

Virtual Education in Texas

by Emily Sass and Austin Griesinger



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Virtual Education in Texas

Emily Sass and Austin Griesinger

Executive Summary

In the K-12 sector, the state of Texas has created limitations on virtual education that have led to unexpected consequences. Though these consequences existed before this spring's COVID-19 pandemic, they have been thrown into sharper relief by its presence. Because of the Legislature's prior reluctance to allow districts to develop virtual education resources, districts and the Texas Education Agency have had to create emergency solutions under daunting timelines. Until spring of 2020, only 8 districts out of Texas's approximately 1,200 were *allowed* to operate a virtual program of study should they choose to.

In contrast, the state of Florida has gradually incorporated virtual elements into its educational system. Each district must have a virtual school liaison, and students earning a standard diploma are required to take at least one online class ([Florida Department of Education, 2019, p. 2](#)). When the pandemic arrived, Florida engaged a system already built, offering training in virtual education and stipends to teachers ([Florida Department of Education, 2020](#)), offering courses free of charge to districts, and scaling up its platform capacity from a couple hundred thousand students to 2.7 million students within weeks ([RedefinED staff, 2020](#)).

There is no one ideal education delivery system. Virtual education will not, and should not, replace the role of teachers in students' lives; rather, it should extend it. Nor should this modality be imposed upon students regardless of student or family preferences. If allowed to develop, however, it could become another education solution available to districts and the families they serve.

Eventually, this pandemic will subside, and the overwhelming demand of recent months will decline to more stable levels. But COVID-19 is not the last disaster that will befall Texas. Allowing the development of flexible school models can allow more students to learn in the way they prefer and create a more resilient public education system.

This paper discusses the history and structure of virtual education in Texas, what Texas can learn from the virtual schools that do exist in this state and from programs in other states, and recommendations for empowering districts and families during these unusual times and beyond.

Introduction

This paper consists of three general divisions: a discussion of the history and structure of virtual education in Texas, an examination of what Texas can learn from the virtual schools that do exist in this state and from programs in other states, and a set of policy recommendations intended to empower districts and families both during these unusual times and beyond. It begins with a summary of the general landscape of digital education and an explanation of key terms.

Summary of Digital Learning and Key Terms

The field of digital education is broad, multi-faceted, and still relatively new to the public consciousness. Many people may be unaware of what terms like "remote learning" refer to, and how that may be different from "virtual school."

Key Points

- From 2013 until spring of 2020, only 8 districts out of Texas's approximately 1,200 were allowed to operate a full-time virtual program of study should they choose to.
- Having a system in place to support a smooth transition to and from a virtual setting could improve a district's instructional continuity—or the entire state's—in times of disaster.
- The COVID-19 pandemic has increased parents', districts', and teachers' interest in taking advantage of virtual education.
- Current regulations limit the availability and flexibility of virtual programs in Texas. Making changes in these areas would help expand both school district and student agency.
- The state of Florida has one of the most robust virtual education networks in the country. Beginning in the 1990s, it has gradually incorporated virtual elements into its educational system.

This section attempts to bring clarity and definition to the terms most frequently encountered in this field.

Digital Education

“Digital education,” or “digital learning,” is the broadest term available to describe the use of some form of digital technology in providing education. This could include virtual education, blended learning, hybrid schools, game-based education software, computer-based practice tests, or any other educational approach that uses technology to advance or complement learning.

Virtual Education

“Virtual education” usually refers to education services that are primarily or completely delivered online. Virtual education can be provided as single courses or an all-inclusive curriculum. These courses can be almost entirely student-directed or run by district teachers in real time.

A “virtual school” or “online school” is a school that provides a full-time program to students in an online setting. “Supplemental courses,” in Texas’s system, are virtual courses that are made available to students to augment their education (as the term implies, they are not full-time).

Remote Learning

“Remote learning” and “distance learning” are generally used to refer to any learning that is conducted when the teacher and student are not in the same physical space. Remote learning can happen using high-tech methods, such as videoconferencing, or low-tech methods, such as printed workbooks.

Styles of Instruction

Virtual education can, and often does, employ both “synchronous” and “asynchronous instruction.” In synchronous instruction, teachers provide instruction at the same time that students are receiving it, though not necessarily in the same place. The traditional classroom model usually provides synchronous instruction. One benefit of synchronous instruction is that students can ask their teacher questions in real time.

In asynchronous instruction, students receive instruction at a different time than the teacher delivered it. One benefit of asynchronous instruction is that students can absorb material at their own pace: they can stop and start the lesson, rewatch a video, or practice a sample problem.

A “flipped classroom” is an example of asynchronous instruction (which may or may not also occur in a virtual environment). In a typical flipped classroom, a student spends time at home interacting with instructional material, often a recorded video, explaining a concept and providing examples. In-class time is spent doing “homework” with

support from the teacher, akin to office hours at the university level.

Remote learning that is not virtual—via printed workbooks, for instance—must, of necessity, be asynchronous.

Blended Learning

“Blended learning” is a mixture of in-person education at a physical school and the use of virtual tools and digital data to customize a student’s educational experience. The specifics of a blended learning program are as varied as the number of programs that exist. The model is generally designed to allow teachers to better diagnose students’ mastery of content and adjust their teaching accordingly.

The Texas Legislature has recently encouraged the development of blended learning programs through the creation of grants that offer additional funding for their creation. House Bill 3 ([2019, p. 218](#)) established the Blended Learning Grant Program, providing grants for at least 25 school districts to design and build blended learning programs ([Texas Education Agency, 2019b](#)).

Hybrid Schools

“Hybrid schools” or “hybrid models” are perhaps the newest terms in this landscape. They have been coined to describe a type of blended learning model that spans both virtual education as defined above and traditional classroom instruction. Students in hybrid schools spend time taking classes in both virtual and in-person environments. A physical space may also be provided for students to use if they choose while completing their virtual classwork.

For the sake of space and clarity, this paper is primarily concerned with the policy surrounding virtual education as defined above. Other aspects of remote, blended, and hybrid learning, though indeed worthy of additional study, will not be addressed to the same degree in this paper.

Summary of Virtual Education in America

Though often regarded as a recent development in education, virtual education dates back at least 25 years to the first online supplemental course program, which was started in 1995 in Eugene, Oregon ([Greenaway & Vanourek, 2006, p. 36](#)). Greenaway and Vanourek consider the correspondence course to be its pre-digital predecessor, which dates back as early as the late 19th century.

In the 2018-19 school year, 32 states allowed for the operation of online schools, and approximately 375,000 students attended a full-time online school ([Digital Learning Collaborative, 2020, p. 8](#)). Not all students taking virtual courses, however, enroll in a full-time virtual school. Regarding these supplemental courses, the Digital Learning Collaborative ([2019a](#)) reports that, as of the 2016-17 school

year, “23 state virtual schools provided a total of nearly one million course enrollments to 420,000 students” (p. 6). (Note that this number does not include courses provided independently of a state-run virtual school. As Texas does not operate a state-run virtual school, Texas virtual course enrollments would not be included in this number.)

Some states use virtual education to allow for occasional days of remote learning throughout the school year, referred to variously as “virtual days,” “eLearning days,” and other terms depending on the state. These days can be a response to planned events, such as professional development days, or unplanned events, such as school closures due to inclement weather or an epidemic. At least 12 states have state policy providing for these days to be counted toward attendance, and districts in at least four other states have developed such a plan at the district level ([Digital Learning Collaborative, 2019b, pp. 3-4](#)).

Summary of Virtual Education in Texas

Texas K-12 education has had the potential to include virtual elements for years; the first legislative action to address the topic was taken in 2001 (see page 9). While the state does allow some districts to offer virtual education programs, there are limits on what most districts can offer even to their own students. Under normal Texas law, for instance, only 8 school districts are authorized to offer a full-time virtual program ([House Bill 1926, Enrolled Version, 2013](#)).¹

The Texas Virtual School Network (TXVSN) is the framework through which virtual education formally exists and operates in Texas. During the 2018-19 school year, there were 15,952² Texas students (approximately 0.3% of Texas’s student population that year) enrolled in full-time online schools and more than 8,000 course enrollments in supplemental online courses ([Texas Education Agency, 2019a, p. ix](#); [Texas Virtual School Network, n.d.-f](#)). There are 13 approved course providers ([Texas Virtual School Network, n.d.-e](#)) and 8 approved providers of full-time programs (C. Duke, personal communication, May 5, 2020).

Since spring 2020, Texas Education Agency (TEA) has begun compiling optional virtual resources for Texas districts at a new site, [Texas Home Learning](#). This exists outside of the current TXVSN framework, providing instructional supports and a learning management system to school districts as they create virtual offerings for their enrolled students under state waivers during the 2020-21 school year.

¹ See pp. 9 and 15 for more information.

² Calculated using enrollment data from Texas Academic Performance Reports.

The Uses of Virtual Education

Serving Student Populations

Virtual education offers additional flexibility for districts to meet student needs. In a public health event like the COVID-19 pandemic, districts overwhelmingly have needed that flexibility to serve their students remotely. But even in normal times, students have distinct needs and preferences which in some cases may make a virtual model attractive. Students who are academically advanced or struggling, students with health concerns that limit their interactions with other children, and students who are being bullied, among others, may prefer a virtual delivery model.

The Digital Learning Collaborative ([2020](#)) notes that, “for the small number of families who choose online schools, parents often feel that the school is the best option for their child. For some students with health issues, an online school may be their only viable option” (p. 9).

A Pearson report ([2018](#)) on Connections Academy, a full-time virtual program affiliated with Pearson, examined Connections student enrollment during the 2015-16 school year and found the following:

Examination of the data revealed seven distinct profiles for students choosing a Connections Academy virtual school.

