



Testimony

Written Testimony on Virtual Education Delivered to the Texas Commission on Virtual Education

by Emily Sass, Distinguished Senior Fellow, Next Generation Texas

Chairman Gore and Members:

Before March 2020, virtual education was a niche offering in Texas public education, serving fewer than 1% of Texas students. Then school closures related to the COVID-19 pandemic plunged the nation and state into an extended experiment in emergency remote education. Now, Texas has a unique opportunity to [update state policy on virtual and hybrid education](#), using the lessons we've learned.

The Texas Commission on Virtual Education, created by Rep. Ken King's [HB 3643](#) (87th Legislature), has convened many of the most experienced practitioners in the state and country to inform Texas' path toward a robust, future-ready education landscape that empowers students, teachers, and districts. We are grateful for each of your service on this commission.

The best of virtual and hybrid education offers students flexibility in pacing, scheduling, and career training. Programs of this kind could help districts offer more career options for Texas teachers and re-enroll students who have chosen other schooling methods such as private school or homeschool in their search for a better fit. They show strong promise for supporting cutting-edge career training opportunities that allow districts to partner with each other and with businesses, such as the [Rural Schools Innovation Zone](#).

Incorporating hybrid and virtual education into Texas public education can leverage the best of current technology to build a bright future for our students while preserving the best of our heritage and keeping Texas communities strong.

Below are key principles to weigh as you develop recommendations for the Legislature's consideration:

Texans support flexible decision making for both districts and families

[Polling](#) conducted by the Texas Public Policy Foundation last year shows that Texans agree that flexibility in virtual programming should be available to districts and families:

- 74% of polled registered voters agree that Texas school districts should have the authority to decide whether to provide virtual education options.
- 84% of polled registered voters agree that, if a school district decides not to provide virtual education, parents in Texas should have the ability to enroll their child in a school district that does provide a virtual education option.

Notably, agreement with the second point was even higher among minority respondents, reaching 90% among Black respondents. Texas virtual education policy must ensure that all students can access the benefits of high-quality virtual education.

Enrollment in virtual programming should be voluntary and appropriately supported

Virtual instruction should be optional for families. Though virtual and hybrid instruction is life-changing for some students, in-person instruction remains the preferable model for the majority of students.

Families should be able to choose among virtual courses or programs offered by their resident district and other districts, subject to the admissions policies of those courses or programs. This is already the standard under Texas' [district transfer policy](#) and adheres to the corresponding precedent set by TEA under pandemic guidelines.

Adult support is critical to a child's success in a virtual or hybrid program. Programs should have clear engagement policies that ensure a student is set up for success. It will be important to ensure that these policies consider the needs of students with disabilities, as well as historically underserved students.

If a student is struggling in a virtual environment, a virtual or hybrid program should be able to initiate a collaborative support process with the students and their supporting adults. If that process is not successful, a program could require a student to attend in-person classes as a condition of enrollment.

Students should not be statutorily prohibited from participating in virtual education based on their grade, prior enrollment status, or prior academic achievement

Previously, students have been prohibited by statute from enrolling in virtual programs in grades K-2. Though programs serving K-2 students will look vastly different from, say, a CTE-focused hybrid high school, they offer significant value to some families. [Great Hearts Online](#) and [TTU K-12](#) are two Texas schools that have found success with this age range. Programs serving K-2 students should be allowed to exist and should be required to offer at least one STAAR-tested grade, as is currently required through 2023 by Sen. Taylor and Rep Keith Bell's [SB 15](#) (87th Legislature).

Other students are prevented from enrolling due to prior enrollment status. During the pandemic, many students opted for alternative forms of education such as homeschooling or private schools. Previously, such students have been barred from enrolling in public virtual programs. Virtual and hybrid programs pose a promising avenue for districts to re-enroll students who have left public schools; this requirement will hurt the ability of students to re-enter Texas classrooms.

Under SB 15's temporary provisions, students are also prohibited from remaining in virtual instruction if they failed to meet standard in all STAAR tests from the previous year or maintain certain grades. In the 2021-22 school year, [60% of tested students in all grades failed to meet standard in STAAR math tests alone](#). Nor are math tests the only tests under this provision that could prevent a student from continued enrollment. This could preclude a large swath of Texas students from receiving virtual instruction next year, regardless of whether a program is helping them improve. Initial reports indicate that disadvantaged students and students with disabilities are most likely to be impacted by this requirement. This provision turns virtual education into elite programming for already-successful students rather than equalizing the availability of quality instruction across the state.

Individual virtual and hybrid programs may, of course, choose to enact enrollment limitations based on program characteristics. This is more appropriately done at the program level than in statewide statute.

Program results should be transparent and accessible

Quality and transparency matter. Independent school districts and charter districts already operate under Texas' A-F accountability system. The accountability system should also be applied to virtual and hybrid programs operated by these districts. Program accountability results should be readily available, as with existing in-person campuses.

If a district chooses to contract with an external provider for educational services, the district should be strongly encouraged or required to include a performance clause within that contract. [Texas Partnerships](#) between school districts and charter school operators already provide a framework for this kind of performance agreement. Though accountability ultimately lies with the contracting district, it may be beneficial to create an A-F equivalent rating for vendors serving multiple school districts to give districts and families visibility into the effectiveness of specific vendors.

Virtual and hybrid education are tailor-made for competency-based education and assessment

Texas public education relies heavily on a system of seat time accounting to fund and administer schools. The flaws of this approach have been clear, but solutions take time to develop and scale. This system especially breaks down in virtual and hybrid education settings. These settings create an opportunity to develop [competency-based approaches](#) that focus education on student outcomes over mere student presence. In the coming years, lessons from developing these competency-based approaches can also be applied more broadly to Texas public education.

Again, thank you for your service to the state and students of Texas. We look forward to supporting your efforts.

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Before coming to the Foundation in 2016, Emily served on Sen. Ted Cruz’s state staff as deputy regional director for North Texas, functioning as the senator’s liaison on all policy topics to a 14-county region. She has worked as staff in the Texas House of Representatives and on multiple campaigns.

Emily holds a B.A. in music from Thomas Edison State University and a certificate in education finance from Georgetown University. She is a trained classical musician and a former teacher.

About Texas Public Policy Foundation

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The public is demanding a different direction for their government, and the Texas Public Policy Foundation is providing the ideas that enable policymakers to chart that new course.

