By:　Taylor, et al.   S.B. No. 15
　　　(Bell of Kaufman)

A BILL TO BE ENTITLED

1　　　　　　　　　　　　　　AN ACT

2 relating to virtual and off-campus electronic instruction at a

3 public　school,　the　satisfaction　of　teacher　certification

4 requirements　through　an　internship　teaching　certain　virtual

5 courses, and the allotment for certain special-purpose school

6 districts under the Foundation School Program.

7　　　　　BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

8　　　　　SECTION 1.　Section 21.051, Education Code, is amended by

9 adding Subsection (g) to read as follows:

10　　　　　(g)　Rules proposed by the board under Section 21.044(a) or

11 this　section　may　allow　a　candidate　to　satisfy　certification

12 requirements　through　an　internship　that　provides　the　candidate

13 employment as a teacher for courses offered through a local remote

14 learning program under Section 29.9091 or the state virtual school

15 network under Chapter 30A.　This subsection expires September 1,

16 2023.

17　　　　　SECTION 2.　Section 25.092, Education Code, is amended by

18 adding Subsection (a-4) to read as follows:

19　　　　　(a-4)　A school district or open-enrollment charter school

20 may adopt a policy to exempt students from the requirements of this

21 section for one or more courses identified in the policy that are

22 offered　under　a　local　remote　learning　program　under　Section

23 29.9091. This subsection expires September 1, 2023.

24　　　　　SECTION 3.　Subchapter Z, Chapter 29, Education Code, is

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1 amended by adding Section 29.9091 to read as follows:

2   Sec. 29.9091. LOCAL REMOTE LEARNING PROGRAM. (a) A school

3 district or open-enrollment charter school assigned an overall

4 performance rating of C or higher under Section 39.054 for the

5 preceding school year or the most recent school year in which a

6 performance rating was assigned may operate a local remote learning

7 program to offer virtual courses outside the state virtual school

8 network under Chapter 30A to eligible students.

9   (b) A school district or open-enrollment charter school

10 that operates a full-time local remote learning program must:

11   (1) include in the program:

12   (A) at least one grade level in which an

13 assessment instrument is required to be administered under Section

14 39.023(a), including each subject for which an assessment

15 instrument is required; or

16   (B) a complete high school program, including

17 each course for which an end-of-course assessment instrument is

18 required to be administered under Section 39.023(c); and

19   (2) offer the option for a student's parent or person

20 standing in parental relation to select in-person instruction for

21 the student.

22   (c) A virtual course offered under a local remote learning

23 program:

24   (1) may be provided through synchronous instruction,

25 asynchronous instruction, or a combination of synchronous and

26 asynchronous instruction; and

27   (2) may be provided in combination with in-person

1 instruction as appropriate to meet the needs of individual

2 students.

3   (d) A student is eligible to enroll in a virtual course

4 offered under a local remote learning program if the student:

5   (1) is enrolled in a school district or

6 open-enrollment charter school;

7   (2) has reasonable access to in-person services for

8 the course at a district or school facility; and

9   (3) meets any additional criteria, including minimum

10 academic standards, established by the school district or

11 open-enrollment charter school in which the student is enrolled.

12   (e) A school district or open-enrollment charter school

13 that operates a local remote learning program:

14   (1) shall periodically assess the performance of

15 students enrolled in virtual courses under the program; and

16   (2) subject to Subsection (f), may remove a student

17 from virtual courses under the program and return the student to

18 in-person instruction if the district or school determines that the

19 student does not meet the criteria described by Subsection (d).

20   (f) A school district or open-enrollment charter school may

21 remove a student from virtual courses under Subsection (e)(2) only

22 if the district or school establishes a process to ensure that each

23 student and the student's parent or person standing in parental

24 relation have sufficient notice and opportunity to provide input

25 before the student is removed from those courses.