Below are the predominant characteristic(s) for each of these clusters:

1. Academically advanced students
2. Academically struggling students
3. Students experiencing health problems
4. New students experiencing bullying
5. Returning students who originally enrolled with numerous challenges, including those captured in the previous clusters
6. & 7. Students new to Connections Academy schools or returning, both of which were seeking flexibility and choice (p. 23)

Of course, the COVID-19 pandemic has created a moment in which schools and students across the country have been exposed to emergency remote education, and in many cases, some sort of emergency virtual education, ranging from comprehensive ([Swaak, 2020](#)) to practically non-existent ([Lake et al., 2020](#)). Recent MIT research ([Reich et al., 2020](#)) on state responses to the COVID-19 pandemic pointed out that “when motivation and access are high,

adolescents and young adults show great proficiency in learning online” (p. 2) but expressed concerns over the wide variance in both those variables, exacerbated by a period of time in which universal remote education has been sudden and involuntary (pp. 1-2). While stories abound of the struggles concomitant to this abrupt switch (Hobbs & Hawkins, 2020), other reports indicate that some families may have been more pleasantly surprised by what virtual education has to offer.

[Learning Heroes](#), for example, regularly surveys parents to assess their thoughts and opinions about their children’s education. In a recent survey highlighting spring 2020 COVID-19 closures, 57% of parents agreed “that their child’s remote schooling is working better than they expected” (Park & Winchester, 2020, p. 15). Percentages of agreement were even higher among African American and Hispanic parents (who were intentionally oversampled in this survey): 64% of African American parents and 62% of Hispanic parents agreed with the above statement. This does not mean remote learning is easy—52% also agreed “that supporting their child while they are doing remote schoolwork is harder than they expected it to be.”

Anecdotally, one middle-school student recently wrote of her experience moving to remote education, asserting that her ability to learn had increased and highlighting her positive experience with asynchronous instruction and the ability that learning remotely gave her to focus without other classroom distractions (Mintz, 2020). A mother recorded her own and other parents’ experiences watching their children’s moods lift and stress levels improve (Schroeder, 2020). Los Angeles Unified School District Superintendent Austin Beutner observed to the press that “some students, especially adolescents navigating middle school, have excelled at home, away from the pressures of school and a strict routine” (Campa, 2020, para. 10). The *New York Times* recently reported, “Enough students are benefiting from this crash course in remote learning that parents and educators are wondering if, when buildings reopen, there are aspects that can be continued for these students, as well as lessons that can apply to everyone else. ... Educational consultants at [Teaching Matters](#), an organization focused on increasing teacher effectiveness, say the teachers they work with in New York City public schools each have at least one or two students who are thriving remotely” (Harris, 2020, paras. 6, 19).

For multiple student populations, virtual education appears to offer unique benefits. Better-developed offerings to serve these students could become a silver lining of the COVID-19 pandemic.

Expanded Alternatives for Districts

If a district were able to offer a virtual option to these students and others, students could benefit from maintaining key community ties with the district, such as relationships with district teachers and involvement in district sports; the district would also have the chance to retain the student’s enrollment and per-pupil funding.

Because of the current limitations on virtual education, students who wish to attend a Texas virtual school must enroll in one of a handful of districts, leading to wide geographic spreads in student population. Texas Connections Academy at Houston ISD, though located in Houston, maps its enrollment across the entire state in **Figure 1**.

In districts where private school enrollment or home-schooling are prevalent, a virtual or hybrid program could be an avenue for district diversification to encourage retention or even re-enrollment. According to TEA student withdrawal data, over 24,000 students in grades 7-12 withdrew from Texas public schools in the 2017-2018 school year with the intent to homeschool, and nearly 23,000 in 2018-2019 (J. Newman, personal communication, August 18, 2020). Though official numbers have yet to be released, observed withdrawal numbers in the summer months of 2020 appear to have significantly increased year over year, exceeding the previous year’s monthly numbers by 4 to 10 times (Texas Home School Coalition, 2020). The Texas Home School Coalition estimates the total number of homeschooled students in Texas at roughly 300,000-350,000 students; the Texas Private Schools Association estimates Texas private school enrollment at 250,000 students (J. Newman, personal communication, May 6, 2020; L. Colangelo, personal communication, Sep. 15, 2020).

Emergency Response

An expanded system of virtual education in Texas could also serve as a method of emergency response. Other states (as mentioned on page 5) use virtual programs to serve students during temporary school closures, planned or not (Digital Learning Collaborative, 2019b, p. 3). The state of Florida leveraged its preexisting statewide virtual education system to rapidly scale its remote student services during the COVID-19 pandemic (see page 18). Having a system in place to support a smooth transition to and from a virtual setting could improve a district’s instructional continuity—or the entire state’s—in times of disaster.

COVID-19 and the 2020-21 School Year

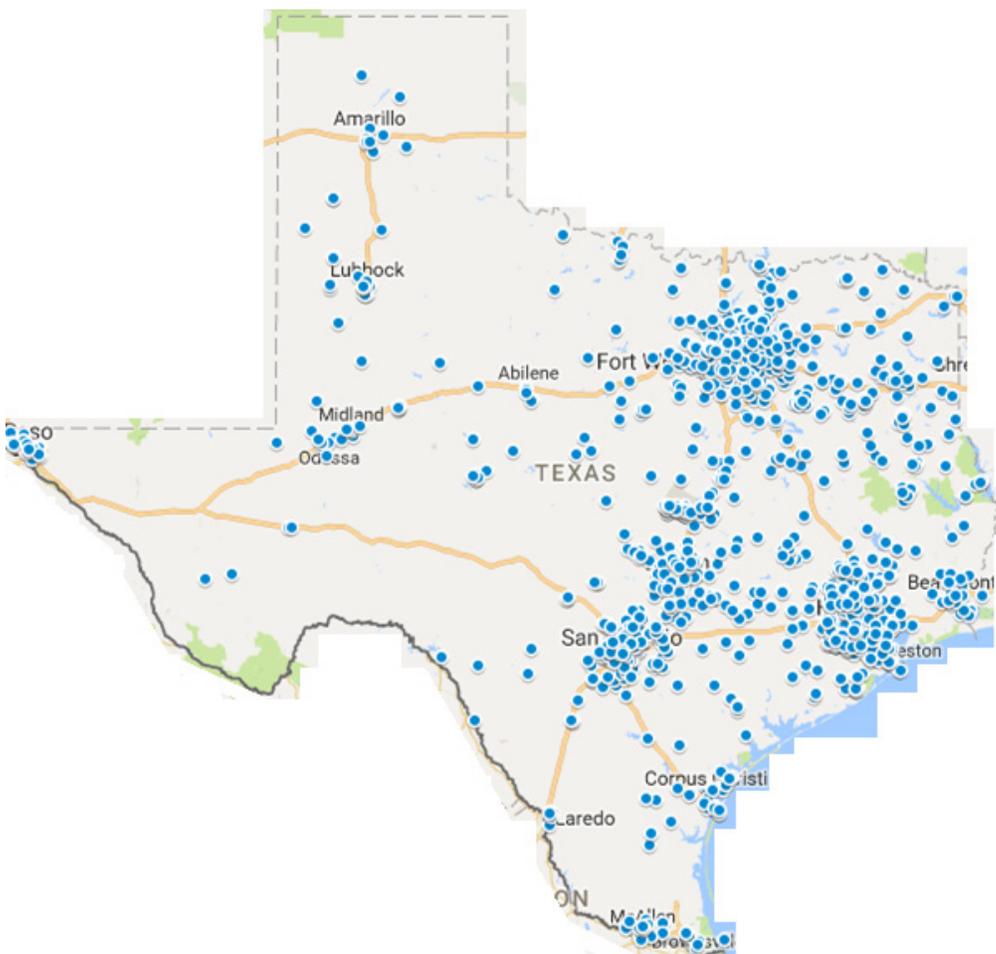
COVID-19 has reminded us that backup plans are desirable, and a diversification of educational models can be an asset. While the National Institute of Allergy and Infectious Diseases’ director, Dr. Anthony Fauci, recently expressed optimism that a vaccine could be proven “safe and effective”

by the end of the year ([Mascarenhas, 2020, para. 1](#)), in the absence of a vaccine or other treatments, communities may expect or require accommodations to discourage the spread of disease. Such accommodations may necessitate rethinking the use of the physical space available to districts. The CDC's recent guidance provides an extensive list of potential mitigation strategies, including social distancing measures such as:

- Use of face coverings by staff and students when possible
- Keeping students in smaller groups and limiting contact between groups
- Staggering schedules to maintain group separation
- Six-foot spacing of desks where feasible
- Limited use and regular cleaning of common areas such as cafeterias, and
- Creating telework and virtual learning alternatives for vulnerable staff and students. ([Centers for Disease Control, 2020](#))

Should steps of this kind be desired, allowing families who wish to access education virtually could relieve some of the accompanying logistical burden. Independent of federal, state, or local guidelines, information over the summer implies that parents are concerned about students returning to the classroom and interested in exploring other options. In a May RealClear Opinion Research survey, over 40% of parents said they were more likely to enroll their child in a “neighborhood homeschool co-op, or virtual school once the lockdowns are over”; the majority of these parents responding “more likely” were ethnic minorities ([Schulz, 2020, para. 4](#)). A *USA Today*/Ipsos poll released almost 2 weeks later found that 60% of parents of a K-12 student said “they would be likely to pursue at-home learning options instead of sending back their children [to campuses] this fall,” with 30% saying they were “very likely” to do that” ([Page, 2020, para. 3](#)). It also found that parents were split on whether students should go back to classrooms before a vaccine is developed, while approximately two thirds of parents and teachers supported the idea of a hybrid model.

Figure 1
Texas Connections Academy at Houston ISD, Enrollment as of Fall 2017



Note. From *Connections Academy*.

An August EdChoice poll ([DiPerna, 2020](#)) found that 71% of parents supported school being completely online, with 46% strongly supporting (63% also supported school completely in-person with safety measures). Seventy percent said that schools should offer more than one learning option in the fall. If this interest continues into the school year, the implications could be significant. According to the National Center for Education Statistics ([Grady, 2017](#)), slightly over 3% of children nationwide were homeschooled in 2016, and less than 1% of K-12 students nationwide attended a full-time virtual school in 2018-19 ([Digital Learning Collective, 2020, p. 9](#)). Though some states have student percentages higher than the national, “no state has more than 4%” ([p. 9](#)) of students enrolled in a full-time online school.

