



# Extending Virtual Options Through the Texas Virtual School Network (TXVSN) Frequently Asked Questions (FAQs)

## Overview

On June 12, 2023, Governor Abbott directed the Commission of Education to waive specific requirements for LEAs to continue offering virtual options for the next two school years (2023-2024 and 2024-2025.) The recorded webinar and slides and detailed directions for waiver and CDCN applications are located on the [TXVSN Online Schools](#) webpage.

This FAQ addresses questions related to Texas LEAs that offered a full-time (100%), remote instructional program to students during 2022-2023 and to participants in TEA's 2022-2023 virtual accelerator program that wish to continue delivering a full-time, remote instructional program as a Texas Virtual School Network (TXVSN) online school for the 2023-2024 and 2024-2025 school years.

Questions are organized into the following sections:

- LEA Eligibility and Waivers
- Funding and Accountability
- Student Eligibility
- Program Design and Implementation

## LEA Eligibility and Waivers

### 1. Who is eligible for this opportunity to apply for waivers to become an online school in the Texas Virtual School Network for the 2023-2024 and 2024-2025 school years?

The eligibility requirements to apply for the waiver are listed below.

- LEAs operating a full-time, online school under TEC 29.9091 (SB 15 (87-2)) in 2022-2023 or
- TEA virtual accelerator participants in 2022-2023.

Additionally, LEAs must also meet the following requirements.

- An accountability rating of C or higher; and
- An accredited status.

### 2. Do remote conferencing programs qualify for this opportunity?

Remote conferencing programs are allowable through a separate waiver process. This type of program does not qualify as a full-time, online school.

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**3. Are existing TXVSN full-time online schools able to apply for this waiver?**

This opportunity is for LEAs operating a full-time, online school under TEC 29.9091 in 2022-2023, not existing TXVSN full-time online schools.

**4. Can a non-Texas public school apply for this waiver?**

No, this opportunity is for Texas public school LEAs operating a full-time, online school under TEC 29.9091 in 2022-2023.

**5. Is there an enrollment cap within TXVSN online schools?**

The law and rule are silent on enrollment caps for TXVSN online schools. Therefore, it is a local LEA decision to define policy in this area.

**6. Can a full-time, online school operating under TEC 29.9091 in 2022-2023 that offered instruction for K-2 students continue to offer instruction to grades K-2?**

With an approved waiver, full-time online school schools that offered instructions for grades K-2 operating under 29.9091 or 48.0071 may continue offering instruction for this grade band.

**7. How can schools report what grade levels they plan to offer during the 2023-2024 school year?**

Schools must note the grade levels they offered during the 22-23 school year and the grade levels they intend to offer during the 23-24 school year on the [Notice of Intent and Informed Choice Form](#).

**8. Can a full-time, online school that was grandfathered under TEC 48.0071 as a statewide, full-time online school continue to operate as a statewide, full-time online school?**

Yes, full-time online schools that served statewide students during 2022-23 may continue operating a statewide program.

**9. Are TXVSN online campuses required to obtain a CDCN?**

Yes, TXVSN full-time online schools are required to obtain a CDCN. Upon receiving waiver approval to become a TXVSN online school. An LEA must apply for a CDCN number for the full-time online school. It is expected that new TXVSN full-time online schools will have an active CDCN number no later than September 15, 2023.

**10. Does an LEA need to get a new CDCN if the LEA had a CDCN for their full-time online school that operated in the 2022-2023 school year?**

No, the LEA can use the same CDCN for a TXVSN full-time online school that was used for their full-time local remote school in the 2022-2023 school year.

**11. Does an LEA that operated a full-time, online school under TEC 29.9091 with a CDCN still need to apply for a waiver to become a TXVSN full-time online school?**

Yes, the LEA will need to submit a waiver to operate a TXVSN full-time online school.

**12. What are the steps for LEAs that meet all eligibility requirements and wish to apply for a waiver to become a TXVSN full-time online school?**

In general, qualified LEAs will need to:

- obtain board approval to submit a TEA waiver to operate as a TXVSN full-time online school;
- complete a [Notice of Intent and Informed Choice form](#);
- submit a waiver application; and
- apply for a CDCN.