26   (g) A school district or open-enrollment charter school may

27 contract with another school district or open-enrollment charter

1 school to allow a student enrolled in the sending district or school

2 to enroll in virtual courses offered under the local remote

3 learning program of the receiving district or school. A student

4 enrolled in virtual courses under an agreement described by this

5 subsection is considered enrolled in the sending district or school

6 for purposes of average daily attendance and accountability under

7 Chapters 39 and 39A.

8 (h) An assessment instrument administered under Section

9 39.023 or 39.025 to a student enrolled in a virtual course offered

10 under a local remote learning program shall be administered to the

11 student in the same manner in which the assessment instrument is

12 administered to other school district or open-enrollment charter

13 school students.

14 (i) If a school district or open-enrollment charter school

15 offers virtual courses under a local remote learning program for

16 students receiving special education services, the courses must

17 meet the needs of a participating student in a manner consistent

18 with Subchapter A of this chapter and with federal law, including

19 the Individuals with Disabilities Education Act (20 U.S.C. Section

20 1400 et seq.) and Section 504, Rehabilitation Act of 1973 (29 U.S.C.

21 Section 794).

22 (j) A teacher may not provide instruction for a virtual

23 course offered under a full-time local remote learning program

24 unless the teacher has completed a professional development course

25 on virtual instruction.

26 (k) A school district or open-enrollment charter school may

27 not assign a teacher to teach a full-time local remote learning

1 program unless the teacher agrees to the assignment in writing or

2 the assignment is specifically stated in the employment contract of

3 the teacher for the academic school year. A district or school may

4 not directly or indirectly coerce any teacher to agree to an

5 assignment to teach a full-time local remote learning program.

6   (l) A school district or open-enrollment charter school may

7 not require a teacher to provide both virtual instruction and

8 in-person instruction for a course during the same class period.

9   (m) A student enrolled in a virtual course offered under a

10 local remote learning program may participate in an extracurricular

11 activity sponsored or sanctioned by the school district or

12 open-enrollment charter school in which the student is enrolled or

13 by the University Interscholastic League in the same manner as

14 other district or school students.

15   (n) A student enrolled in a virtual course offered under a

16 local remote learning program shall be counted toward the school

17 district's or open-enrollment charter school's average daily

18 attendance in the same manner as other district or school students.

19 The commissioner shall adopt rules providing for a method of taking

20 attendance, once each school day, for students enrolled in a

21 virtual course offered under a local remote learning program.

22   (o) Chapter 30A does not apply to a virtual course offered

23 under a local remote learning program.

24   (p) This section does not prohibit a student enrolled in a

25 school district or open-enrollment charter school that operates a

26 local remote learning program from enrolling in courses offered

27 through the state virtual school network under Chapter 30A.

1   (q) In evaluating under Section 39.054 the performance of a

2   school district or open-enrollment charter school that operates a

3   full-time local remote learning program, the commissioner shall

4   assign the program separate overall and domain performance ratings

5   as if the program were a campus of the district or school. For

6   purposes of assigning performance ratings under this subsection,

7   only students who spend at least half of the students'

8   instructional time in virtual courses offered under the program are

9   considered enrolled in the program.

10   (r) A school district or open-enrollment charter school

11 that operates a local remote learning program may not enroll in the

12 program a number of students that exceeds 10 percent of the total

13 number of students enrolled in the district or school during the

14 2021-2022 school year. The commissioner may waive this subsection:

15   (1) on application by a school district or

16 open-enrollment charter school; or

17   (2) in response to a public health emergency.

18   (s) This section expires September 1, 2023.

19   SECTION 4. Section 39.301, Education Code, is amended by

20 adding Subsection (c-1) to read as follows:

21   (c-1) In addition to the indicators described by Subsection

22 (c), the indicators for reporting purposes must include, for each

23 school district and campus, the performance of students who spend

24 at least half of the students' instructional time in virtual

25 courses offered under a local remote learning program under Section

26 29.9091. This subsection expires September 1, 2023.