First returns of parent sentiment this fall seem to support the summer outlook, at least for the beginning of the school year.

A Civis Analytics survey (2020a) found that 46.3% of American parents said their children would be attending school remotely. In addition,

39.7% of parents of K-12 students across the US say that they have disenrolled their children from the school they were originally supposed to attend this year, in response to school reopening plans. Of those that disenrolled their children, 57.8% have enrolled their child or children in an online program, 26.8% have enrolled their child or children in a public school, and 20.5% have enrolled their child or children in a private school. 83.3% of parents who disenrolled their children say that they will re-enroll their children back into the original school once it is safe to do so. (para. 2)

These results held true for Texas as well (Civis Analytics, 2020b): 46.0% of Texas parents said their children would be attending school remotely, and 39.0% said they had disenrolled from their original school (the attendance breakdown post-disenrollment was also similar, except that reported public enrollment was nearly 10 points higher than the national number).

Teachers have also expressed concern over the summer about the 2020-21 school year. The CDC (2020b) states that, of reported COVID-19 deaths, 8 out of 10 have occurred in adults 65 years old and above; in 2017-18, the National Center for Education Statistics reports, 16.5% of public school teachers nationwide were 55 years old or older (the age category is not broken down further; Taie & Goldring, 2020, p. 9). A May USA Today/Ipsos poll found that “1 in 5 teachers say they are unlikely to go back to school if their classrooms reopen in the fall” (Page, 2020, para. 2). Two thirds of teachers and parents supported the idea of allowing teachers at high risk to continue to teach online as teachers at low risk head back to classrooms.

Another survey by *Education Week* (Kurtz & Bushweller, 2020) found that, even though 82% of teachers felt they were more effective in a school or office than teaching from home, “65 percent of educators say schools should stay shut to slow the spread of the coronavirus. ... More than 1 in 3 educators say they have a physical condition associated with a higher risk of suffering serious illness from the virus[, and n]early 2 of every 3 educators are concerned about the health implications of resuming in-person instruction” (subheads 1, 2, 3).

These considerations, taken together, increase the timeliness of the conversation surrounding virtual education. It seems likely that parents, teachers, and simple logistics will benefit from increased inclusion of high-quality virtual education into district plans in at least the near future.

Research Outcomes on Virtual Education

Research on the efficacy of virtual education appears mixed. The vast array of possible digital education designs and applications can make comparisons between them difficult, much less between an online course and a traditional course. Study designs are often narrow, making the results difficult to generalize (Digital Learning Collaborative, 2018).

The most common questions from the public about virtual education center on student achievement: Do students in virtual classes perform as well or better than students in traditional classes? Obviously, the answer to that question depends heavily on the students in question and the methods of instruction used. Studies of varying design and rigor centering on different programs have found commensurately varying results for student achievement.

In 2009, a U.S. Department of Education meta-analysis and review of empirical studies of online learning found that online students performed better than in-person students, though it warned about generalizing findings too broadly (Means et al., 2009). Referring to this and other meta-analyses, Lowes and Lin (2018) note that “in general, the meta-analyses suggested that online education done well is as good as face-to-face education done well” (p. 92).

A 2015 statistical analysis of Florida’s virtual school system, called by Harvard’s Martin West “the first credible evidence on the effects of online courses on student achievement in K-12 schools,” found that Florida high school students taking online Algebra or English I courses performed as well or better on state tests than students taking the traditional version of the same courses. It also showed that students were accessing courses not otherwise available at their high schools (paras. 1, 3).

At least two randomized control trials exist which compare student outcomes. One, conducted by the American Institutes for Research and the Education Development Center (Heppen et al., 2011), compared algebra course offerings to 8th-grade students in Maine and Vermont. It found that the virtual students not only outperformed the in-person students on the final assessment but also were more likely to take advanced courses in later grades. The other, examining the comparative effectiveness of algebra credit recovery courses for at-risk students in Chicago Public Schools, found that the virtual students said the course was more difficult and were less likely to recover credit but performed the same as the control group on all outcomes measured the following year, including subsequent assessments, subsequent courses, on-track rates, and total math credits by the end of the following year (Heppen et al., 2017).

On the other hand, a 2015 study ([Woodworth et al., 2015](#)) of online charter schools conducted by Stanford's Center for Research on Education Outcomes (CREDO) found that online charter students experience lower academic growth in reading and math than their in-person peers. It also examined various instructional and organizational practices, finding, among other things, that “attending schools which offered some self-paced classes” yielded strong positive correlations, and “placing more instructional responsibilities on parents was strongly correlated with weaker growth” (p. 62). Some concerns have been raised about the study's method of student matching instead of using a more truly experimental model.

Perhaps the most helpful research conversation, especially in a time in which remote learning is considered a public health necessity, centers on identifying the most effective virtual instruction practices. This is highlighted, interestingly, by the CREDO study's report of the impact of certain practices indicating that, for example, allowing students to self-pace in at least some classes may be beneficial. “Technology,” as the Digital Learning Collaborative ([2018](#)) notes in the preface to its research compilation, “is only as good as a successful implementation, which relies heavily on teachers, school leadership, professional learning, student support, and many other factors” (para. 11).

For further reading, the Digital Learning Collaborative ([2018](#)) has aggregated a helpful compilation of recent and relatively high-profile research on digital education. Especially helpful for the discussion of instructional design, Kathryn Kennedy and Richard E. Ferdig ([2018](#)) have edited an extensive *Handbook of Research on K-12 Online and Blended Learning* with the intent to “present a compendium of research devoted to K-12 online and blended learning” (p. xiii). Research covered includes topics as varied as specific instructional practices, approaches to teacher professional development, emerging research regarding students with special needs, and even online school libraries.

As districts pursue new learning formats and seek to equip their students and teachers, they have a unique opportunity and solemn responsibility to seek out the best of this landscape and implement it for their students. The potential for deployment of existing best practices and discovery of new ones, if seized, is remarkable. Now is a time to allow districts flexibility, not to impose regimented limits.

The Texas Virtual Schools Network: History, Structure, and Limits

This section turns from a more general examination of the landscape and demand for virtual education to a more specific examination of the Texas system, with the hope of exploring opportunities for improvement. What follows

is a brief history and breakdown of current policy. Unless specifically stated, waivers created by TEA for the 2020-21 school year are not addressed, as this section attempts to encapsulate the continuing statutory environment.

Key Legislative Actions

In 2001, the 77th Texas Legislature passed Senate Bill 975, creating a pilot program for districts to develop and provide electronic courses to students in the state ([Senate Bill 975](#)).

After several years of pilot development ([History of the Texas Virtual School Network, n.d.](#)), in 2007, the Texas Legislature passed Senate Bill 1788. SB 1788 ([2007](#)) established the state's first framework for a virtual school network, now known as the Texas Virtual Schools Network (TXVSN). The original framework allowed eligible school districts and charter schools to operate as course providers and submit online courses for approval by the TEA.

In 2013, the Legislature passed changes to the TXVSN in House Bill 1926. This bill opened course provider eligibility to non-profits, private entities, and corporations, though they cannot grant course credit or diplomas.

House Bill 1926 also enacted several provisions that have effectively paused the growth of the TXVSN. Most notably, the bill prevented “the benefits of the Foundation School Program” from being applied to students enrolled in full-time online programs not in operation before January 1, 2013 ([House Bill 1926, 2013, p. 16](#)). In effect, this bars any new full-time program of courses from being offered to students within the state system through a denial of funding (see the sections referring to the “moratorium,” especially pages 13 and 15, for additional detail). The bill also limited the applicability of state funding for supplemental courses to only cover the cost of up to three yearlong courses through the state's virtual course catalog, curtailing the number of courses a student could take without having to pay out of pocket (see following section for a description of the course catalog). Among other updates to language addressing a school district's ability to deny students access to a course, the bill created a new option for the home district of a school to deny a student's request to take a course in the course catalog if the district offers a “substantially similar” course ([House Bill 1926, Enrolled Version, 2013, p. 2](#)).

Governor Rick Perry allowed the bill to become law without his signature, stating, “Online and blended learning is a significant part of education's future, and while I have concerns that House Bill No. 1926 might impact full-time online learning, it does broaden opportunities for students to engage in technology-based learning. Therefore, I am allowing this to become law without my signature. Hopefully,

future legislators will work to ensure continued expansion of online learning and student choice” ([House Bill 1926, Signed Version, 2013, p. 20](#)).

Other smaller changes have been enacted in various legislation over the years, including an improvement to enrollment eligibility for military students in Senate Bill 587 during the 85th Legislature ([Enrolled Version, 2017](#)).

The TXVSN Today

Today, the TXVSN can be described as the combination of two major components: the TXVSN course catalog and the TXVSN Online Schools program. These two components are not always clearly differentiated in statute as policy has evolved over the years.

The TXVSN course catalog allows approved providers to make supplemental courses available to high school students. According to Tex. Educ. Code § 30A.002, any Texas public school student can apply to enroll in courses in the course catalog through their enrolled school district. Section 30A.153 provides that students currently attending district and charter public schools are able to take up to three courses per year funded by the state, with full payment to the course provider contingent upon student course completion. A student’s enrollment in these courses is managed by his or her home district. A student’s district is allowed to deny a student access to a course under certain circumstances (see Tex. Educ. Code § 26.0031).

Course providers are allowed to determine the fee that they charge for their courses. However, that fee is required to be the lesser of either the cost of providing the course or \$400 (see Tex. Educ. Code §§ 30A.105(b), 30A.155(c)(2)).

The Online Schools (OLS) program offers students the opportunity to enroll in a full-time online program through a school district or charter school eligible to operate an online school ([TXVSN, n.d.-g](#)). During the 2018-19 school year, 15,938 students from across the state were enrolled fulltime in nine approved online campuses operated by six districts ([TXVSN, n.d.-d](#)). Eight districts technically have the authorization to operate virtual campuses (see pages 13 and 15), but not all eight do so at this time (C. Duke, personal communication, May 5, 2020).

Student Eligibility

Course Catalog

Students who wish to enroll in a supplemental course through the TXVSN course catalog do so through the school district or charter school at which they are currently enrolled.

