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H.B. No. 1468

A BILL TO BE ENTITLED

AN ACT

relating to a local remote learning program offered by a public school.

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

SECTION 1. Section 25.092, Education Code, is amended by adding Subsection (a-3) to read as follows:

(a-3) A school district or open-enrollment charter school may adopt a policy to exempt students from the requirements of this section for one or more courses identified in the policy that are offered under a local remote learning program under Section 29.9091. This subsection expires September 1, 2027.

SECTION 2. Subchapter 7, Chapter 29, Education Code, is amended by adding Section 29.9091 to read as follows:

Sec. 29.9091. LOCAL REMOTE LEARNING PROGRAM. (a) In this section, "synchronous instruction" means instruction provided in a manner in which the instructor and the student are engaged at the same time with the ability to interact in real time.

(b) A school district or open-enrollment charter school may establish a local remote learning program to offer synchronous virtual courses outside the state virtual school network under Chapter 30A to eligible students.

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

(1) must be provided through synchronous instruction;

1 and

2 (2) may be provided in combination with in-person
3 instruction as appropriate to meet the needs of individual
4 students.

5 (d) A student is eligible to enroll in a virtual course
6 offered under a local remote learning program if the student:

7 (1) was enrolled in a public school in this state in
8 the preceding school year;

9 (2) is enrolled in a school district or
10 open-enrollment charter school in grade level three or above;

11 (3) has reasonable access to in-person services for
12 the course at a district or school facility; and

13 (4) meets any additional criteria, including minimum
14 academic standards, established by the school district or
15 open-enrollment charter school in which the student is enrolled.

16 (e) A school district or open-enrollment charter school
17 that offers a local remote learning program:

18 (1) shall periodically assess the performance of
19 students enrolled in virtual courses under the program; and

20 (2) may remove a student from virtual courses under
21 the program and return the student to in-person instruction if the
22 district or school determines that the student does not meet the
23 criteria described by Subsection (d).

24 (f) A school district or open-enrollment charter school may
25 contract with another school district or open-enrollment charter
26 school to allow a student enrolled in the sending district or school
27 to enroll in virtual courses offered under the local remote

1 learning program of the receiving district or school. A student
2 enrolled in virtual courses under an agreement described by this
3 subsection is considered enrolled in the sending district or school
4 for purposes of average daily attendance and accountability under
5 Chapters 39 and 39A.

6 (g) An assessment instrument administered under Section
7 39.023 or 39.025 to a student enrolled in a virtual course offered
8 under a local remote learning program shall be administered to the
9 student in the same manner in which the assessment instrument is
10 administered to other school district or open-enrollment charter
11 school students.

12 (h) If a school district or open-enrollment charter school
13 offers virtual courses under a local remote learning program for
14 students receiving special education services, the courses must
15 meet the needs of a participating student in a manner consistent
16 with Subchapter A of this chapter and with federal law, including
17 the Individuals with Disabilities Education Act (20 U.S.C. Section
18 1400 et seq.) and Section 504, Rehabilitation Act of 1973 (29 U.S.C.
19 Section 794).

20 (i) A school district or open-enrollment charter school may
21 not require a teacher to provide both virtual instruction and
22 in-person instruction for a course during the same class period.

23 (j) A student enrolled in a virtual course offered under a
24 local remote learning program may participate in an extracurricular
25 activity sponsored or sanctioned by the school district or
26 open-enrollment charter school in which the student is enrolled or
27 by the University Interscholastic League in the same manner as

1 other district or school students.

2 (k) A student enrolled in a virtual course offered under a
3 local remote learning program shall be counted toward the school
4 district's or open-enrollment charter school's average daily
5 attendance in the same manner as other district or school students.
6 The commissioner shall adopt rules providing for a method of taking
7 attendance, once each school day, for students enrolled in a
8 virtual course offered under a local remote learning program.

9 (l) Chapter 30A does not apply to a virtual course offered
10 under a local remote learning program.

11 (m) This section expires September 1, 2027.

12 SECTION 3. Section 39.301, Education Code, is amended by
13 adding Subsection (c-1) to read as follows:

14 (c-1) In addition to the indicators described by Subsection
15 (c), the indicators for reporting purposes must include, for each
16 school district and campus, the performance of students who spend
17 at least half of the students' instructional time in virtual
18 courses offered under a local remote learning program under Section
19 29.9091. This subsection expires September 1, 2027.

20 SECTION 4. Section 48.053, Education Code, is amended by
21 adding Subsection (b-1) to read as follows:

22 (b-1) This subsection applies only to a special-purpose
23 district described by Subsection (a) that existed before September
24 1, 2019. For a district to which this subsection applies, the
25 commissioner shall establish an asynchronous progression funding
26 method that may be used to determine the amount of the district's
27 entitlement under Subsection (b) based on full and partial semester

1 course completion.

2 SECTION 5. This Act applies beginning with the 2021-2022
3 school year.

4 SECTION 6. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2021.