27   SECTION 5. Section 48.005, Education Code, is amended by

1 amending Subsection (h) and adding Subsections (m-1) and (m-2) to
2 read as follows:

3   (h) Subject to rules adopted by the commissioner under
4 Section 48.007(b), time that a student participates in an
5 off-campus instructional program approved under Section 48.007(a)
6 or a course or program provided under Section 48.007(c) shall be
7 counted as part of the minimum number of instructional hours
8 required for a student to be considered a full-time student in
9 average daily attendance for purposes of this section.

10   (m-1) This subsection applies only to a dropout recovery
11 school or program operating under Section 12.1141(c) or 39.0548
12 that is provided as a local remote learning program under Section
13 29.9091. For a dropout recovery school or program to which this
14 subsection applies, the commissioner shall establish an
15 asynchronous progression funding method for determining average
16 daily attendance based on full and partial semester course
17 completion.

18   (m-2) Subsection (m-1) and this subsection expire September
19 1, 2023.

20   SECTION 6. The heading to Section 48.007, Education Code,
21 is amended to read as follows:

22   Sec. 48.007. OFF-CAMPUS COURSES OR PROGRAMS COUNTED
23 [APPROVED] FOR PURPOSES OF AVERAGE DAILY ATTENDANCE.

24   SECTION 7. Section 48.007, Education Code, is amended by
25 amending Subsection (b) and adding Subsections (c), (d), and (e) to
26 read as follows:

27   (b) The commissioner shall adopt by rule verification and

1 reporting procedures to report student participation [~~concerning~~

2 ~~time spent by students participating~~] in instructional programs

3 approved under Subsection (a) or courses or programs provided under

4 Subsection (c).

5 (c) A school district or open-enrollment charter school may

6 provide one or more off-campus electronic courses, an off-campus

7 electronic program, or an instructional program that combines

8 in-person instruction and off-campus electronic instruction to

9 students enrolled in the district or school who have reasonable

10 access to in-person services at a district or school facility.

11 Off-campus electronic instruction for a course or program provided

12 under this subsection may be provided synchronously or

13 asynchronously. A student enrolled in a course or program provided

14 under this subsection shall be counted toward the district's or

15 school's average daily attendance in the same manner as other

16 district or school students. In adopting rules under Subsection

17 (b), the commissioner shall provide for a method of taking

18 attendance, once each school day, for students enrolled in a course

19 or program provided under this subsection.

20 (d) A school district or open-enrollment charter school

21 that operated during the 2020-2021 school year a full-time virtual

22 program outside the state virtual network under Chapter 30A may:

23 (1) continue to operate the virtual program on a

24 full-time basis;

25 (2) apply the same enrollment and transfer criteria

26 used during the 2020-2021 school year; and

27 (3) offer the program to students in any grade level or

1 combination of grade levels from kindergarten through grade 12 as

2 long as the program includes at least one grade level for which an

3 assessment instrument is administered under Section 39.023.

4   (e) Subsection (d) and this subsection expire September 1,

5 2023.

6   SECTION 8. Section 48.053, Education Code, is amended by

7 adding Subsections (b-1) and (b-2) to read as follows:

8   (b-1) This subsection applies only to a special-purpose

9 district described by Subsection (a) that existed before September

10 1, 2019. For a district to which this subsection applies, the

11 commissioner shall establish an asynchronous progression funding

12 method that may be used to determine the amount of the district's

13 entitlement under Subsection (b) based on full and partial semester

14 course completion.

15   (b-2) Subsection (b-1) and this subsection expire September

16 1, 2023.

17   SECTION 9. This Act applies beginning with the 2021-2022

18 school year.

19   SECTION 10. This Act takes effect immediately if it

20 receives a vote of two-thirds of all the members elected to each

21 house, as provided by Section 39, Article III, Texas Constitution.

22 If this Act does not receive the vote necessary for immediate

23 effect, this Act takes effect on the 91st day after the last day of

24 the legislative session.