Please see the detailed waiver process listed on the [TXVSN Online School webpage](#).

**13. What options are available to an LEA if their board is not scheduled to meet until the end of July?**

If the board cannot meet to approve the waiver submission, then the LEA can enter the date on which the board approved the continuation of the virtual program. The agency requires that the board ratify the waiver request at a future board meeting to ensure compliance with TEC, Chapters 11 and 12, and TEC, Section 7.056.

**14. When is the deadline for the waiver submission?**

Waivers must be approved before an LEA can operate a TXVSN full-time online school. The deadline for the waiver submission is 30 days before the first day of school.

**15. Is there a waiver template for the board to approve?**

No, there is not a waiver template to provide to the LEA's school board. The LEA is asking the school board for approval to submit a waiver to operate a TXVSN full-time online school.

**16. Do we have to submit courses through the course review process?**

No, the course review process is being waived through the waiver submission for LEAs that operated a full-time local remote learning under TEC 29.9091.

**17. Are there additional requirements for open-enrollment charter schools?**

Charter LEAs that did not operate under a separate CDCN in 2022-23 will need to submit an expansion waiver and expansion request.

- A board resolution is required.
- Submit the expansion waiver request in the **Other Waiver** application.
- Submit the online expansion amendment request form.

## Funding and Accountability

### 18. Are students eligible to receive FSP funding in a TXVSN online school?

If an eligible student participates in a recognized TXVSN online school and meets the requirements for enrollment in a Texas school district or charter school, the student is eligible to generate FSP funding. FSP funding is adjusted for a student that does not successfully complete the TXVSN online school program.

### 19. Do students receive funding based on attendance in a TXVSN online school?

Texas public school students are not required to be in physical attendance while participating in courses through a Texas Virtual School Network online school. A student is considered to have met attendance requirements based upon successful completion of a TXVSN online school. A student who has successfully completed the grade level or course is eligible to receive any weighted funding for which the student is eligible. (Please refer to [19 Texas Administrative Code §70.1017](#) for further information.)

For enrollment in grades kindergarten through eight to count toward ADA eligibility status, a student must successfully complete the program. Successful completion is defined as completion of the TXVSN program and demonstrated academic proficiency with passing grades sufficient for promotion to the next grade level. State funding (ADA and FSP) is adjusted in the following school year for students who do not successfully complete the TXVSN program.

For course enrollments in grades nine through 12 to count toward ADA eligibility, a student must successfully complete the course. Successful completion is defined as completion of the course and demonstrated proficiency with a passing grade sufficient to earn credit for the semester course.

For more details on funding, as well as ADA eligibility codes, and the classification of full-day and half-day attendance for TXVSN online school students, please refer to Section 12.2 of the [Student Attendance Accounting Handbook](#).

### 20. Will a student generate funding when transferring in or out of a TXVSN online school?

The successful completion requirements and associated funding model applies to a student that transfers in or out of a TXVSN online school.

### 21. Do TXVSN full-time online schools receive an accountability rating?

Yes, a TXVSN full-time online school receives an accountability rating ([TEC §30A.110](#) and [19 TAC §70.1023](#).)

### 22. Are Texas online school accountability ratings included in the district rating?

Yes, a TXVSN online school accountability rating is included in the district rating.

### 23. Do LEAs operating under the TXVSN waiver continue to submit PEIMS data?

Yes, submission requirements and [timelines](#) do not change.

Updated  
9/8/2023

Updated  
9/8/2023

**24. What ADA eligibility code should be used for attendance for a student attending a TXVSN online school?**

ADA Eligibility Code 1-Eligible for Full Day Attendance.

Updated  
9/8/2023

**25. What information would LEAs operating under the TXVSN waiver need to submit for course completion?**

LEAs operating under the TXVSN waiver will need to submit course completion data for all students in the TXVSN online school program. LEAs will need to update their system to report grades K-12. Currently, in the PEIMS Summer Submission, course completion is only reported for high school courses for non-TXVSN schools. LEAs may need to reach out to their student information system vendor to set this up.