Enrollment in the TXVSN has some general requirements typical of Texas public schools. Tex. Educ. Code § 30A.002 requires that a student must:

- be under the age of 21 (or, in certain circumstances, 26),
- have not graduated from high school, and
- be “otherwise eligible” to enroll in a Texas public school.

A student who lives in Texas but is not enrolled in a Texas public school may enroll in up to two TXVSN courses per semester. Students must enroll through their district of residence or an applicable charter school attendance zone, and they are responsible for the course fees (see Tex. Educ. Code § 30A.107(c)).

Online Schools

According to Tex. Educ. Code § 30A.002, a student who wishes to enroll in a full-time online school must:

- meet the general requirements above, and also
- have been enrolled in a Texas public school in the prior school year.

Tex. Educ. Code § 30A.002(b)(3) exempts students in the Texas foster care system from the second requirement.

According to Tex. Educ. Code § 30A.002(b)(2), a student who is a dependent of a member of the military, has moved to Texas because of a deployment or transfer, and was previously enrolled in a public school outside of Texas is also exempted from the prior-school-year-enrollment requirement. (Note: the Texas Administrative Code does not appear to have been updated to reflect this change in statute—see 19 Tex. Admin. Code § 70.1013.)

A high school student who is a dependent of a member of the military, was previously enrolled in high school in Texas, and no longer lives in Texas because of a deployment or transfer is both exempted from this requirement and also the “otherwise eligible” requirement above (see Tex. Educ. Code § 30A.002(c)).

Limits to Course Access

Course Catalog

Many of the limitations on student participation in the TXVSN come not from eligibility requirements, but from various limits on allowed courses and funding. These limitations include:

Catalog Limited to High School Grades

The TXVSN appears to have been originally envisioned to serve all grades. Senate Bill 1788, passed in 2007, laid out a 3-year schedule, after which “the network shall provide

electronic courses for all grades” (p. 4529). However, the course catalog only serves high school students at this time (see 19 Tex. Admin. Code § 70.1001(10)).

3-Course Limit

As mentioned in the legislative history, the state now only allows formula funding to apply to three yearlong courses, contingent upon course completion. Therefore, a student’s home school district is allowed to decline to pay the costs of more than those three courses. Students may request to enroll in additional courses but must pay the course costs themselves.

Non-Public Student

Even though non-public students enrolling in catalog courses must already pay course costs themselves, Tex. Educ. Code § 30A.107(c) still limits them to taking only two courses per semester through the TXVSN.

Course Denial

Generally, a school district may not deny a student’s request to enroll in a catalog course (though it may, as mentioned above, decline to pay for courses beyond the state limit). There are three exceptions, laid out under Tex. Educ. Code § 26.0031(c). A district may deny a student enrollment in a course if:

1. The student is requesting “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,”
2. The student is requesting to enroll in a course outside of the course’s offered enrollment period, or
3. “the district or school offers a substantially similar course.”

While the first two reasons for denial are precise, the third, which appears to have been added in committee to House Bill 1926 ([House Committee Report, 2013](#)), opens a window for a district that may be reluctant to enroll a student in catalog courses to deny enrollment simply on the grounds that the district offers a similar course.

A student might wish to take a course with similarity to one offered by their home district for multiple reasons: taking that course may allow for a preferable schedule, the online modality may be preferable, or the home district’s course may not be offered at their home campus. Course similarity seems an overly broad reason to prevent students from taking a course in a modality or on a timetable that is preferable to them.

Other Course Costs or Fees

At least two additional situations, found in Tex. Educ. Code §30A.155(a-1), exist in which a student is responsible for the costs of a course, both of which could otherwise incur

additional costs to the school district beyond state formula funding:

1. A student wishes to enroll in a course beyond the normal course load for their grade (their home district may charge them an additional enrollment fee not to exceed \$50).
2. A student wishes to enroll in a course during the summer.

Online Schools

Not Serving K-2

In addition to the limitations on enrollment already addressed (see p. 10), Tex. Educ. Code § 30A.104 stipulates that neither courses in the TXVSN course catalog nor TXVSN online schools can be approved to enroll a student that is in grades K-2.

District Transfer Requirement

The moratorium on new online schools creates a requirement that students must transfer to one of the districts authorized to operate a virtual campus—subject, of course, to the transfer policy of the receiving district. This also engenders an unusual geographical situation. While one of the benefits of virtual education is that it diminishes barriers of distance between students and teachers, the moratorium has effected a curious distribution of virtual campuses across the state.

TXVSN online programs operate on a statewide basis, but there are only nine operating campuses in six districts. It is therefore no surprise that many of the online campuses have large numbers of students that have transferred into that school from other districts. **Figure 2** shows the location of the districts and charter that have online programs, all of which are congregated on the eastern side of the state, and almost all between the Dallas-Fort Worth metroplex and the Houston area. Student interest, however, does not appear to conform to the same map. As the map of Houston Connections Academy enrollment (**Figure 1**) shows, enrolled students are much more widely distributed.

While the existing programs are accessible statewide, many parents and students may not want to enroll in an online school halfway across the state. Additionally, districts in other parts of the state that see some of their students leaving to enroll in an OLS program have no way to compete. Therefore, districts that are barred from having an OLS program find themselves at a distinct disadvantage when trying to retain students that are interested in online programs.

Provider Eligibility

Course Catalog

Courses in the course catalog are created by course providers and approved by the Texas Education Agency before students can enroll in them. According to Tex. Educ. Code § 30A.001(7), course providers can be:

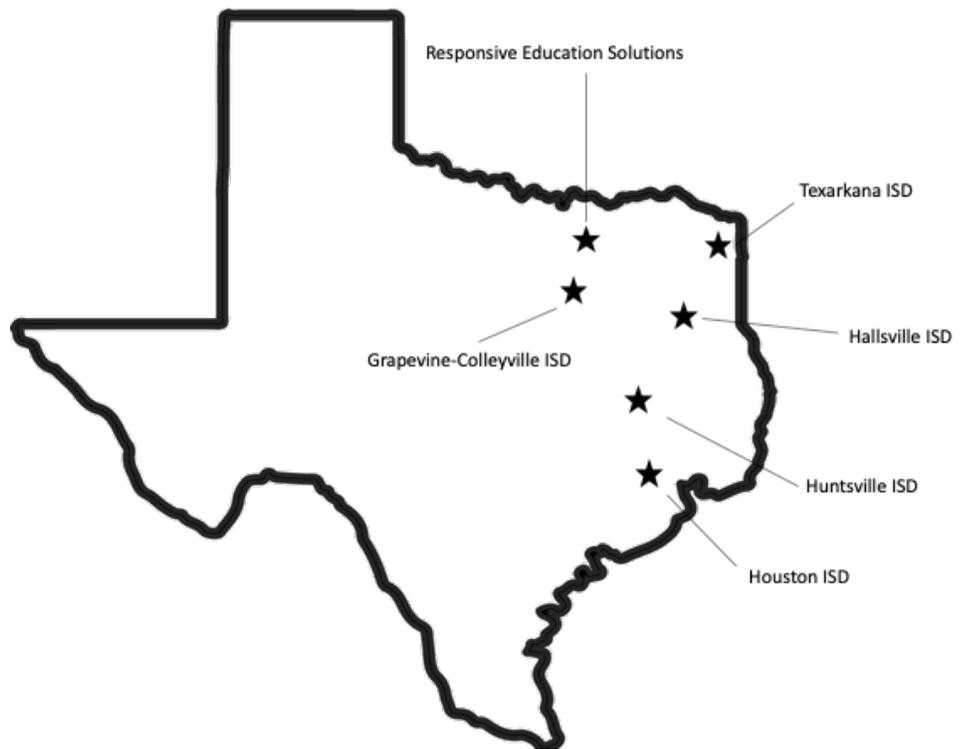
- School districts and charter schools
- Institutions of higher education
- Education service centers
- Nonprofits
- Private entities

School districts and charter schools must be rated acceptable by TEA. School districts can provide courses through the TXVSN to any student in the state, regardless of district geography or enrollment status. Charter schools can provide courses to students who live in their service areas, students who live in other districts provided the district they reside in agrees to allow the student to take the course, and students enrolled in other Texas districts or schools “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” (19 Tex. Admin. Code 70.1007).

Nonprofits, private entities, and corporations must show that they are compliant with all federal and state laws that prohibit discrimination, are financially solvent, and have prior experience offering online courses to students with success. Any entity other than a district or charter may not award credit or a diploma for TXVSN coursework (Tex. Educ. Code § 30A.101(d)).

Once approved, course providers may submit courses for review and approval to the course catalog. Rules in 19 Tex. Admin. Code § 70.1005(a) require courses to be fully aligned with the TEKS (Texas Essential Knowledge and Skills), national best practices, and federal and TXVSN accessibility guidelines (TXVSN, n.d.-a). Upon review and approval, courses are then added to the catalog and are available for enrollment.

Figure 2
Map of Texas OLS Provider Districts



Note. Map shows approximate location of district and charter offices based on listed addresses.

There are currently 13 course providers offering courses through the TXVSN. Nine of the approved providers are school districts, two are Education Service Centers, one is a consortium of districts (SUPERNet, n.d.), and the remaining provider is the University of Texas Permian Basin (TXVSN, n.d.-e).

When compiling all courses offered by all providers over the fall, spring, and summer terms, there were 345 courses approved and available in the 2019-20 school year (TXVSN, n.d.-b).

Courses may be offered on the same topic by multiple different providers, and most are listed as multiple sections (A and B) that students can choose from. This graphic represents all unique course subjects in the course catalog in 2019-20, broken down by semester. There were a total of 85 subjects available, with all 85 offered in both the fall and spring semesters. Fifty-nine of the available courses are also offered over the summer. Students can take a wide variety of classes ranging from forensic science to web design. Students also have the option of taking numerous AP courses online that can help prepare them for college. Similarly, there are multiple career-oriented classes that students can take, including accounting, human resource management, and data entry. The catalog also lists personal

development courses such as personal fitness, languages, and personal financial literacy.

