872030

FLOOR AMENDMENT NO._____ BY: _____

Amend S.B. No. 15 (house committee printing) as follows:

(1) On page 3, line 15, strike "and".

(2) On page 3, line 19, between "Subsection (d)" and the underlined period, insert the following:

; and

(3) may not count a student for purposes of calculating the district's or school's average daily attendance if the student has 10 or more unexcused absences in a six-month period

(3) On page 5, line 8, after the underlined period, add the following:

The commissioner may waive the requirements of this subsection for courses included in the enrichment curriculum under Section 28.002.

(4) On page 5, line 15, strike "A" and substitute "Except as otherwise provided under Subsection (e)(3), a".

(5) On page 6, strike lines 1 through 9.

(6) On page 6, line 10, strike "(r)" and substitute "(q)".

(7) On page 6, between lines 17 and 18, add the following appropriately lettered subsection and reletter subsequent subsections and cross-references to those subsections accordingly:

( ) In calculating under Subsection (q) the number of students that may be enrolled in a local remote learning program, a school district or open-enrollment charter school shall count students who spent at least half of the student's instructional time during the 2021-2022 school year enrolled in virtual courses or receiving remote instruction, other than by enrollment in electronic courses offered through the state virtual school network under Chapter 30A, including students who were enrolled in virtual courses or received remote instruction during the 2021-2022 school year because the student was:

(1) medically fragile;

(2) placed in a virtual setting by an admission, review, and dismissal committee; or

(3) receiving accommodations under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794).

(8) On page 6, line 20, strike "Subsection (c-1)" and substitute "Subsections (c-1) and (c-2)".

(9) On page 6, strike lines 24 through 26, and substitute the following:

at least half of the students' instructional time:

(1) in virtual courses offered under a local remote learning program under Section 29.9091; or

(2) receiving remote instruction, regardless of whether the student is enrolled in a remote learning program offered under Section 29.9091 and including students receiving remote instruction who are:

(A) medically fragile;

(B) placed in a virtual setting by an admission, review, and dismissal committee; or

(C) receiving accommodations under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794).

(c-2) Subsection (c-1) and this subsection expire September 1, 2023.

(10) On page 7, strike line 1, and substitute "adding Subsections (h-1), (m-1), and (m-2) to".

(11) On page 7, strike lines 3 through 17, and substitute the following:

(h-1) Subject to rules adopted by the commissioner under Section 48.007(b), time that a student participates in a course or program provided under Section 48.007(c) shall be counted as part of the minimum number of instructional hours required for a student

to be considered a full-time student in average daily attendance for purposes of this section. This subsection expires September 1, 2023.

(m-1) Except for students enrolled in programs or courses offered under Chapter 30A or Section 48.053, a school district or open-enrollment charter school may not count for purposes of calculating the district's or school's average daily attendance a student who received virtual or remote instruction for a majority of the instructional days during the preceding school year if the student:

(1) did not achieve satisfactory performance or higher or the equivalent in the preceding school year on:

(A) each assessment instrument administered to the student under Section 39.023 or 39.025; or

(B) if the student was not administered an assessment instrument described by Paragraph (A) during the preceding school year, an assessment instrument designed to show grade-level proficiency in the essential knowledge and skills identified under Section 28.002 by the State Board of Education for the student's grade level;

(2) had a number of unexcused absences that exceeds 10 percent of the number of instructional days in the preceding school year; or

(3) did not earn a grade of C or higher or the equivalent in each of the foundation curriculum courses taken virtually or remotely in the preceding school year.

(12) Strike page 7, line 20 through page 9, line 5.

(13) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter C, Chapter 39, Education Code, is amended by adding Section 39.0549 to read as follows:

Sec. 39.0549. EVALUATING VIRTUAL AND LOCAL REMOTE PROGRAMS. (a) In evaluating under Section 39.054 the performance of a school district or open-enrollment charter school that operates a full-time local remote learning program, the commissioner shall assign the program separate overall and domain performance ratings as if the program were a campus of the district or school. For purposes of assigning performance ratings under this subsection, students who spend at least half of the students' instructional time receiving virtual or remote instruction are considered enrolled in the program, including students:

(1) enrolled in virtual courses offered under a local remote learning program under Section 29.9091; or

(2) receiving remote instruction, regardless of whether the student is enrolled in a remote learning program offered under Section 29.9091 and including students receiving remote instruction who are:

(A) medically fragile;

(B) placed in a virtual setting by an admission, review, and dismissal committee; or

(C) receiving accommodations under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794).

(b) A performance rating under this section is not subject to Section 39.054(a-3) or 39.0546.

(c) A performance rating assigned under this section may not be used for purposes of Section 39.0544 or for determining whether to impose any intervention or sanction authorized by Chapter 39A.

(d) This section expires September 1, 2023.

SECTION ____. Subchapter A, Chapter 48, Education Code, is amended by adding Section 48.0071 to read as follows:

Sec. 48.0071. OFF-CAMPUS COURSES OR PROGRAMS COUNTED FOR PURPOSES OF AVERAGE DAILY ATTENDANCE. (a) The commissioner may

approve off-campus electronic courses, an off-campus electronic program, or an instructional program that combines in-person instruction and off-campus electronic instruction in the same manner that the commissioner approves instructional programs under Section 48.007(a).

(b) The commissioner shall adopt by rule verification and reporting procedures to report student participation in courses or programs provided under Subsection (c).

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

(d) A school district or open-enrollment charter school that operated during the 2020-2021 school year a full-time virtual program outside the state virtual network under Chapter 30A with at least 10 percent of the enrollment for the program including students who resided outside the geographic area served by the district or school may:

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

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

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

(e) This section expires September 1, 2023.

SECTION ____. A school district or open-enrollment charter school that operates a full-time local remote learning program during the 2021-2022 school year that meets the requirements of Section 29.9091, Education Code, as added by this Act, is entitled to funding in the manner prescribed by this Act regardless of whether the district or school began operating the program before, on, or after the effective date of this Act.