

By: Bell of Kaufman

H.B. No. 256

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to virtual instruction at a public school and the  
3 satisfaction of teacher certification requirements through an  
4 internship teaching certain virtual courses.

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

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

8 (g) Rules proposed by the board under Section 21.044(a) or  
9 this section may allow a candidate to satisfy certification  
10 requirements through an internship that provides the candidate  
11 employment as a teacher for courses offered through a local remote  
12 learning program under Section 29.9091 or the state virtual school  
13 network under Chapter 30A. This subsection expires September 1,  
14 2027.

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

17 (a-3) A school district or open-enrollment charter school  
18 may adopt a policy to exempt students from the requirements of this  
19 section for one or more courses identified in the policy that are  
20 offered under a local remote learning program under Section  
21 29.9091. This subsection expires September 1, 2027.

22 SECTION 3. Subchapter 2, Chapter 29, Education Code, is  
23 amended by adding Section 29.9091 to read as follows:

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

1 district or open-enrollment charter school assigned an overall  
2 performance rating of C or higher under Section 39.054 for the  
3 preceding school year or the most recent school year in which a  
4 performance rating was assigned may operate a local remote learning  
5 program to offer virtual courses outside the state virtual school  
6 network under Chapter 30A to eligible students.

7 (b) A school district or open-enrollment charter school  
8 that operates a full-time local remote learning program must  
9 include in the program:

10 (1) at least one grade level in which an assessment  
11 instrument is required to be administered under Section 39.023(a),  
12 including each subject for which an assessment instrument is  
13 required; or

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

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

19 (1) may be provided through synchronous instruction,  
20 asynchronous instruction, or a combination of synchronous and  
21 asynchronous instruction; and

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

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

27 (1) is enrolled in a school district or

1 open-enrollment charter school;

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

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

7 (e) A school district or open-enrollment charter school  
8 that operates a local remote learning program:

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

11 (2) subject to Subsection (f), may remove a student  
12 from virtual courses under the program and return the student to  
13 in-person instruction if the district or school determines that the  
14 student does not meet the criteria described by Subsection (d).

15 (f) A school district or open-enrollment charter school may  
16 remove a student from virtual courses under Subsection (e)(2) only  
17 if the district or school establishes a process to ensure that each  
18 student and the student's parents have sufficient notice and  
19 opportunity to provide input before the student is removed from  
20 those courses.

21 (g) A school district or open-enrollment charter school may  
22 contract with another school district or open-enrollment charter  
23 school to allow a student enrolled in the sending district or school  
24 to enroll in virtual courses offered under the local remote  
25 learning program of the receiving district or school. A student  
26 enrolled in virtual courses under an agreement described by this  
27 subsection is considered enrolled in the sending district or school

1 for purposes of average daily attendance and accountability under  
2 Chapters 39 and 39A.

3 (h) An assessment instrument administered under Section  
4 39.023 or 39.025 to a student enrolled in a virtual course offered  
5 under a local remote learning program shall be administered to the  
6 student in the same manner in which the assessment instrument is  
7 administered to other school district or open-enrollment charter  
8 school students.

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

17 (j) A teacher may not provide instruction for a virtual  
18 course offered under a full-time local remote learning program  
19 unless the teacher has completed a professional development course  
20 on virtual instruction.

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

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

1 by the University Interscholastic League in the same manner as  
2 other district or school students.

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

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

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

16 (p) In evaluating under Chapter 39 the performance of a  
17 school district or open-enrollment charter school that operates a  
18 full-time local remote learning program, the commissioner shall  
19 evaluate the performance of students enrolled in the program  
20 separately from other district or school students.

21 (q) A school district or open-enrollment charter school  
22 that operates a local remote learning program may not enroll in the  
23 program a number of students that exceeds 10 percent of the total  
24 number of students enrolled in the district or school during the  
25 2021-2022 school year. The commissioner may waive this subsection  
26 on application by a school district or open-enrollment charter  
27 school.