Online Schools

The Online Schools program gives districts and charter holders the ability to create a fully online campus. All online schools are required to offer statewide access, so any student in Texas can enroll in any online school regardless of where they live. However, just like any inter-district transfer, the receiving district would have the prerogative to set transfer requirements in areas such as academic performance and attendance history. Nonprofits, private entities, and corporations are prohibited by rule (see 19 Tex. Admin. Code § 70.1007(a)(5)(B)) from providing an online school.

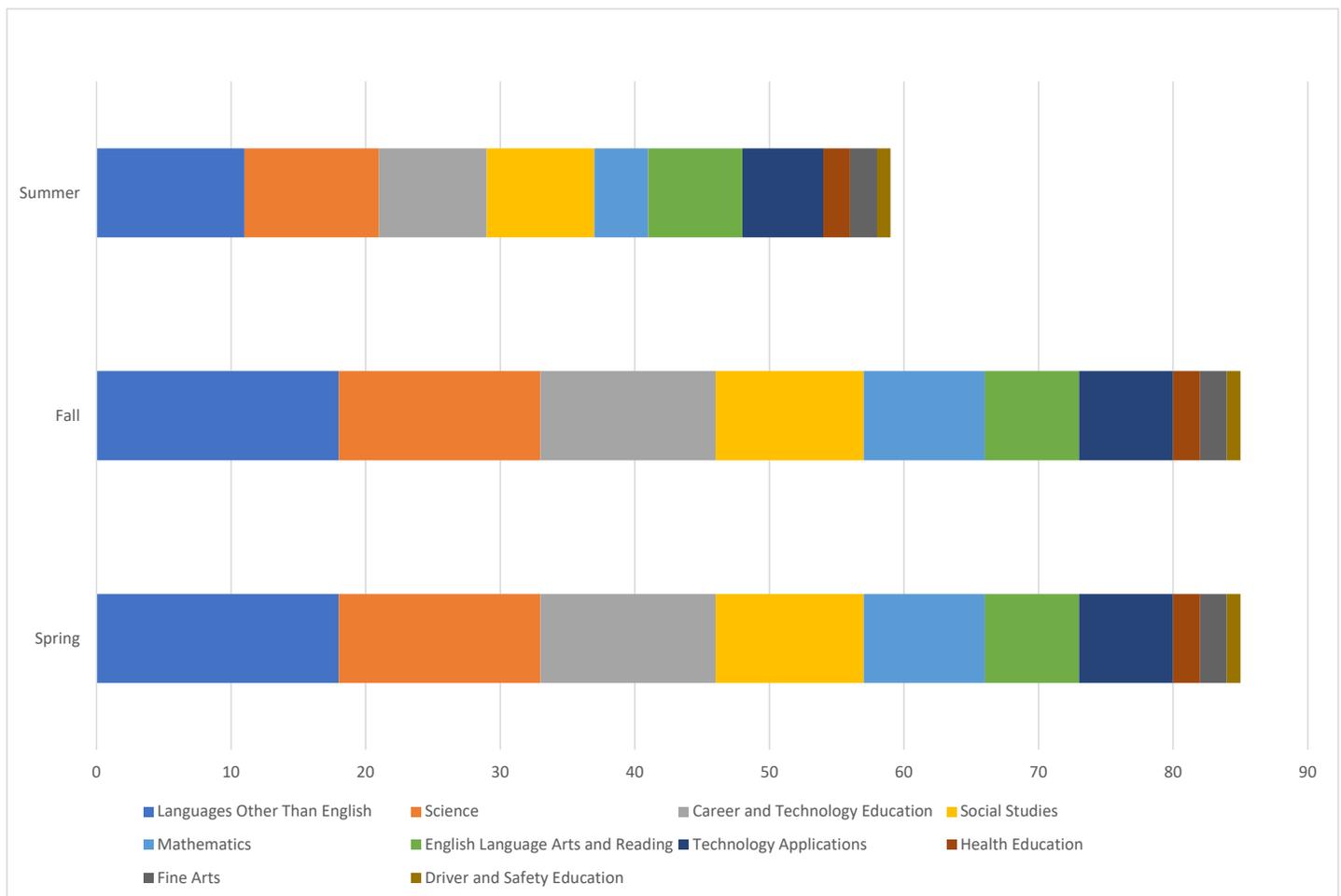
Rules in 19 Tex. Admin. Code § 70.1009 state that in order to create an online school, a district or charter school must, in addition to having an acceptable rating from TEA, meet eligibility thresholds in areas such as accreditation, financial accountability ratings, meeting reporting deadlines, and

being in good standing with other TEA grants, programs, and projects.

Districts and charters wishing to operate online schools must adhere to certain restrictions for those programs. For instance, as previously mentioned, online schools cannot serve grade levels K-2. Tex. Educ. Code § 30A.002(b)(1) also states that online schools are also unable to enroll students who were not enrolled in a public school in the previous year. Tex. Educ. Code § 30A.110(b) notes that all standard accountability requirements still apply, and state tests must be overseen by a proctor.

More to the purpose for most Texas school districts, however, since the passage of House Bill 1926, OLS programs must have been approved on or before January 1, 2013 ([House Bill 1926](#)). Therefore, no new programs can be approved.

Figure 3
Texas Virtual Course Offerings 2019-20



Note. From TXVSN Course Catalog. Categories based on provider course lists. Compilation last updated July 24, 2020.

In 1993, the Texas State Board of Education (SBOE) approved the creation of a Special Purpose District (SPD) to serve students who were not being served by traditional school settings, whatever the reason for that might be. This SPD, operated by Texas Tech University, is now known as TTU K-12.

Today, TTU K-12 serves students in an entirely online setting, having ended their final two print-based courses after the 2018-19 school year. However, when the SPD was created, TTU K-12 served students on a correspondence system. As more students acquired computers and reliable home internet, courses increasingly moved online until the system became an entirely online system.

There are many similarities between the TTU K-12 program and the Texas Virtual School Network (TXVSN) Online Schools (OLS) program. Both serve students from across the state through online classes, both must adhere to specific state accountability requirements, and both offer full-time and supplemental options for students.

There are also key differences between the two programs. TTU K-12 has the ability to serve students in grades K-2, something prohibited by state law for the TXVSN. Their K-2 courses require substantial parent involvement, and no screen time is built into these courses for the student—parents print and upload materials for their students to complete in a paper-based format. Student performance data is not publicly available due to student privacy concerns.

Another major difference between the programs is that the TXVSN OLS program is a free public school program, and TTU K-12 is not. TTU K-12 is tuition-based. The district does not collect taxes like other SPDs and does not receive any funding from the state or from Texas Tech University. The average cost of the full-time program at TTU K-12 was \$2,800 per year, and the average tuition cost per individually taken course was \$250 (books and other fees may bring total costs closer to \$350).

While TTU K-12 must follow many academic requirements that traditional school districts have to adhere to, there are also some key differences between TTU and traditional districts. TTU K-12 must administer the State of Texas Assessments of Academic Readiness (STAAR) Test to students in the same way as other districts, their courses must align with the Texas Essential Knowledge and Skills (TEKS),

and they must hire certified teachers. However, they are not subject to the same A-F accountability ratings as other districts—and, of course, they exist outside of the typical restrictions for districts regarding virtual education.

According to data received from TTU K-12 at the request of the authors, during the 2018-19 school year, TTU K-12 served 845 full-time online students from the U.S. and 735 international students. Some 7,091 students took supplemental courses at an average of 1.25 courses per student. Finally, 9,718 students took credit-by-exam courses through TTU K-12.

There is much that can be learned from TTU K-12 regarding the operation of the TXVSN. For example, though TTU K-12 is currently a tuition-based model, they considered joining the TXVSN as a provider as recently as last year, making their materials available on a tuition-free basis state-wide. However, due to limitations on TXVSN providers (the moratorium, course catalog provider eligibility, and the ban on serving K-2 students), they chose not to pursue that option.

The TTU K-12 program also demonstrates that it is possible to serve K-2 students through an online program. Perhaps TTU K-12 could serve as a model to inform the state's policy regarding the expanded provision of

online education to K-2 students.

The numbers of students taking K-2 courses through TTU K-12 is relatively small—in 2018-19, they numbered 35 full-time students (4% of their U.S. full-time enrollment) and 20 students taking supplemental courses. The offering, however, is important enough to the institution's original mission of serving students who would otherwise not be served that it was a primary consideration in TTU K-12's decision not to pursue seeking approval to join the TXVSN. Not surprisingly, since the advent of COVID-19, TTU K-12 has seen increased interest in its K-2 program.

The TTU K-12 program has a singular goal: to serve students that are otherwise not being served through traditional education. For many students, the TXVSN serves a similar purpose. The more options a child has, the better chance they have at receiving the education services that best suit them. (J. Louder and L. Leach, personal communication, April 28-June 30, 2020. Comparisons and recommendations are the authors'!)

TTU K-12 could serve as a model to inform the state's policy regarding the expanded provision of online education to all grades.

Limits to OLS and Course Access—Providers

2013 Moratorium

Through the end of the spring 2020 school closures, all Texas districts were eligible to receive attendance waivers if they were supporting student progress remotely ([Texas Education Agency, 2020d](#)). This means that in the short term, all Texas districts were expected to provide remote education supports to their students. Many of them have been accomplishing that expectation through virtual or partially virtual programs. A modified set of waivers is available for the 2020-21 school year only, making remote or virtual instruction an option for all Texas school districts ([Texas Education Agency, 2020c](#)).

Under normal Texas law, however, full-time virtual programs are only available to a handful of districts. In 2013, the Texas Legislature ended authorization for new full-time programs. Only those programs which were already in existence in 2013 are able to operate ([House Bill 1926, Enrolled Version, 2013](#)).

The accidental effect of this decision has created a special class of districts able to develop and offer full-time virtual education both to their own students and to the rest of the state. These districts are sometimes referred to as having “golden tickets.”

Six school districts and two charter districts are authorized by the state to operate a full-time online program:

- Grapevine-Colleyville ISD
- Hallsville ISD
- Houston ISD
- Huntsville ISD
- Red Oak ISD
- Responsive Education Solutions
- Southwest Schools
- Texarkana ISD

All but Red Oak ISD and Southwest Schools have currently operating programs (C. Duke, personal communication, May 5, 2020).

