



Opposition to SB 1861

Expanding full-time virtual education

March 29, 2023

The **Association of Texas Professional Educators (ATPE)** offers the following input in opposition to **Senate Bill (SB) 1861**, which would expand full-time virtual education in Texas. ATPE has consistently opposed ending the moratorium on new full-time virtual education programs until the track record of failure among current providers, including third-party vendors, is adequately addressed. Of the roughly 38,000 students enrolled in full-time virtual programs in Texas, 88% are being served by three programs with a history of substandard performance:

- **Texas Connections Academy** (10,126 students) has never earned better than a C rating since the 2017-18 school year.
- **Texas Online Preparatory Elementary** (4,009 students) was rated “improvement required” in 2017-18, rated a D in 2018-19, and earned a failing score in the 2021-22 school year. **Texas Online Preparatory Middle School** (3,202 students) and **Texas Online Preparatory High School** (2,184 students) have never earned better than a C rating since the 2017-18 school year.
- **Texas Virtual Academy** (14,214 students) earned a D in the 2018-19 school year.

Each of these programs serves its students through a national curriculum not developed in Texas. Texas Virtual Academy and Texas Online Preparatory, which combined account for 61% of full-time virtual students, serve curriculum developed by Virginia-based Stride K12. Texas Connections, which accounts for 27% of students, serves curriculum developed by London-based Pearson. This curriculum is not vetted by parents or elected school boards.

The Texas school accountability system is designed to track schools, not third-party virtual vendors. If a virtual school fails, there is very little preventing the third-party virtual vendor from finding a new host school to supply with substandard virtual education. SB 1861 contemplates third-party virtual instruction providers, but we believe the language could be clearer and stronger.

Perhaps the most concerning aspect of SB 1861 is the rush to allow every local education agency (LEA) in the state to function as a statewide virtual provider with a financial incentive to pursue enrollment over ensuring that students receive the educational quality they deserve. Considering our state's dubious history with many aspects of virtual education, we should move forward at a conservative pace and in a manner that ensures quality education, not simply ease of access, is the goal. ATPE does appreciate that SB 1861 includes a section on the rights of teachers with regard to virtual instruction. Educators specifically appreciate that

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the bill would prohibit a teacher hired to provide in-person instruction from being coerced to provide virtual instruction, as well as prohibitions against requiring simultaneous virtual and in-person instruction.

We also appreciate that SB 1861 seeks to wipe away the old statutory framework that, regarding full-time virtual programs, has poorly served Texas students for far too long.

However, considering the generally negative impacts of virtual education to date, it would seem more prudent to begin a new system of Texas virtual education more cautiously. Most students are better served through in-person learning, so it stands to reason that most virtual programs should serve students within their own physical boundaries. In doing so, they can ensure students have access to services that can only be provided in person and retain the ability to quickly transition a student back to in-person instruction if it becomes clear doing so would be in the student's best educational interest. Additionally, if the state were to allow a few providers to offer statewide programs, those programs should, at a minimum, have a significant record of accomplishment showing they can successfully provide virtual education to students within their own boundaries before being granted the authority to serve students for whom they cannot also provide in-person support.

ATPE continues to oppose lifting the full-time virtual school moratorium until the systemic failure of current providers can be identified and rectified. **We therefore respectfully urge members to OPPOSE SB 1861.** For additional information, contact ATPE Governmental Relations at (800) 777-2873 or government@atpe.org.

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