DISTANCE LEARNING AND CORRESPONDENCE COURSES

Credit toward state graduation requirements may be granted for distance learning and correspondence courses only as follows:

1. The institution offering the correspondence course is The University of Texas at Austin, Texas Tech University, or another public institution of higher education approved by the Commissioner.

2. Students may earn course credit through distance learning technologies, such as satellite, Internet, two-way videoconferencing, online courses, the Texas Virtual School Network (TxVSN), and instructional television.

3. The distance learning and correspondence courses must include the state-required essential knowledge and skills for such a course.

19 TAC 74.23

TEXAS VIRTUAL SCHOOL NETWORK

"Electronic course" means a course in which:

1. Instruction and content are delivered primarily over the Internet;

2. A student and teacher are in different locations for a majority of the student's instructional period;

3. Most instructional activities take place in an online environment;

4. The online instructional activities are integral to the academic program;

5. Extensive communication between a student and a teacher and among students is emphasized; and

6. A student is not required to be located on the physical premises of the District or open-enrollment charter school.

Education Code 30A.001(4)

PROVIDER SCHOOL DISTRICTS

A "provider school district" is a district that provides an electronic course through the TxVSN to students enrolled in that district or students enrolled in another school district or open-enrollment charter school. A provider school district may offer electronic courses to students and adults who reside in this state and to students who reside outside this state and who meet the eligibility requirements under Education Code 30A.002(c) [see EXCEPTION FOR MILITARY DEPENDENTS, below]. To qualify, the District must be rated acceptable or higher and must provide the course in accordance with Education Code Chapter 30A. *Education Code Ch. 30A.001(7)(A), .101, .107(a)*

An electronic course or program that was offered or could have been offered during the 2008–09 school year under former Education Code 29.909, as that section existed on January 1, 2009, may be offered during a subsequent school year through the TxVSN. *Education Code 30A.006*

STUDENT ELIGIBILITY

A student is eligible to enroll in a course provided through the TxVSN only if the student:

GENERALLY

1. On September 1 of the school year is younger than 21 years of age or is younger than 26 years of age and entitled to the benefits of the Foundation School Program under Education Code 42.003;
2. Has not graduated from high school; and
3. Is otherwise eligible to enroll in a public school in this state.

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 in the preceding school year; or
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.

EXCEPTION FOR MILITARY DEPENDENTS

A student is eligible to enroll in one or more courses provided through the TxVSN or enroll full-time in courses provided through the network if the student:

1. Is a dependent of a member of the United States military;
2. Was previously enrolled in high school in this state; and
3. Does not reside in this state due to a military deployment or transfer.

Education Code 30A.002

ENROLLED STUDENTS

A student who is enrolled in the District as a full-time student may take one or more electronic courses through the TxVSN. *Education Code 30A.107(b)*

UNENROLLED STUDENTS

A student who resides in this state but who is not enrolled in a school district or open-enrollment charter school in this state as a full-time student may, subject to Education Code 30A.155, enroll in electronic courses through the TxVSN. The student:

1. May not in any semester enroll in more than two electronic courses offered through the TxVSN;

2. Is not considered to be a public school student;

3. Must obtain access to a course provided through the network through the school district or open-enrollment charter school attendance zone in which the student resides;

4. Is not entitled to enroll in a course offered by a school district or open-enrollment charter school other than an electronic course provided through the network; and

5. Is not entitled to any right, privilege, activities, or services available to a student enrolled in a public school, other than the right to receive the appropriate unit of credit for completing an electronic course.

Education Code 30A.107(c)

POLICY

The District shall adopt a policy that provides District or school students with the opportunity to enroll in electronic courses provided through TxVSN. The policy must be consistent with the requirements regarding notice, enrollment requests, and students with disabilities as described below. *Education Code 30A.007(a)*

NOTICE

At the time and in the manner that the District informs students and parents about courses that are offered in the District's traditional classroom setting, the District shall notify parents and students of the option to enroll in an electronic course offered through the TxVSN.

REQUESTS TO ENROLL

A district in which a student is enrolled as a full-time student may not unreasonably deny the request of a parent of a student to enroll the student in an electronic course offered through the TxVSN. The District shall make all reasonable efforts to accommodate the enrollment of a student in the course under special circumstances.

The District is not considered to have unreasonably denied a request to enroll a student in an electronic course if:

1. The District can demonstrate that the course does not meet state standards or standards of the District that are of equivalent rigor as the District'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 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 district providing the course.

APPEALS

A parent may appeal to the Commissioner the District's decision to deny a request to enroll a student in an electronic course offered through the TxVSN. The Commissioner's decision under this subsection is final and may not be appealed.

Education Code 26.0031

STUDENTS WITH DISABILITIES

For purposes of the policy, the determination of whether or not an electronic course will meet the needs of a student with a disability shall be made by the student's admission, review, and dismissal committee in a manner consistent with state and federal law, including the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794. *Education Code 30A.007(b)*

PROHIBITION ON REQUIRED ENROLLMENT

The District or open-enrollment charter school may not require a student to enroll in an electronic course. *Education Code 30A.107(d)*

COURSE PORTABILITY

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. *Education Code 30A.1051*

STUDENT ASSESSMENT

Each student enrolled under this chapter in an electronic course offered through the TxVSN must take any assessment instrument under Education Code 39.023 that is administered to students who are provided instruction in the course material in the traditional classroom setting. The administration of the assessment instrument to the student enrolled in the electronic course must be supervised by a proctor.

The District shall report to the Commissioner through the Public Education Information Management System (PEIMS) the results of assessment instruments administered to students enrolled in an electronic course offered through the TxVSN separately from the results of assessment instruments administered to other students.

Education Code 30A.110

FEES

The District may charge a fee for enrollment in an electronic course provided through the TxVSN to a student who resides in this state and:

1. Is enrolled in the District or open-enrollment charter school as a full-time student; and

2. Is enrolled in a course load greater than that normally taken by students in the equivalent grade level in other school districts or open-enrollment charter schools.

The District may charge a fee for enrollment in an electronic course provided through the TxVSN during the summer.

The District shall charge a fee for enrollment in an electronic course provided through the TxVSN to a student who resides in this state and is not enrolled in a school district or open-enrollment charter school as a full-time student.

The amount of a fee charged a student for each electronic course in which the student enrolls through the TxVSN may not exceed the lesser of:

1. The cost of providing the course; or

2. $400.

A district that is not the provider school district or school may charge a student enrolled in the district a nominal fee, not to exceed the amount specified by the Commissioner, if the student enrolls in an electronic course provided through the TxVSN that exceeds the course load normally taken by students in the equivalent grade level.

Education Code 30A.155(a)–(c-1)

APPLICABILITY

Unless the District chooses to participate in providing an electronic course or an electronic diagnostic assessment under Education Code Chapter 30A to a student who is located on the physical premises of the District or open-enrollment charter school, Chapter 30A does not affect the provision of a course to such a student.

Requirements imposed by or under Education Code Chapter 30A do not apply to a virtual course provided by the District only to District students if the course is not provided as part of the TxVSN.

Education Code 30A.004