

ALTERNATIVE METHODS FOR EARNING CREDIT  
DISTANCE LEARNING

EHDE  
(LEGAL)

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

The TxVSN is a state-led initiative for online learning authorized by Education Code Chapter 30A. The TxVSN is a partnership network administered by TEA in coordination with regional education service centers (ESCs), Texas public school districts and charter schools, and institutions of higher education.

The TxVSN is comprised of two components—the online school (OLS) program and the statewide course catalog.

*19 TAC 70.1001(4)*

ONLINE SCHOOL  
(OLS) PROGRAM

“Online School (OLS) program” is a full-time, virtual instructional program that is made available through an approved course provider and is designed to serve students in grades 3–12 who are not physically present at school. *19 TAC 70.1001(7)*

A TxVSN OLS may serve students in grades 3–12 but may not serve students in kindergarten–grade 2.

A school district wishing to operate a TxVSN OLS in order to serve students in full-time virtual instruction shall, prior to the start of each academic year, notify TEA of grade levels to be served and the total number of students to be served during that academic year. A school district may not add grade levels after the start of the school year.

A TxVSN OLS or a school district wishing to begin operating a TxVSN OLS shall certify that the OLS has courses sufficient to comprise a full instructional program for each grade level served by the OLS prior to serving that grade level.

School districts approved to serve as TxVSN OLSs shall follow the TEA procedures related to obtaining a campus number for the virtual campus through which they serve their TxVSN OLS students.

School districts serving as TxVSN OLSs must follow all requirements in 19 Administrative Code 70.1011.

*19 TAC 70.1011*

STATEWIDE  
COURSE CATALOG

“Statewide course catalog” is a supplemental online high school instructional program available through approved providers. *19 TAC 70.1001(10)*

COURSE  
PROVIDERS

A TxVSN course provider is an entity that provides an electronic course through the TxVSN. Course providers include TxVSN OLSs and providers in the statewide course catalog. *19 TAC 70.1001(8)*

ELECTRONIC  
COURSE

“Electronic course” means an educational 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 a school district or open-enrollment 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.

*Education Code 30A.001(4); 19 TAC 70.1001(1)*

OLS ELIGIBILITY

To be eligible to serve as a TxVSN OLS, a school district shall:

1. Have a current accreditation status of Accredited under 19 Administrative Code 97.1055 (relating to Accreditation Status);
2. Be rated acceptable under Education Code 39.054;

3. Be rated at the Standard Achievement level or higher under the state financial accountability rating system under 19 Administrative Code 109.1003 (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 TEA.

*19 TAC 70.1009(a)*

STATEWIDE  
COURSE  
CATALOG  
PROVIDER  
ELIGIBILITY

To be eligible to serve as a TxVSN statewide course catalog provider, a district must be rated acceptable under Education Code 39.054. A Texas school district may provide an electronic course through the TxVSN to students enrolled in that district or school or students enrolled in another school district or school in the state.  
*19 TAC 70.1007(a)*

GENERAL  
REQUIREMENTS

TxVSN course providers shall:

1. Notify parents and students of the option to enroll in the TxVSN OLS at the time and in the manner that the school district informs students and parents about instructional programs or courses offered in the district's traditional classroom setting;
2. Notify students in writing upon enrollment to participate in the TxVSN OLS 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 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, as applicable, whichever is less.

*19 TAC 70.1007(b)*

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COURSES	<p>All electronic courses to be made available through the TxVSN shall be reviewed and approved prior to being offered in accordance with the course requirements at 19 Administrative Code 70.1005. <i>19 TAC 70.1005(a)</i></p> <p>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. <i>Education Code 30A.006</i></p>
STUDENT ELIGIBILITY GENERALLY	<p>A student is eligible to enroll in a TxVSN course only if the student:</p> <ol style="list-style-type: none"><li>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;</li><li>2. Has not graduated from high school; and</li><li>3. Is otherwise eligible to enroll in a public school in this state.</li></ol> <p>A student is eligible to enroll full-time in courses provided through the TxVSN only if:</p> <ol style="list-style-type: none"><li>1. The student was enrolled in a public school in this state in the preceding school year; or</li><li>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.</li></ol>
EXCEPTION FOR MILITARY DEPENDENTS	<p>A student is eligible to enroll in one or more TxVSN courses or enroll full-time in courses provided through the network if the student:</p> <ol style="list-style-type: none"><li>1. Is a dependent of a member of the United States military;</li><li>2. Was previously enrolled in high school in this state; and</li><li>3. No longer resides in this state as a result of a military deployment or transfer.</li></ol>
PROVISIONAL ENROLLMENT	<p>If a student has not provided required evidence of eligibility to enroll, a TxVSN OLS may enroll a student provisionally for ten school days and withdraw the student from the OLS if the student does not provide the required evidence of eligibility within ten school days of the provisional enrollment.</p> <p>Upon enrolling a student provisionally, the TxVSN OLS shall notify the student and the student's parents or guardians that the student will be withdrawn if documentation is not provided within the required timeframe.</p> <p><i>Education Code 30A.002; 19 TAC 70.1013</i></p>

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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)*

ENROLLMENT,  
ADVANCEMENT,  
AND  
WITHDRAWAL

A student taking a course through the TxVSN statewide course catalog or a TxVSN 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.

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.

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.

*19 TAC 70.1015*

COMPULSORY  
ATTENDANCE

Texas public school students are not required to be in physical attendance while participating in courses through a TxVSN OLS or the TxVSN course catalog.

Based upon successful completion of a TxVSN course for students in grades 9–12 or a TxVSN 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.

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.

