

1-1 By: Bell of Kaufman, et al. H.B. No. 1468
 1-2 (Senate Sponsor - Taylor, West)
 1-3 (In the Senate - Received from the House April 28, 2021;
 1-4 May 10, 2021, read first time and referred to Committee on
 1-5 Education; May 24, 2021, reported adversely, with favorable
 1-6 Committee Substitute by the following vote: Yeas 8, Nays 1;
 1-7 May 24, 2021, sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9 Taylor	X			
1-10 Lucio			X	
1-11 Bettencourt	X			
1-12 Hall	X			
1-13 Hughes	X			
1-14 Menéndez	X			
1-15 Paxton	X			
1-16 Perry	X			
1-17 Powell	X			
1-18 Schwertner		X		
1-19 West			X	

1-21 COMMITTEE SUBSTITUTE FOR H.B. No. 1468 By: Taylor

1-22 A BILL TO BE ENTITLED
 1-23 AN ACT

1-24 relating to a local remote learning program operated by a public
 1-25 school.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Section 21.051, Education Code, is amended by
 1-28 adding Subsection (g) to read as follows:

1-29 (g) Rules proposed by the board under Section 21.044(a) or
 1-30 this section may not prohibit a candidate from satisfying
 1-31 certification requirements through an internship that provides the
 1-32 candidate employment as a teacher for courses offered through a
 1-33 local remote learning program under Section 29.9091 or the state
 1-34 virtual school network under Chapter 30A. This subsection expires
 1-35 September 1, 2023.

1-36 SECTION 2. Section 25.092, Education Code, is amended by
 1-37 adding Subsection (a-3) to read as follows:

1-38 (a-3) A school district or open-enrollment charter school
 1-39 may adopt a policy to exempt students from the requirements of this
 1-40 section for one or more courses identified in the policy that are
 1-41 offered under a local remote learning program under Section
 1-42 29.9091. This subsection expires September 1, 2023.

1-43 SECTION 3. Subchapter 7, Chapter 29, Education Code, is
 1-44 amended by adding Section 29.9091 to read as follows:

1-45 Sec. 29.9091. LOCAL REMOTE LEARNING PROGRAM. (a) A school
 1-46 district or open-enrollment charter school assigned an overall
 1-47 performance rating of C or higher under Section 39.054 for the
 1-48 preceding school year may operate a local remote learning program
 1-49 to offer virtual courses outside the state virtual school network
 1-50 under Chapter 30A to eligible students.

1-51 (b) A school district or open-enrollment charter school
 1-52 that operates a full-time local remote learning program must
 1-53 include in the program:

1-54 (1) at least one grade level in which an assessment
 1-55 instrument is required to be administered under Section 39.023(a),
 1-56 including each subject for which an assessment instrument is
 1-57 required; or

1-58 (2) a complete high school program, including each
 1-59 course for which an end-of-course assessment instrument is required
 1-60 to be administered under Section 39.023(c).

- 2-1 (c) A virtual course offered under a local remote learning
 2-2 program:
 2-3 (1) may be provided through synchronous instruction,
 2-4 asynchronous instruction, or a combination of synchronous and
 2-5 asynchronous instruction; and
 2-6 (2) may be provided in combination with in-person
 2-7 instruction as appropriate to meet the needs of individual
 2-8 students.
 2-9 (d) A student is eligible to enroll in a virtual course
 2-10 offered under a local remote learning program if the student:
 2-11 (1) is enrolled in a school district or
 2-12 open-enrollment charter school;
 2-13 (2) has reasonable access to in-person services for
 2-14 the course at a district or school facility; and
 2-15 (3) meets any additional criteria, including minimum
 2-16 academic standards, established by the school district or
 2-17 open-enrollment charter school in which the student is enrolled.
 2-18 (e) A school district or open-enrollment charter school
 2-19 that operates a local remote learning program:
 2-20 (1) shall periodically assess the performance of
 2-21 students enrolled in virtual courses under the program; and
 2-22 (2) subject to Subsection (f), may remove a student
 2-23 from virtual courses under the program and return the student to
 2-24 in-person instruction if the district or school determines that the
 2-25 student does not meet the criteria described by Subsection (d).
 2-26 (f) A school district or open-enrollment charter school may
 2-27 remove a student from virtual courses under Subsection (e)(2) only
 2-28 if the district or school establishes a process to ensure that each
 2-29 student and the student's parents have sufficient notice and
 2-30 opportunity to provide input before the student is removed from
 2-31 those courses.
 2-32 (g) A school district or open-enrollment charter school may
 2-33 contract with another school district or open-enrollment charter
 2-34 school to allow a student enrolled in the sending district or school
 2-35 to enroll in virtual courses offered under the local remote
 2-36 learning program of the receiving district or school. A student
 2-37 enrolled in virtual courses under an agreement described by this
 2-38 subsection is considered enrolled in the sending district or school
 2-39 for purposes of average daily attendance and accountability under
 2-40 Chapters 39 and 39A.
 2-41 (h) An assessment instrument administered under Section
 2-42 39.023 or 39.025 to a student enrolled in a virtual course offered
 2-43 under a local remote learning program shall be administered to the
 2-44 student in the same manner in which the assessment instrument is
 2-45 administered to other school district or open-enrollment charter
 2-46 school students.
 2-47 (i) If a school district or open-enrollment charter school
 2-48 offers virtual courses under a local remote learning program for
 2-49 students receiving special education services, the courses must
 2-50 meet the needs of a participating student in a manner consistent
 2-51 with Subchapter A of this chapter and with federal law, including
 2-52 the Individuals with Disabilities Education Act (20 U.S.C. Section
 2-53 1400 et seq.) and Section 504, Rehabilitation Act of 1973 (29 U.S.C.
 2-54 Section 794).
 2-55 (j) A teacher may not provide instruction for a virtual
 2-56 course offered under a full-time local remote learning program
 2-57 unless the teacher has completed a professional development course
 2-58 on virtual instruction.
 2-59 (k) A school district or open-enrollment charter school may
 2-60 not require a teacher to provide both virtual instruction and
 2-61 in-person instruction for a course during the same class period.
 2-62 (l) A student enrolled in a virtual course offered under a
 2-63 local remote learning program may participate in an extracurricular
 2-64 activity sponsored or sanctioned by the school district or
 2-65 open-enrollment charter school in which the student is enrolled or
 2-66 by the University Interscholastic League in the same manner as
 2-67 other district or school students.
 2-68 (m) A student enrolled in a virtual course offered under a
 2-69 local remote learning program shall be counted toward the school

