVSN) are required to take the statewide assessments as required in the Texas Education Code, §39.023.
- (b) All school districts and charter schools participating in the TxVSN are included in the state's academic accountability system.

§70.1025. Statewide Course Catalog Fees.

- (a) A school district or charter school may charge a fee for enrollment in an electronic course provided through the Texas Virtual School Network (TxVSN) statewide course catalog to a student who resides in Texas and is enrolled in a school district or charter school as a full-time student and enrolled in a course load greater than that normally taken by students in the equivalent grade level.
 - (1) A school district or charter school that is not the provider district or charter school may charge a student a nominal fee, not to exceed \$50, for enrollment in an electronic course provided through the TxVSN.
 - (2) A juvenile probation department or state agency may charge a comparable fee to a student under the supervision of the department or agency.
- (b) A school district or charter school may charge a fee for enrollment in an electronic course provided through the TxVSN during the summer.
- (c) A school district or charter school shall charge a fee 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.
 - (1) TxVSN central operations may only accept course payment from a school district or charter school.
 - (2) The fee for a TxVSN course may not exceed the lesser of the cost of providing the course or \$400.

- (d) A TxVSN statewide course catalog provider district 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.

§70.1027. Requirements for Educators of Electronic Courses.

- (a) Each teacher of an electronic course, including a dual credit course, offered through the Texas Virtual School Network (TxVSN) by a provider district 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 provider district. In addition, each teacher:
 - (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;
 - (B) have a graduate degree in online or distance learning and have demonstrated mastery of the International Association for K-12 Learning (iNACOL) National Standards for Quality Online Teaching; or
 - (C) have two or more years of documented experience teaching online courses for students in Grades 3-12 and have demonstrated mastery of the iNACOL National Standards for Quality Online Teaching; and
 - (2) must successfully complete one continuing professional development course specific to online learning every three years.
- (b) Each teacher of an electronic course, including a dual credit course, offered through the TxVSN by a provider district must meet highly qualified teacher requirements under the Elementary and Secondary Education Act, as applicable.
- (c) The iNACOL National Standards for Quality Online Teaching are adopted by the commissioner of education as the objective standard criteria for quality of an electronic professional development course as required by the TEC, §30A.113.
 - (1) A school district or charter school shall submit to TxVSN central operations any course the school district or charter school seeks to provide to teachers for authorization to teach electronic courses provided through the TxVSN.
 - (2) The Texas Education Agency (TEA) shall use the most recent iNACOL National Standards for Quality Online Teaching to evaluate professional development courses submitted by a school district or charter school for approval.
- (d) School districts and charter schools serving as TxVSN provider districts shall affirm the preparedness of teachers of TxVSN electronic courses to teach public school-age students in a highly interactive online classroom and shall:
 - (1) maintain records documenting:
 - (A) successful initial completion of TxVSN-approved professional development, evidence of prior online teaching, or a graduate degree in online or distance learning; and
 - (B) teachers' demonstrated mastery of the iNACOL National Standards for Quality Online Teaching prior to teaching through the TxVSN;
 - (2) maintain records of successful completion of continuing professional development;

- (3) maintain records documenting successful completion of TxVSN-approved professional development before the end of the school year for any teacher who is hired after the school year has begun; and
- (4) make the records specified in this subsection available to the TEA and TxVSN central operations upon request.

§70.1029. Texas Virtual School Network Participation and Performance Standards.

The commissioner of education may revoke the right to participation in the Texas Virtual School Network (TxVSN) based on any of the following factors:

- (1) noncompliance with relevant state or federal laws;
- (2) noncompliance with requirements and assurances outlined in the contractual agreements with TxVSN central operations and/or the provisions of this subsection and the Texas Education Code, Chapter 30A; or
- (3) consistently poor student performance rates as evidenced by results on statewide student assessments, student withdrawal rates, student completion rates, successful completion rates, and campus accountability ratings.

§70.1031. Informed Choice Reports

The Texas Virtual School Network (TxVSN) website shall include Informed Choice Reports for each electronic course offered through the TxVSN that:

- (1) provide the school year calendar for the instructional program;
- (2) describe the instructional program;
- (3) identify the Learning Management System (LMS), which is the software application for the administration, documentation, tracking, reporting, and delivery of online education courses;
- (4) describe each electronic subject area or course offered, including:
 - (A) subject area or course requirements and prerequisites, as applicable;
 - (B) the Public Education Information Management System (PEIMS) course title and number;
 - (C) the number of credits to be earned for a high school course;
 - (D) a course syllabus for Grades 9-12 or a course overview and lesson guide for Grades 3-8; and
 - (E) indication of Advanced Placement (AP), Southern Association of Colleges and Schools (SACS), and National Collegiate Athletic Association (NCAA) approval, as applicable for a high school course;
- (5) identify all required materials provided by the receiver district or provider district outside the LMS and all materials required to be obtained by the student;
- (6) identify technical system requirements, minimum bandwidth, video player, and plug-in requirements; and
- (7) identify software and browser compatibility needed to complete the course.

§70.1033. Local Policy Regarding Electronic Courses.

Each school district and charter school shall adopt a policy consistent with §70.1035 of this title (relating to Rights Concerning the Texas Virtual School Network) that provides students enrolled in the school district or charter school with the opportunity to enroll in courses provided through the Texas Virtual School Network statewide course catalog.

§70.1035. Rights Concerning the Texas Virtual School Network.

- (a) At the time and in the manner that a school district or charter school informs students and parents about courses that are offered in the district's or school's traditional classroom setting, the district or school shall notify parents and students of the option to enroll in an electronic course offered through the Texas Virtual School Network (TxVSN).
- (b) A school district or charter school in which a student is enrolled as a full-time student may not unreasonably deny the request of a parent/legal guardian of a student to enroll the student in an electronic course offered through the TxVSN.
- (c) A school district or charter school is not considered to have unreasonably denied a request to enroll a student in an electronic course if:
 - (1) the district or school can demonstrate that the electronic course does not meet state standards or standards of the district or school that are of equivalent rigor as the district's or school's standards for the same course provided in a traditional classroom setting;
 - (2) a student attempts to enroll in a course load that:
 - (A) is inconsistent with the student's high school graduation plan; or
 - (B) could reasonably be expected to negatively affect the student's performance on an assessment instrument administered under the Texas Education Code, §39.023; or
 - (3) the student requests permission to enroll in an electronic course at a time that is not consistent with the enrollment period established by the school district or charter school providing the course.
- (d) Notwithstanding subsection (c)(3) of this section, a school district or charter school that provides an electronic course through the TxVSN shall make all reasonable efforts to accommodate the enrollment of a student in the course under special circumstances.
- (e) 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.
 - (4) The commissioner's decision under this section is final and may not be appealed.