1       (r) This section expires September 1, 2027.

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

4       (c-1) In addition to the indicators described by Subsection  
5 (c), the indicators for reporting purposes must include, for each  
6 school district and campus, the performance of students who spend  
7 at least half of the students' instructional time in virtual  
8 courses offered under a local remote learning program under Section  
9 29.9091. This subsection expires September 1, 2027.

10       SECTION 5. Section 48.005, Education Code, is amended by  
11 amending Subsection (h) and adding Subsections (m-1) and (m-2) to  
12 read as follows:

13       (h) Subject to rules adopted by the commissioner under  
14 Section 48.007(b), time that a student participates in an  
15 off-campus instructional program approved under Section 48.007(a)  
16 or a course or program provided under Section 48.007(c) shall be  
17 counted as part of the minimum number of instructional hours  
18 required for a student to be considered a full-time student in  
19 average daily attendance for purposes of this section.

20       (m-1) This subsection applies only to a dropout recovery  
21 school or program operating under Section 12.1141(c) or 39.0548  
22 that is provided as a local remote learning program under Section  
23 29.9091. For a dropout recovery school or program to which this  
24 subsection applies, the commissioner shall establish an  
25 asynchronous progression funding method for determining average  
26 daily attendance based on full and partial semester course  
27 completion.

1        (m-2) Subsection (m-1) and this subsection expire September  
2 1, 2027.

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

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

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

10        (b) The commissioner shall adopt by rule verification and  
11 reporting procedures to report student participation [~~concerning~~  
12 ~~time spent by students participating~~] in instructional programs  
13 approved under Subsection (a) or courses or programs provided under  
14 Subsection (c).

15        (c) A school district or open-enrollment charter school may  
16 provide one or more off-campus electronic courses, an off-campus  
17 electronic program, or an instructional program that combines  
18 in-person instruction and off-campus electronic instruction to  
19 students enrolled in the district or school who have reasonable  
20 access to in-person services at a district or school facility.  
21 Off-campus electronic instruction for a course or program provided  
22 under this subsection may be provided synchronously or  
23 asynchronously. A student enrolled in a course or program provided  
24 under this subsection shall be counted toward the district's or  
25 school's average daily attendance in the same manner as other  
26 district or school students. In adopting rules under Subsection  
27 (b), the commissioner shall provide for a method of taking

1 attendance, once each school day, for students enrolled in a course  
2 or program provided under this subsection.

3 (d) A school district or open-enrollment charter school  
4 that operated during the 2020-2021 school year a full-time virtual  
5 program outside the state virtual network under Chapter 30A may:

6 (1) continue to operate the virtual program on a  
7 full-time basis;

8 (2) apply the same enrollment and transfer criteria  
9 used during the 2020-2021 school year; and

10 (3) offer the program to students in any grade level or  
11 combination of grade levels from kindergarten through grade 12 as  
12 long as the program includes at least one grade level for which an  
13 assessment instrument is administered under Section 39.023.

14 (e) A full-time virtual program described by Subsection (d)  
15 may not exceed the program's enrollment level for the 2020-2021  
16 school year during any subsequent school year.

17 (f) Subsections (d) and (e) and this subsection expire  
18 September 1, 2027.

19 SECTION 8. Section 48.053, Education Code, is amended by  
20 adding Subsections (b-1) and (b-2) to read as follows:

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



1           (b-2) Subsection (b-1) and this subsection expire September  
2 1, 2027.

3           SECTION 9. This Act applies beginning with the 2021-2022  
4 school year.

5           SECTION 10. This Act takes effect immediately if it  
6 receives a vote of two-thirds of all the members elected to each  
7 house, as provided by Section 39, Article III, Texas Constitution.  
8 If this Act does not receive the vote necessary for immediate  
9 effect, this Act takes effect September 1, 2021.