Updated  
9/8/2023

**26. What updates should TXVSN online school campuses make to their courses in the master schedule in the school management software?**

Each section of the TXVSN course offered by a TXVSN OLS should be reported with a NON-CAMPUS-BASED-INSTRUCTION-CODE (C182) OF 04 (Texas Virtual School Network (TXVSN) Online Schools Program).

Updated  
9/8/2023

**27. How may a TXVSN Online School submit specific PEIMS related questions?**

For specific technical assistance, LEAs may submit a TIMS ticket through the Texas Student Data System (TSDS) Support page. Once logged into TSDS through TEAL, the link to the Support page is <https://tealprod.tea.state.tx.us/TSDS/Support>.

## Student eligibility

**28. What are student eligibility criteria?**

The student eligibility requirements for LEAs operating full-time online schools approved under this waiver are listed below.

A student is eligible only if the student meets requirements for enrollment in the Texas public education system or

- is a dependent of a member of the United States military who has been deployed or transferred to this state and was enrolled in a publicly funded school outside of this state in the proceeding school year; or
- has been placed in substitute care in this state, regardless of whether the student was enrolled in a public school in this state in the preceding year; or
- is a dependent of a member of the United States military, was previously enrolled in high school in this state, and does not reside in this state due to a military deployment or transfer.

**29. May a student who transfers to an LEA during the school year enroll in a TXVSN online school?**

Yes, students who transfer to an LEA operating a full-time online school under this waiver may enroll during the school year.

**30. Is a student who is a dependent of an active member of the United States military eligible to enroll in a TXVSN online school?**

A student who is a dependent of a member of the United States military who has been deployed or transferred to Texas and was enrolled in a publicly funded school outside of Texas in the preceding school year may enroll in a TXVSN online school. Additionally, a student who is a dependent of a member of the United States military; was previously enrolled in Texas public high school; and does not reside in this state due to a military deployment or transfer is eligible to enroll in a full-time online school ([TEC §30A.002\(b\)\(2\)](#) and [\(c\)\(1-3\)](#)). The documentation requirements for this scenario are located in section 12.2.1.2 of the [Student Attendance Accounting Handbook](#).

## Program Design and Implementation

### General

**31. Can an LEA add grade levels to their TXVSN full-time online school?**

Yes, an LEA may add additional grade levels in the 2023-2024 and 2024-2025 school years.

**32. Can an LEA that operated a local program in 2022-2023 expand to a statewide program?**

No, full-time online programs that operated under TEC 29.9091 are not authorized to become a statewide full-time online school.

**33. What are the online course requirements for a TXVSN online school?**

For LEAs operating a full-time online school under this waiver, online course review requirements are waived. However, courses are still expected to meet the Texas Essential Knowledge and Skills and 508 accessibility requirements. Full-time online schools offer the courses students are required to complete their grade or credits as required in TAC Chapter 74 in an online environment.

**34. What is considered full-time online instruction?**

TXVSN full-time online schools must meet the 75,600 minutes of instruction required by all Texas public schools. This means a TXVSN student is enrolled in seven 60-minute online courses for 180 days.

**35. If we operated a hybrid or flex program in 2022-2023, can we continue to operate a hybrid or flex program?**

Please contact the TEA at [TXVSN help desk](#) or [Remote.Learning@tea.texas.gov](mailto:Remote.Learning@tea.texas.gov) to schedule a time to discuss hybrid or flex program options.

**36. Can a student take four online classes and three in person classes in a school day?**

Please contact the TEA at [TXVSN help desk](#) or [Remote.Learning@tea.texas.gov](mailto:Remote.Learning@tea.texas.gov) to schedule a time to discuss hybrid or flex program options.

**37. Are LEAs required to provide school lunch services for students in a TXVSN online school?**

A student must be enrolled in an LEA that participates in NSLP to receive a meal.

**38. Can an LEA claim meals provided to students enrolled in a TXVSN online school under their NSLP?**

Yes, the LEA can claim meals provided to students enrolled in a TXVSN online school if the LEA participates in NSLP and the student consumes the meal on campus during regular meal service times.

**39. Are TXVSN full-time online schools required to establish local policy and create a student handbook or information website?**

Yes, LEAs are required to have written policies related to their campuses.

