

By: Bell of Kaufman, Huberty, Toth,
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H.B. No. 1468

Substitute the following for H.B. No. 1468:

By: Bell of Kaufman

C.S.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.

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 SECTION 3. Section 39.301(c), Education Code, is amended to
12 read as follows:

13 (c) Indicators for reporting purposes must include:

14 (1) the percentage of graduating students who meet the
15 course requirements established by State Board of Education rule
16 for:

17 (A) the foundation high school program;

18 (B) the distinguished level of achievement under
19 the foundation high school program; and

20 (C) each endorsement described by Section
21 28.025(c-1);

22 (2) the results of the SAT, ACT, and certified
23 workforce training programs described by Chapter 311, Labor Code;

24 (3) for students who have failed to perform
25 satisfactorily, under each performance standard under Section
26 39.0241, on an assessment instrument required under Section
27 39.023(a) or (c), the performance of those students on subsequent

1 assessment instruments required under those sections, aggregated
2 by grade level and subject area;

3 (4) for each campus, the number of students,
4 disaggregated by major student subpopulations, that take courses
5 under the foundation high school program and take additional
6 courses to earn an endorsement under Section 28.025(c-1),
7 disaggregated by type of endorsement;

8 (5) the percentage of students, aggregated by grade
9 level, provided accelerated instruction under Section 28.0211(c),
10 the results of assessment instruments administered under that
11 section, the percentage of students promoted through the grade
12 placement committee process under Section 28.0211, the subject of
13 the assessment instrument on which each student failed to perform
14 satisfactorily under each performance standard under Section
15 39.0241, and the performance of those students in the school year
16 following that promotion on the assessment instruments required
17 under Section 39.023;

18 (6) the percentage of students of limited English
19 proficiency exempted from the administration of an assessment
20 instrument under Sections 39.027(a)(1) and (2);

21 (7) the percentage of students in a special education
22 program under Subchapter A, Chapter 29, assessed through assessment
23 instruments developed or adopted under Section 39.023(b);

24 (8) the percentage of students who satisfy the college
25 readiness measure;

26 (9) the measure of progress toward dual language
27 proficiency under Section 39.034(b), for students of limited

1 English proficiency, as defined by Section 29.052;

2 (10) the percentage of students who are not
3 educationally disadvantaged;

4 (11) the percentage of students who enroll and begin
5 instruction at an institution of higher education in the school
6 year following high school graduation; ~~and~~

7 (12) the percentage of students who successfully
8 complete the first year of instruction at an institution of higher
9 education without needing a developmental education course; and

10 (13) for each school district and campus, the
11 performance of students who spend at least half of the students'
12 instructional time in virtual courses offered under a local remote
13 learning program under Section 29.9091.

14 SECTION 4. This Act applies beginning with the 2021-2022
15 school year.

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