3-1 district's or open-enrollment charter school's average daily
3-2 attendance in the same manner as other district or school students.
3-3 The commissioner shall adopt rules providing for a method of taking
3-4 attendance, once each school day, for students enrolled in a
3-5 virtual course offered under a local remote learning program.

3-6 (n) Chapter 30A does not apply to a virtual course offered
3-7 under a local remote learning program.

3-8 (o) This section does not prohibit a student enrolled in a
3-9 school district or open-enrollment charter school that operates a
3-10 local remote learning program from enrolling in courses offered
3-11 through the state virtual school network under Chapter 30A.

3-12 (p) In determining the performance ratings under Section
3-13 39.054 of a school district or open-enrollment charter school that
3-14 operates a full-time local remote learning program, the
3-15 commissioner shall evaluate the performance of students enrolled in
3-16 the program separately from the performance of other district or
3-17 school students and assign separate campus overall and domain
3-18 performance ratings for the program.

3-19 (q) A school district or open-enrollment charter school
3-20 that operates a local remote learning program may not enroll in the
3-21 program more than 10 percent of the district's or school's enrolled
3-22 students.

3-23 (r) This section expires September 1, 2023.

3-24 SECTION 4. Section 39.301, Education Code, is amended by
3-25 adding Subsection (c-1) to read as follows:

3-26 (c-1) In addition to the indicators described by Subsection
3-27 (c), the indicators for reporting purposes must include, for each
3-28 school district and campus, the performance of students who spend
3-29 at least half of the students' instructional time in virtual
3-30 courses offered under a local remote learning program under Section
3-31 29.9091. This subsection expires September 1, 2023.

3-32 SECTION 5. Section 48.005, Education Code, is amended by
3-33 adding Subsections (m-1) and (m-2) to read as follows:

3-34 (m-1) This subsection applies only to a dropout recovery
3-35 school or program operating under Section 12.1141(c) or 39.0548
3-36 that is provided as a local remote learning program under Section
3-37 29.9091. For a dropout recovery school or program to which this
3-38 subsection applies, the commissioner shall establish an
3-39 asynchronous progression funding method for determining average
3-40 daily attendance based on full and partial semester course
3-41 completion.

3-42 (m-2) Subsection (m-1) and this subsection expire September
3-43 1, 2023.

3-44 SECTION 6. Section 48.053, Education Code, is amended by
3-45 adding Subsections (b-1) and (b-2) to read as follows:

3-46 (b-1) This subsection applies only to a special-purpose
3-47 district described by Subsection (a) that existed before September
3-48 1, 2019, and that operates a local remote learning program under
3-49 Section 29.9091. For a local remote learning program of a district
3-50 to which this subsection applies, the commissioner shall establish
3-51 an asynchronous progression funding method that may be used to
3-52 determine the amount of the district's entitlement under Subsection
3-53 (b) based on full and partial semester course completion.

3-54 (b-2) Subsection (b-1) and this subsection expire September
3-55 1, 2023.

3-56 SECTION 7. This Act applies beginning with the 2021-2022
3-57 school year.

3-58 SECTION 8. This Act takes effect immediately if it receives
3-59 a vote of two-thirds of all the members elected to each house, as
3-60 provided by Section 39, Article III, Texas Constitution. If this
3-61 Act does not receive the vote necessary for immediate effect, this
3-62 Act takes effect September 1, 2021.

3-63 * * * * *