There were nine campuses operated by these six providers for the 2019-2020 school year ([TXVSN, n.d.-d](#)), broken down as follows:

- Grapevine-Colleyville ISD – 1 Campus
- Hallsville ISD – 1 Campus
- Houston ISD – 1 Campus
- Huntsville ISD – 3 Campuses

- Responsive Education Solutions – 2 Campuses
- Texarkana ISD – 1 Campus

Under normal Texas law, if a student wishes to attend a full-time online school and his or her district is not allowed to offer one, their only public option is to request to transfer to an operating “golden ticket” district.

Special Cases

While institutions of higher education cannot offer a full-time online program through the TXVSN, two Texas universities, University of Texas at Austin and Texas Tech University (TTU), offer online programs outside the umbrella of the TXVSN.

In 1993, the Texas Board of Education authorized TTU K-12 as an SPD, allowing the affiliated Texas Tech University to operate a K-12 school. TTU K-12 offers full-time and part-time curricula for students. They have curricula options for elementary school, middle school, high school, and homeschool ([TTU K-12, 2012](#)).

In 1998, UT High School was authorized by the Texas Board of Education as an SPD “to provide a high school curriculum and award diplomas” ([UT High School, 2020a, para. 7](#)). UT High School offers a full-time online high school program and access to single online high school courses. UT High School also partners with other school districts to offer their courses to students, including high school courses, the High School Online Curriculum, K-12 Online and Print Credit by Exams, and professional development for teachers ([UT High School, 2020b](#)).

The Course Approval Process

All courses in the TXVSN must be reviewed and approved by TEA prior to being made available for enrollment. Rules in Chapter 70 of the Texas Administrative Code explain that to be approved, courses in the course catalog must meet a rigorous set of standards, including alignment with the Texas Essential Knowledge and Skills (TEKS), national best practices for online courses, and accessibility requirements. They must also be taught by teachers who have completed professional development in online instruction or have demonstrated mastery of online teaching quality standards paired with a graduate degree in the field or 2 years of experience in online instruction (19 Tex. Admin. Code § 70.1027).

However, in recent years the TEA has been largely uninvolved in course approval, leaving the job of approving courses to a waiver process that allows school districts to certify their submitted courses meet all criteria. In fact, 43 of the 312 courses that are approved for the spring 2020 semester are “provider-certified courses,” as opposed to

being approved by the TEA ([TXVSN, n.d.-b](#)). Lack of capacity has been cited as the reason TEA is not currently approving courses ([Senate Education Committee, 2018, 3:01:00](#)).

This inactivity may soon be changing. On May 14, 2020, TEA released guidance regarding the TXVSN, announcing that the waiver process for course approval has been “more significantly streamlined for the 2019-2020 school year (including summer 2020) because of circumstances resulting from COVID-19.” It also announced plans to improve the course review process for the 2020-21 school year ([Texas Education Agency, 2020, p. 1](#)).

One solution to the challenge of course review and approval may include allowing course providers to pursue accreditation, either for individual courses or provider accreditation, through a designated third-party accreditor. This could relieve a bottleneck at the agency while still ensuring that courses undergo a review process conforming to set specifications.

Enrollment Reporting/TXVSN Platform

In conversations with multiple course providers conducted during our research, the issue of enrollment reporting has surfaced. At least from informal provider feedback, the current platform of the TXVSN does not appear to have a reputation as user-friendly.

All the provider limitations listed here—restrictions on providing districts, a backlogged course approval process, and outdated system—contribute to the inaccessibility of

TXVSN materials to their ultimate beneficiaries: Texas students. Some of these policies, intentionally or otherwise, can prevent students from using the TXVSN to supplement or provide their education. In light of an evolving education environment, these practices should be reconsidered.

Current Online Schools

Accountability Ratings

Each TXVSN online school is a district campus and is therefore subject to normal state accountability ratings. The state ranks each campus and district through an A-F rating system that measures academic performance. According to the Texas Education Agency, the academic accountability ratings measure “student achievement, school progress, and whether districts and campuses are closing achievement gaps among various student groups” ([Texas Education Agency, n.d.-a, para. 1](#)).

The most recent accountability ratings of the existing online schools in Texas, with the accountability ratings of their operating districts, are gathered in **Table 1**. A couple of notes to the data are needed:

- The names of the campuses operated by Responsive Education Solutions were changed in the last few years and are listed by their old names in Texas accountability data for the 2018-19 school year. Their current campus names are reflected below, and their continuing campus numbers are also listed for reference.

Table 1
Virtual Campuses in Texas-Accountability Ratings

DISTRICT NAME	DISTRICT TYPE	CAMPUS NAME	2018-19 CAMPUS RATING	GRADES SERVED	2018-19 ENROLLMENT	2018-19 DISTRICT RATING	2018-19 DISTRICT ENROLLMENT	CAMPUS NUMBER
Grapevine Collyville ISD	ISD	iUniversity Prep	A	5-12	759	A	13885	220906007
Responsive Education Solutions	Charter	Premier High School Online	B	9-12	1501	B	5509	072801145
Houston ISD	ISD	Texas Connections Academy at Houston	C	3-12	5680	B	209040	101912100
Huntsville ISD	ISD	Texas Online Preparatory School-HS	C	9-12	1311	C	8898	236902008
Huntsville ISD	ISD	Texas Online Preparatory School-MS	C	6-8	1054	C	8898	236902048
Hallsville ISD	ISD	Texas Virtual Academy at Hallsville	D	3-12	4438	B	9475	102904010
Huntsville ISD	ISD	Texas Online Preparatory School-EL	D	3-5	425	C	8898	236902108
Responsive Education Solutions	Charter	iSchool Virtual Academy of Texas	D	3-12	3508	B	5509	221801022
Texarkana ISD	ISD	eSchool Prep		5-11		B	7167	019907006

Note. Texas Academic Performance Reports, Texas Virtual School Network, Responsive Education Solutions (for current campus names and identification numbers).

- Texarkana ISD operated an OLS campus, eSchool Prep, from 2011-2012 through 2014-2015 ([TXVSN, n.d.-d](#)). It reopened that campus starting in the 2019-2020 school year, for which accountability data is being processed. It therefore has no recent campus accountability data.

By these measures, the performance of online schools is generally comparable to or up to one letter grade below the performance of the operating district. There are two exceptions: Texas Virtual Academy at Hallsville and iSchool Virtual Academy of Texas.

Texas Virtual Academy at Hallsville would likely have an even larger gap between its campus performance and the overall district, were it not for another rule in the Texas accountability system. Hallsville ISD had an A district rating the year prior, 2017-18. However, no district in Texas may receive an A rating if any of its individual campuses have a D or F rating. Since Texas Virtual Academy at Hallsville received a D rating in 2018-19, this meant that the highest rating that the district could receive was a B. It is unclear whether a similar situation at iSchool Virtual Academy of Texas would have affected the B rating of Responsive Education Solutions.

There are some inherent difficulties with comparing these campuses to their operating districts, due to different student characteristics. To begin with, online schools can and do enroll students from outside the geographic boundary of their operating district, thus potentially serving a student population distinct from their operating district's rather than a subset of the district's student population. This is not a practice unique to online campuses—inter-district and intra-district transfers are a regular occurrence—but the incentive for students to transfer is greater since the supply of full-time online education is limited to nine campuses out of thousands, and the constraint of transportation holds less weight due to the nature of virtual education. In addition, students are not randomly assigned to traditional or online education. The default option if parents take no action is for their child to be enrolled in their traditional district. For these two reasons, the parents and students who choose to enroll in the online campus may be systematically different from those served on the district's traditional campuses.

Some of the differences in observable student characteristics might be perceived to make online student populations “easier to educate.” For example, the online campuses listed here tend to have proportionally fewer economically disadvantaged students (see **Table A1** in the Appendix). Many also serve lower percentages of minority students than their operating districts. The majority have lower percentages of

students with special needs, though there are some notable exceptions: the campuses operated by Responsive Education Solutions serve significantly higher percentages of students with special needs.

But other differences in less-easily reported student characteristics might make online student populations more challenging to educate. For example, online schools can serve as a refuge of last resort for students who have struggled in traditional schooling environments or have been expelled from traditional schools. Students who enroll in virtual campuses, for whatever reason, may find acclimating to a new modality is harder than they expected and yet not have the latitude to explore another option. The campuses operated by open-enrollment charter schools must, by definition, accept all applicants, whether the school will be a good fit for them or not.

Student mobility (the formal term for a student's switching schools) has also been proposed as a consideration. There is some doubt as to whether a student's mobility history prior to their enrollment in a virtual school impacts student progress ([Woodworth et al., 2015](#)). However, switching schools has been known to depress a student's scores, though voluntary transfers seem less likely to have this effect ([Sparks, 2016](#)). In some schools where student mobility is high (i.e., students are moving in and out of the school at a high rate), students may not stay at a campus long enough for academic improvements to register in the accountability system ([Richards, 2018](#)).

Until there is better data available that allows for more direct comparisons, the most recent evidence indicates that online schools generally have comparable performance to their operating district.

For supplemental courses, there is no formal accountability rating for student performance at the individual course level. Of course, student performance data at the individual course level in any modality has the same challenge. Only tested subjects in tested grades generate student performance reporting as part of the state accountability system. To help inform district and student course selections, therefore, the TXSVN lists course reviews, student and parent course ratings, and course completion rates for each course posted in the state catalog ([n.d.-b](#); see also Tex. Educ. Code § 30A.1021).

External Providers

The majority of the Texas OLS districts use or have used external education service providers to operate these campuses. (Grapevine-Colleyville ISD operates its own program, and Responsive Education Solutions recently switched to operating its own program as well.) Due to

the comprehensive nature of the services rendered, there is some concern that the actions of contracted third-party providers may negatively impact student achievement and the operating district's ranking in the state accountability system.