**40. What are the rules related to TXVSN enrollment, advancement, and withdrawal?**

[19 Texas Administrative Code \(TAC\) §70.1015](#) provides additional information about enrollment, advancement, and withdrawal in a TXVSN online school.

**41. When can a student enroll in a TXVSN online school?**

Enrollment windows for a TXVSN online school are a local LEA decision.

**42. What is the enrollment process in a TXVSN online school?**

The LEA manages the TXVSN online school enrollment process.

**43. Can the LEA offer dual credit courses through the TXVSN full-time online school?**

LEAs that are approved for a TXVSN full-time online school are allowed to provide online dual credit courses to their students.

**44. Can the LEA offer CTE courses through the TXVSN full-time online school and receive weighted funding?**

Yes, the LEA can offer online CTE courses in the TXVSN full-time online school and receive weighted funding if the CTE course qualifies for weighted funding.

**45. Are students allowed to be enrolled full-time in a TXVSN full-time online school and attend part-time at an in-person campus?**

Please contact the TEA at [TXVSN help desk](#) or [Remote.Learning@tea.texas.gov](mailto:Remote.Learning@tea.texas.gov) to schedule a time to discuss hybrid or flex program options.

**46. Do class size restrictions still apply to TXVSN online schools?**

Yes, maximum class size restrictions still apply in TXVSN full-time online schools. Charter LEAs are still held to their maximum student enrollment.

**Special Populations**

**47. For a student enrolled in special education to be placed in a TXVSN online school, is it required that an ARD Committee determines that an online school is an appropriate setting for the student?**

Yes, the ARD committee determines whether the TXVSN full-time, online school (100% virtual instruction) is appropriate for implementing the student's IEP, bearing in mind that students

with disabilities may not be excluded from, or be denied the benefits of, virtual instruction on the basis of disability. An LEA should address specific concerns with its local counsel.

**48. Are TXVSN full-time online schools required to offer emergent bilingual (EB) services?**

No, unless there is not a brick-and-mortar option provided by the LEA that offers the full-time TXVSN online school.

**49. If the family of an emergent bilingual (EB) student who participates in the ESL program at an LEA opts to enroll in a TXVSN full-time online school, is the TXVSN school required to continue ESL program services?**

Yes, if the LEA providing the ESL program is the same LEA providing the TXVSN full-time online school.

Course Curriculum and Graduation Requirements

**50. Are TXVSN full-time online schools expected to offer the curriculum in 19 TAC, Chapter 74?**

Yes, TXVSN full-time online schools are required to meet [19 TAC, Chapter 74](#) curriculum requirements.

State Assessments

**51. Are TXVSN online school students required to take State of Texas Assessments of Academic Readiness (STAAR®) and end-of-course (EOC) assessments?**

Yes, TXVSN online school students are required to take statewide assessments, including STAAR and EOCs ([19 TAC §70.1023\(a\)](#)). Students must be present at a monitored testing session and must be supervised by a trained test administrator.

**52. Are LEAs responsible for providing a testing site and staffing to support an assessment?**

LEAs may set up alternative testing sites other than the home campus (e.g., performing arts centers, recreational centers, hotels, other “learning centers” the LEA may have already established, or any other location supervised by a trained test administrator where the LEA can ensure equitable access and maintain test security). All test administration guidelines must still be followed:

Any LEA personnel may serve as a test administrator if they hold valid education credentials (such as a Texas educator certificate or permit), or if they are supervised by an LEA professional who holds the appropriate credentials.

University Interscholastic League (UIL) Activities

**53. Can students participate in UIL activities provided by the LEA?**

TXVSN full-time online schools are separate campuses. LEAs must follow UIL guidelines specific to campus activities. UIL policies and enrollment criteria can be accessed through the [UIL website](#).



Please note, subject to local school district discretion, students attending non disciplinary 'alternative' schools such as magnet or ISD charter schools within the same independent school district that do not offer UIL participation opportunities, may be ... eligible to participate in the division (Academics, Athletics, Music) of UIL activities not offered at the non disciplinary 'alternative' school.

For further questions or clarification, please contact UIL at 512-471-5883.

#### Partnerships

**54. May an LEA partner with a third-party vendor to provide educators for a TXVSN online school?**

Yes, an LEA may partner with a third-party vendor to deliver online instruction.