



Testimony

HB 1468

Testimony Before the Texas House Public Education Committee

by Emily Sass, Policy Director

Chairman Dutton and Members:

A year ago, virtual education was a niche offering in Texas public education, serving fewer than 1% of Texas students. However, the past year's pandemic-related closures have plunged the nation and state into an extended experiment in emergency remote education. The Texas Legislature now has an opportunity to [update state policy on virtual and hybrid education](#) to encourage a more robust, resilient education landscape that both empowers districts to create programs that serve the needs of their students and empowers students with the ability to select the virtual offerings that will meet their needs.

Recent polling conducted by the Texas Public Policy Foundation shows that Texans agree that flexibility in virtual programming [should be available to both districts and parents](#):

- 74% of polled registered voters agree that Texas school districts should have the authority to decide whether or not 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 African-American respondents.

House Bill 1468 rightly allows districts more flexibility in determining their approach to virtual instruction. Current statute, necessarily waived during the pandemic, [limits providers](#) of full-time virtual education to only eight districts in the state. This preempts locally developed solutions and the beneficial effects of healthy competition. The bill also allows students in local programs to take more than the maximum three courses set in statute, giving more flexibility in the creation of hybrid programs of instruction.

However, in granting districts some new flexibility, House Bill 1468 also limits other district flexibilities and students' flexibility. The bill limits districts' programs so that only zoned students and children of employees may participate. This restricts districts' local authority to set their own transfer policies and students' ability to select a program they prefer. [Current transfer policy](#) both allows students to individually apply to districts for the opportunity to transfer and allows districts the latitude to consider and accept those applications based on their locally developed district policy. HB 1468 as written would remove those rights from applying students and accepting districts when a virtual program is involved. In the absence of a memorandum of understanding (MOU) with another district (provided by the committee substitute, see below), a student zoned to a district which offers no virtual programming or unsatisfactory virtual programming would have no recourse but to turn back to one of the 8 existing districts authorized by the Texas Virtual Schools Network. (The bill leaves their authorization intact, while limiting the ability of new district programs to serve transfer students.)

This approach [contravenes existing TEA guidance](#) instituted for school year 2020-21, which established that "any parent may request that their student be offered virtual instruction from any school system that offers such instruction" (see p. 19). In fact, districts that closed their virtual programming in the past year have pointed to this allowance and encouraged families to turn to other districts for solutions.

As noted, the committee substitute does make allowances for districts to create MOUs to have students enrolled in one district provided remote instruction by another district. This could certainly provide more options to a student, if such an MOU is reached. The student, however, is still subject to the district's selection of MOU partner and any other negotiated

limitations. In other words, this allows districts with no or limited virtual programming to find placement for an interested student, but the student's latitude to seek out another district option for themselves is closed off.

The simplest resolution to these limitations is to allow current transfer policy, as detailed in Texas Education Code Chapter 25, Subchapter B, to apply equally to school districts in either an in-person, hybrid, or virtual format. Districts have latitude to create policies determining how they will accept students from outside the district, but they cannot prevent students from selecting another alternative.

Committee Substitute Items

The latest committee substitute available does improve the filed language by including charter districts in the same manner as ISDs. Charter districts should be able to offer, and charter students should be able to access, virtual options at the same level as ISD students.

The committee substitute also addresses accountability, ensuring that a student is assigned to a home campus and included in the accountability system as a normal student. This ensures that students are still included in districts' accountability processes and [aligns with current TEA practice](#) from this year.

Unfortunately, the committee substitute also limits the delivery system for remote learning to only synchronous delivery, in which students and teachers are online simultaneously during a class period. Asynchronous delivery certainly is not always the preferred delivery method for remote instruction. However, as deployed by successful virtual and hybrid programs [in Texas and across the country](#), it does provide the capacity to accommodate students' scheduling needs, provide flipped classroom environments, lessen screen time for younger and active students, and accommodate students with limited connectivity. While Texas has made strides in its ability to provide [remote instruction to disadvantaged students](#), synchronous-only instruction could make this format less accessible.

The determination of synchronous or asynchronous instruction should be left to the providing district.

Thank you for your consideration, and for your service to the state of Texas. ★

ABOUT THE AUTHORS



Emily Sass is the policy director for Next Generation Texas at the Texas Public Policy Foundation. Emily has researched education policy topics such as school finance, teacher compensation, expanded family opportunities, and virtual education. She has served on legislative taskforces regarding education mandate relief and teacher professional development.

Before coming to the Foundation, 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 BA 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.

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