While the actions of a contracted third party undoubtedly may impact a district and its students (for good or ill), routinely blaming third parties when things go wrong can easily bleed into an abdication of district responsibility. Ultimately, the districts, not third-party providers, are responsible for the operation of their district, and the decisions to operate an online campus or to hire an external provider are district decisions. It is a further consequence of the moratorium on new providers that the extremely limited number of districts that are authorized to operate an online campus is determined by a date and not district capacity or desire. Districts that may be interested in developing and operating a high-quality online campus (in partnership with third-party providers or not) are boxed out because their program did not exist nearly a decade ago. But districts that happened to be operating in 2012, and thus are capable of offering a desired service to some Texas families, may now be otherwise unprepared or uninterested in operating such a campus and naturally look to contract out that operation to other parties.

External providers of virtual education services, like external providers of any other education services, can help expand the capacity of a district to serve students. However, districts should exercise care in selecting and contracting with third-party providers. Practices used in brick-and-mortar district-charter partnerships may be instructive in this respect. A qualified Texas Partnership between a district and charter operator must include specific performance provisions agreed to in advance by the district and charter, and specific consequences that follow in the event that those performance provisions are not met ([Texas Partnerships, n.d.](#)). Perhaps similarly clear discussions of expectations, and provisions creating contingencies for variance from those expectations, would be helpful in this context as well.

Virtual Education in Florida: Comparison and Contrast

The state of Florida has one of the most robust virtual education networks in the country. Beginning in the 1990s, it has gradually incorporated virtual elements into its educational system.

Founded in 1997, Florida Virtual School (FLVS) “was the country’s first, state-wide Internet-based public high school” ([FLVS, 2020, para. 1](#)). It remains “the largest state virtual school in the nation” ([Florida Department of Education,](#)

[2019, p. 1](#)) and earned an A rating in 2019 from the Florida accountability system ([Florida Department of Education, n.d.](#)). The FLVS is a state-run virtual school, offering a full-time program as well as a supplemental program. Though TEA is responsible for maintaining the statewide course catalog and authorizing providers, Texas does not have a state-run virtual school.

Districts also provide virtual options to students. [Section 1002.37, Florida Statutes](#), states that every Florida district is required to provide at least one “Virtual Instruction Program” (VIP) option for every grade level (larger districts must offer three). These VIPs offer both full-time and part-time instruction. They may choose to operate an FLVS franchise, run by district administrators and staffed by district teachers.

Florida also allows virtual charter schools, which may offer full-time programs for all grades. These charters must contract with approved providers or with FLVS for their instructional program (as above, see [Section 1002.37, Florida Statutes](#)).

As in Texas, “Teachers must hold Florida teaching certificates and the curriculum must align with state standards. Full-time public virtual school students participate in state assessments, and full-time schools and programs receive school grades through Florida’s accountability system” ([Florida Department of Education, 2019, p. 1](#)).

Each district must have a virtual school liaison, and students earning a standard diploma are now required to take at least one online class ([Florida Department of Education, 2019, p. 2](#)). Considering that nearly a third of postsecondary students took at least one course online in 2018 ([Lederman, 2019](#)), this requirement could help students be better prepared for the 21st-century college experience.

When the pandemic arrived, Florida engaged a system already built, offering training in virtual education, stipends to teachers ([Florida Department of Education, 2020](#)), and courses free of charge to districts. Florida scaled up its platform capacity from several hundred thousand students to 2.7 million students within weeks ([RedefinED staff, 2020](#)).

While Texas has limited the establishment of virtual schools, Florida has encouraged and even required it. It appears that this approach has actually made their virtual education system more localized, as districts have decision-making power over which array of offerings will best serve their students. They may contract with approved providers or create their own program from the ground up, as they prefer. And if every district provides at least one virtual option, the incentive for students to transfer to another

district to find a virtual option would seem to be significantly diminished.

Recommendations

The recommendations listed below could help increase the availability and flexibility of virtual programs in Texas today. Making changes in these areas would expand the agency both of school districts to serve their students with an array of resources and of students to pursue a customized public education, including online educational resources.

1. Lift the moratorium on districts' establishment of new online schools within TXVSN.

As outlined above, in 2013, the Legislature passed a moratorium on funding for new OLS programs. Only full-time programs in operation before January 1, 2013, would be eligible to be incorporated into the state system. Thus, only 8 districts and charters, out of approximately 1,200, have the ability to offer a full-time virtual program.

Lifting this moratorium would allow eligible school districts and charter schools across the state to create new OLS programs. This would ensure Texas students have access to an online education program from their homes during future emergencies (COVID-19, weather events, and more), reducing the amount of interruption in their education. Allowing more districts/charters to develop OLS programs will also increase responsiveness to local circumstances now and in the future. It also provides local control to serve targeted demographics.

2. Allow funding to be applied to courses beyond the “three-course limit” on student access to the state course catalog.

Currently, a student enrolled in any district other than the 2013 legacy programs is only allowed to take three courses per year from the course catalog funded by the state (Tex. Educ. Code § 30A.153(a-1)). Removing this limit would allow students and districts to work together to create the right course mix for their education.

For spring 2020, the TEA waivers regarding attendance effectively waived the three-course limit by ensuring continued state funding if education support was provided to students remotely. TEA's current waiver system allowing for synchronous and asynchronous learning plans in the 2020-21 school year also allows for state funding to be applied to a higher volume of virtual instruction ([Texas Education Agency, 2020c](#)).

Waivers, however, are temporary. For districts and students to retain these flexibilities long-term, legislative action will ultimately be required.

3. Limit the provision allowing districts to deny a student's course catalog enrollment if the district provides a “substantially similar” course.

Currently, a district can deny a student the ability to enroll in a catalog course if the district offers a “substantially similar” course (Tex. Educ. Code § 26.0031(c)(3)). Districts can also deny a student the ability to enroll if the desired course is not aligned with the student's graduation plan or inconsistent with enrollment periods; these are reasonable limitations to ensure a student stays on track. Similarity, however, should not prevent students from taking a course in a modality or on a timetable that is preferable to them.

4. Open virtual resources to all grade levels.

The original bill establishing the TXVSN provided for the development of online courses for any student in every grade ([Senate Bill 1788, 2007, p. 10](#)). Under existing law, only high school students have access to the TXVSN course catalog, and K-2 students are barred from full-time programs (19 Tex. Admin. Code § 70.1001(10), Tex. Educ. Code § 30A.104(a)(2)). Unfortunately, emergencies (statewide or student-level) do not limit themselves to certain grades.

Districts all over Texas have taught students virtually in every grade this spring. Texas Tech, a state university, has developed curricula for otherwise banned grades. Banning certain grades in state policy just limits student and district options—and discourages districts from developing quality instructional materials.

It is possible that the original K-2 ban was enacted due to the fact that these early grades are not tested at the state level. Unfortunately, a potential effect of the K-2 ban, under current circumstances, is to disadvantage students in these critical early literacy grades. Not even the “golden ticket” districts have previously been able to offer (and by extension develop) services for students at these grade levels. The grades that might benefit most from thoughtful curriculum development have the fewest pre-existing resources in Texas. TTU K-12's experience serving this student population may be of benefit in determining how to provide quality instruction to a broader grade span.

5. Revise the process by which courses are approved for the TXVSN.

Online courses that are provided through the course catalog and OLS must be approved by TEA. Existing guidelines require proof that the TEKS for that course are represented and that full student accessibility is provided for (see, e.g., Tex. Educ. Code §§ 30A.103, 30A.104, 30A.105).

Currently, TEA is not approving new courses (a reported reason is lack of funds), and districts have assumed that responsibility through a waiver process in recent years. There are two potential solutions:

- a. Allow districts to approve their own courses—essentially, pare down the current waiver and make it the process. Districts regularly select and approve their own curricula in onsite classes, with minimal reporting to the state (TEC 31.004(a)). TEA bears little to no up-front responsibility for ensuring TEKS compliance and student accessibility for the latter, the overwhelming majority of courses. If needed, the district could still certify that key accessibility criteria are met before adding the course.
- b. Allow districts to obtain course or provider accreditation through a third-party accreditor. TEA would select several approved course or provider accreditors, and districts would submit courses to them for review and accreditation.

As noted earlier, TEA announced a streamlined waiver process for the 2019-20 school year, and an intent to further improve the approval process for the 2020-21 school year ([Texas Education Agency, 2020b, p. 1](#)). This is an encouraging development.

6. Extend the timeline for required teacher professional development that could prohibit teachers from filling the gap in online course teachers.

With an influx in the number of students needing online education now and likely in the near future, there is a need for more teachers prepared to teach electronic courses. Texas requires that teachers providing instruction in an online format must complete a professional development course in online instruction *before* beginning to teach students online (Tex. Educ. Code § 30A.111(a)(2)). Providing flexibility to this timeline could allow for the introduction of more quality teachers faster.

One possible approach would be to allow teachers already certified in the applicable course and grade level

to begin teaching online concurrently with their participation in the professional development course. A set time window—from several weeks to a full semester—could be allowed for completion of that course.

For this requirement, too, TEA has now created a waiver, applicable for the 2019-20 and 2020-21 school years ([Texas Education Agency, 2020b, p. 1](#)). Again, however, waivers are temporary. If a more flexible timetable is seen to hold long-term benefits for districts, teachers, and students, then a statutory change would be necessary.

7. Direct a portion of available federal emergency education grant funding to modernize the TXVSN online system.

Current system enrollment and reporting are reportedly burdensome to districts. This is likely leading to underreporting of student course use and perhaps under-enrollment simply due to administrative headache. Simply modernizing the platform and process of this system would prepare it for scalability and simpler student participation.

The federal CARES Act provided funding that could be used for this purpose (see [CARES Act, H.R. 748, 116th Cong. §§ 18002 - 18003 \(2020\)](#)). The U.S. Department of Education also announced a competitive grant program for states working to create or expand their virtual education offerings ([U.S. Department of Education, OESE, 2020](#)); Texas applied and received nearly the maximum allowed grant to build out its new Texas Home Learning resource ([U.S. Department of Education, 2020](#)). As TEA expands this new platform, perhaps this system and TXVSN's can be integrated to avoid duplication of resources and effort. .