"TxVSN receiver district" means a Texas public school district that has students enrolled in the school district who take one or more online courses through the TxVSN statewide course catalog.

*19 TAC 70.1001(9), .1017*

LOCAL POLICY

The District shall adopt a written policy that provides students enrolled in the District with the opportunity to enroll in electronic courses provided through the TxVSN statewide course catalog. The policy must be consistent with the requirements regarding notice, enrollment requests, and students with disabilities as described below.

The District shall, at least once per school year, send to a parent of each District student enrolled at the middle or high school level a copy of the policy. The District may send the policy with any other information that the District sends to a parent.

*Education Code 30A.007; 19 TAC 70.1033*

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NOTICE	<p>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.</p>
REQUESTS TO ENROLL	<p>Except as provided below, the District may not deny the request of a parent of a full-time student to enroll the student in an electronic course offered through the TxVSN.</p> <p>The District may deny a request to enroll a student in an electronic course if:</p> <ol style="list-style-type: none"><li>1. A student attempts to enroll in a course load that is inconsistent with the student's high school graduation plan or requirements for college admission or earning an industry certification;</li><li>2. 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; or</li><li>3. The District offers a substantially similar course.</li></ol> <p>The district providing the course shall make all reasonable efforts to accommodate the enrollment of a student in the course under special circumstances.</p> <p>If a parent of a student requests permission to enroll the student in a TxVSN course, the District has discretion to select a course provider approved by TEA for the course in which the student will enroll based on factors including the informed choice report required by Education Code 30A.108(b).</p>
APPEALS	<p>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.</p> <p><i>Education Code 26.0031; 19 TAC 70.1035</i></p>
STUDENTS WITH DISABILITIES	<p>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 (ARD) 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. <i>Education Code 30A.007(b)</i></p>

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REQUIRED ENROLLMENT PROHIBITED	The District or open-enrollment charter school may not require a student to enroll in an electronic course. <i>Education Code 30A.107(d)</i>
INDUCEMENTS FOR ENROLLMENT PROHIBITED	A course provider may not promise or provide equipment or any other thing of value to a student or a student's parent as an inducement for the student to enroll in an electronic course offered through the TxVSN. The Commissioner shall revoke approval of electronic courses offered by a course provider that violates this prohibition. The Commissioner's action under this section is final and may not be appealed. <i>Education Code 30A.1052</i>
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. <i>Education Code 30A.1051; 19 TAC 70.1015(d)</i>
STUDENT ASSESSMENT	<p>All Texas public school students enrolled in the TxVSN are required to take the statewide assessments as required in Education Code 39.023 [see EKB]. The administration of the assessment instrument to the student enrolled in the electronic course must be supervised by a proctor.</p> <p>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.</p> <p>All districts participating in the TxVSN OLS program are included in the state's academic accountability system.</p> <p><i>Education Code 30A.110; 19 TAC 70.1023</i></p>
FUNDING	<p>The district in which a student is enrolled is entitled to funding under Education Code Chapter 42 for the student's enrollment in a TxVSN course in the same manner that the district is entitled to funding for the student's enrollment in courses provided in a traditional classroom setting, provided that the student successfully completes the electronic course.</p> <p>Funding is limited to a student's enrollment in not more than three electronic courses during any school year, unless the student is enrolled in a full-time online program that was operating on January 1, 2013.</p> <p><i>Education Code 30A.153</i></p> <p>The District may decline to pay the cost for a student of more than three yearlong electronic courses, or the equivalent, during any</p>

school year unless the student is enrolled in a full-time online program that was operating on January 1, 2013. If the District declines to pay the cost, a student is able to enroll in additional electronic courses at the student's cost. *Education Code 26.0031(c-1)*

COURSE COST

The District may charge the course cost for enrollment in a TxVSN course to a student who resides in this state and:

1. Is enrolled in the District as a full-time student with a course load greater than that normally taken by students in the equivalent grade level in other school districts; or
2. Elects to enroll in a TxVSN course for which the District in which the student is enrolled as a full-time student declines to pay the cost as authorized by Education Code 26.0031(c-1).

The District may charge the course cost for enrollment in a TxVSN course during the summer.

The District shall charge the course cost for enrollment in a TxVSN course 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.

A TxVSN course cost may not exceed the lesser of the cost of providing the course or \$400.

A district that is not the course provider may charge a student enrolled in the district a nominal fee, not to exceed \$50, if the student enrolls in a TxVSN course that exceeds the course load normally taken by students in the equivalent grade level.

A TxVSN statewide course catalog provider shall receive:

1. No more than 70 percent of the catalog course cost prior to a student successfully completing the course; and
2. The remaining 30 percent of the catalog course cost when the student successfully completes the course.

*Education Code 30A.155(a)-(c-1); 19 TAC 70.1025*

EDUCATORS OF  
ELECTRONIC  
COURSES

Each teacher of an electronic course, including a dual credit course, offered through the TxVSN by a course provider must be certified under Education Code 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 course provider.

In addition, each teacher must successfully complete one continuing professional development course specific to online learning every three years, and:

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1. Successfully complete a professional development course or program approved by TxVSN central operations before teaching an electronic course offered through the TxVSN; or
2. 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
3. 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.

Each teacher of an electronic course, including a dual credit course, offered through the TxVSN by a course provider must meet highly qualified teacher requirements under the Elementary and Secondary Education Act, as applicable.

School districts and charter schools serving as TxVSN course providers 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 TEA and TxVSN central operations upon request.

*19 TAC 70.1027*

REVOCATION

The Commissioner may revoke the right to participation in the 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 these provisions and 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, or campus accountability ratings.

*19 TAC 70.1029*

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*