8. Align OLS schools admission and enrollment requirements with their traditional counterparts.

Currently, students must have been enrolled in a Texas public school in the previous year to be eligible to enroll in a full-time online program (Tex. Educ. Code § 30A.002(b)(1)) (there are exceptions for students in military families and foster youth). This creates a burden on students who have recently moved to Texas or have recently left or been forced to leave a private or home school environment. A student who was previously enrolled in Texas public schools and wished to return to a Texas public school via a virtual program, but had enrolled in a non-public option for a single year, would be denied admittance under this restriction.

If a student new or returning to Texas public schools wished to enroll in a physical Texas campus, once establishing age and residency, their right to do so would typically be unquestioned. For the virtual modality, however, a student's actions the prior year can suddenly preclude their access.

As student mobility is likely to increase in the economic aftermath of COVID-19, students should be enabled to find the right fit as quickly as possible. In addition to their obvious capability to accommodate social distancing as necessary, virtual options can provide educational continuity in a mobile environment. Lifting this requirement would also allow districts to respond to the needs and interests of private school (virtual or otherwise) and homeschool students who find themselves in a state of transition.

An often-cited concern is that, by allowing current non-public students to enroll in public virtual options, lifting this provision could increase the overall number of students enrolled in Texas public schools. These students would be immediately eligible for services, however, if they were to enroll in a physical Texas public campus. As it is difficult to forecast in advance how many current non-public students would avail themselves of a virtual option, the financial caution may bear weight. One solution could be to phase out the prior-year public requirement over a period of time, eliminating the requirement for a limited number of grades per year.

9. Evaluate the course fee limit placed on TXVSN catalog courses and determine whether it is appropriately set for given subject areas.

Currently, there is a set limit on the cost of courses offered through the state course catalog. The fee is statutorily limited to the lesser of \$400 or the cost of providing the course (Tex. Educ. Code §§ 30A.105(b), 30A.155(c)(2)). This limit has served to keep courses at a reasonable cost; however, it may be prohibitive for certain courses, such as those requiring expensive lab kits that must be shipped to students. The Legislature, with the assistance of TEA, should evaluate the course fee limit and consider making exemptions for certain courses that have a higher cost attached to the operation of the course.

Areas for Further Research

The greatest challenges for virtual education lie in the problem of equitable access. The majority of students in Texas are classified as economically disadvantaged ([Texas Education Agency, 2019a, p. 10](#)). Many students lack home

internet or devices to access coursework from home or another location, or both. Other students with special needs cannot or will struggle to have their needs met in an online setting. The latest data from the National Center for Education Statistics listed 2,161 rural campuses in Texas and 649 school districts ([Texas Education Agency, 2020a](#)), and the Rural School and Community Trust reported nearly 700,000 rural students in Texas in 2016-17 ([Showalter et al., 2019, p. 136](#)); while these students may stand to benefit from increased course options, their access to reliable internet may be a challenge. Texas Rural Education Association staff reported recently that 20% of rural students do not have home internet ([Johnson, 2020](#)).

Necessity, however, is the mother of invention. While virtual courses and schools, as with traditional courses and schools, will never be able to serve all students equally well all the time, gaps in access can and should be shored up. Districts across the state are already developing solutions to these problems during the COVID-19 emergency. Identifying successful strategies for serving vulnerable populations will be key; Texas can use the lessons of this unique time in history to better address student access as we eventually return to more typical circumstances.

Some district highlights so far include:

- Austin ISD fitted its buses out as Wi-Fi hotspots and parked them in low-income neighborhoods to assist students in accessing the internet ([Jechow, 2020](#)).
- Tomball ISD created a plan to contact and serve its students with special needs, now used by TEA as an exemplar ([Texas Education Agency, 2020e](#)).
- San Antonio-area districts successfully decreased their numbers of disengaged students during spring 2020 remote support through rigorous outreach efforts to reconnect with them ([Malik & Torralva, 2020](#)).
- The SUPERNet Consortium, a collaboration of districts across northeast Texas, has worked to bring internet and course access to East Texas students since 1996 ([SUPERNet, n.d.](#)).
- Governor Abbott, TEA, and Dallas ISD launched Operation Connectivity, which began as a DISD project, as “a statewide initiative to deliver internet connectivity and device solutions for school districts, families, and students in Texas” ([Office of the Texas Governor, 2020b, para. 1](#)). The initiative has, to date, released initial guidance and suggestions for school districts ([Texas Education Agency et al., 2020](#)) and partnered with districts (using \$200 million in federal CARES Act funding) to procure over 1 million devices and

Wi-Fi hotspots for Texas students ([Office of the Texas Governor, 2020c](#)).

As schools begin to reopen, hybrid models are a promising avenue of exploration. These flexible models, using both in-person and virtual instruction, have the potential to combine the strengths of both modalities in offering solutions to their respective weaknesses.

Such solutions will necessitate a conversation around how Texas reports student attendance and measures student learning. For years, the state has relied on counting hours a student spends on a physical campus as a proof that students are engaged in their education and learning. When students cannot be on campuses in the same numbers or groups as they were before, adjustments to that system are inevitable.

Conclusion

On March 19, 2020, Governor Greg Abbott issued an executive order to close all Texas schools ([Office of the Texas Governor, 2020a](#)), and every student in the state suddenly became a remote student. As Texas districts have navigated a “new” form of instruction, the COVID-19 pandemic highlighted how tightly closed virtual education has been to most districts and their students.

The pandemic also reminded us of what Texans can do. As other state ([Reykdal, 2020, p. 2](#)) and city ([Dale, 2020](#)) agencies warned against engaging or refused to engage in remote

learning, TEA issued critical waivers, and Texas school staff rolled up their sleeves. Education scholars studying state education responses nationwide praised Texas school districts for their rapid response ([Lake et al., 2020](#)) and highlighted the efforts of Texas districts to reach all students ([Reich, 2020, p. 9](#)).

It is far from ideal to have to require 100% of students to become emergency remote learners. Even in carefully planned and executed models, virtual education, as with in-person classroom education or any other education model, cannot meet all the needs of all children equally well, nor should they be expected to. On the other hand, it is also far from ideal to force students who have chosen a virtual education, or who would like to choose a virtual education, to return to a different model. Nor is it ideal to ban innovative district staff from creating quality programs that will last because state statute is still mired in another century. Especially, but not only, in a time when safety leads as a preeminent concern for teachers, students, and their families, districts should be able to offer education in modalities that meet different student needs.

This paper attempts to document Texas virtual education’s past and present and provide recommendations to begin charting a path to a more open future—a future in which decision-making power is restored to districts and to families, student needs are less swallowed up by compliance, and virtual can still mean local. ★

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Appendix

Table A1

Accountability Ratings and Demographic Breakdown of OLS Campuses and Their Operating Districts

DISTRICT NAME	DISTRICT TYPE	CAMPUS NAME	CAMPUS NUMBER	GRADES SERVED	2018-19 CAMPUS RATING	DISTRICT % SPECIAL EDUCATION	CAMPUS % WHITE	DISTRICT % WHITE	CAMPUS % AFRICAN AMERICAN
Grapevine Collyville ISD	ISD	iUniversity Prep	220906007	5-12	A	8.30%	62.70%	54.30%	5.40%
Responsive Education Solutions	Charter	Premier High School Online	072801145	9-12	B	13.90%	49.10%	34.60%	13.50%
Houston ISD	ISD	Texas Connections Academy at Houston	101912100	3-12	C	7.40%	48.70%	9.00%	12.10%
Huntsville ISD	ISD	Texas Online Prep Middle	236902048	6-8	C	7.60%	46.30%	36.40%	12.40%
Huntsville ISD	ISD	Texas Online Prep HS	236902008	9-12	C	7.60%	48.40%	36.40%	10.50%
Hallsville ISD	ISD	Texas Virtual Academy at Hallsville	102904010	3-12	D	10.20%	39.90%	56.80%	14.50%
Responsive Education Solutions	Charter	iSchool Virtual Academy	221801022	3-12	D	7.20%	49.20%	42.20%	13.30%
Huntsville ISD	ISD	Texas Online Prep EL	236902108	3-5	D	7.60%	46.80%	36.40%	16.20%
Texarkana ISD	ISD	eSchool Prep	019907006	5-11		8.90%		33.40%	

Sources: Texas Academic Performance Reports, Texas Virtual School Network, Responsive Education Solutions (for current campus names and campus identification numbers)

Notes: The two campuses operated by Responsive Education Solutions were previously operated under separate charters. This appears to still impact the 2018-19 data, leading to different operating district percentages.

Texarkana ISD's OLS, eSchool Prep, reopened in the 2019-20 school year, and therefore no campus-specific accountability is available.

DISTRICT % AFRICAN AMERICAN	CAMPUS % HISPANIC	2018-19 CAMPUS ENROLLMENT	2018-19 DISTRICT RATING	2018-19 DISTRICT ENROLLMENT	CAMPUS % ECONOMICALLY DISADVANTAGED	DISTRICT % ECONOMICALLY DISADVANTAGED	CAMPUS % SPECIAL EDUCATION	DISTRICT % HISPANIC	CAMPUS % ASIAN	DISTRICT % ASIAN
5.80%	12.50%	759	A	13885	6.50%	24.70%	0.50%	23.90%	7.10%	10.00%
10.20%	31.20%	1501	B	5509	18.60%	58.10%	20.50%	51.30%	1.20%	0.70%
23.30%	29.60%	5680	B	209040	40.40%	79.90%	5.20%	62.00%	4.10%	4.20%
19.20%	32%	1054	C	8898	43.70%	73.60%	4.60%	40.20%	4.60%	0.50%
19.20%	32.60%	1311	C	8898	34.10%	73.60%	3.40%	40.20%	2.70%	0.50%
10.20%	38.30%	4438	B	9475	36%	39.50%	11.80%	26.30%	1.50%	1.20%
15.80%	31.40%	784	B	8898	24.20%	38.10%	14.40%	30.20%	1.90%	6.80%
19.20%	26.60%	425	C	5509	49.60%	73.60%	7.80%	40.20%	3.10%	0.50%
44.50%			B	7167		69.50%		15.20%		1.40%

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