

## **BILL ANALYSIS**

S.B. 15  
By: Taylor  
Public Education  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

S.B. 15 seeks to grant public school districts and open-enrollment charter schools the ability to establish or continue full-time virtual learning programs and to receive equivalent attendance funding from the state for doing so. The bill enables districts and charter schools to exercise local control over programming and to ensure that only high-quality virtual options are offered. Under the proposed legislation, parents and guardians are ensured the option of in-school learning if that is what they prefer. The bill also provides for virtual and off-campus electronic instruction at a public school, the satisfaction of teacher certification requirements through an internship teaching certain virtual courses, and a method of determining the allotment for certain special-purpose school districts under the foundation school program.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTIONS 3 and 7 of this bill.

### **ANALYSIS**

S.B. 15 amends the Education Code to authorize a public school district or open-enrollment charter school to 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 enrolled students who have reasonable access to in-person services at a district or school facility. Instruction for such a course or program may be provided synchronously or asynchronously. The bill establishes that a student enrolled in such a course or program is counted toward the district's or school's average daily attendance in the same manner as other district or school students and requires the commissioner of education by rule to adopt verification and reporting procedures to report student participation in those courses or programs, including providing for a method of taking attendance once each school day. These provisions are not subject to an expiration date set by the bill.

S.B. 15, in temporary provisions set to expire September 1, 2023, authorizes a district or charter school that operated a full-time virtual program outside the state virtual network during the 2020-2021 school year to continue to operate the program on a full-time basis, to apply the same enrollment and transfer criteria, and to 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 a statewide standardized test, including a secondary-level end-of-course test, is administered.

S.B. 15 adds further temporary provisions expiring September 1, 2023, authorizing a district or charter school to operate a local remote learning program to offer virtual courses outside the state virtual school network to eligible students if the district or charter school's most recently assigned overall performance rating was C or higher. The bill provides for the mode of instruction of a virtual course offered under such a program and for student eligibility criteria for the program, including locally established criteria such as minimum academic standards. The bill caps the number of students who may be enrolled in a local remote learning program at 10 percent of the total number of students enrolled in the district or charter school during the 2021-2022 school year, but authorizes the commissioner to waive the cap on application by a district or charter school or in response to a public health emergency.

S.B. 15 requires a district or charter school that operates a full-time local remote learning program to do the following:

- offer the option for a student's parent or person standing in parental relation to select in-person instruction for the student; and
- include in the program at least one grade level in grades three through eight in which a statewide standardized test is required to be administered, including each subject for which such a test is required, or include in the program a complete high school program, including each course for which a secondary-level end-of-course test is required.

S.B. 15 requires a district or charter school that operates any local remote learning program to periodically assess the performance of students enrolled in the program's virtual courses. The bill authorizes the district or charter school to remove a student from the virtual courses and return the student to in-person instruction on determining that the student does not meet the program's eligibility requirements, including any locally established minimum academic standards or other criteria, subject to the condition that the district or school must establish a process to ensure that each student and the student's parent or person standing in parental relation have sufficient notice and opportunity to provide input before the student's removal. The bill requires a statewide standardized test, including a test designed for special education students or for another specific population, a secondary-level end-of-course test, or another secondary-level or college readiness test required for high school graduation or accountability purposes, to be administered to a program student in the same manner as the test is administered to other district or charter school students.

S.B. 15, with regard to the assessment of a full-time local remote learning program, requires the commissioner to assign such a program separate overall and domain performance ratings for accountability purposes as if the program were a campus of the district or school operating the program. For purposes of assigning those ratings, only students who spend at least half of the students' instructional time in program courses are considered enrolled in the program. The bill also includes the performance of those students among the indicators of the quality of learning required for certain additional reporting purposes.

S.B. 15 restricts teacher assignments for a full-time local remote learning program as follows:

- prohibits a teacher from providing instruction for a virtual course offered under the program unless the teacher has completed a professional development course on virtual instruction;
- prohibits a district or charter school from assigning a teacher to teach the program unless the teacher agrees to the assignment in writing or the assignment is specifically stated in the teacher's employment contract for the academic school year; and
- prohibits a district or charter school from directly or indirectly coercing any teacher to agree to an assignment to teach the program.

With regard to all local remote learning program courses, the bill prohibits a district or charter school from requiring a teacher to provide both virtual instruction and in-person instruction for a course during the same class period.

S.B. 15 sets out the following further provisions relating to all local remote learning program courses:

- authorizes a district or charter school to contract with another district or charter school to provide for enrollment of the sending district's students in virtual courses offered under the receiving district's program and assigns students enrolled in those courses under such an agreement to the sending district for purposes of average daily attendance and accountability;
- requires such courses, if offered to special education students, to meet the needs of a participating student in a manner consistent with applicable state and federal law, including the federal Individuals with Disabilities Education Act and certain provisions of the federal Rehabilitation Act of 1973;
- authorizes a student enrolled in a program course to participate in a district, school, or University Interscholastic League extracurricular activity in the same manner as other district or school students;
- establishes that a student enrolled in a program course is counted toward average daily attendance in the same manner as other district or school students;
- requires the commissioner to adopt rules providing for a method of taking attendance, once each school day, for applicable students;
- authorizes a district or charter school to adopt a policy to exempt students from minimum attendance requirements associated with earning credit or a final grade for one or more program courses; and
- establishes that statutory provisions relating to the state virtual school network do not apply to a program course and that the bill's temporary provisions authorizing local remote learning programs do not prohibit a student whose district or charter school operates such a program from enrolling in state virtual school network courses.

S.B. 15 requires the commissioner to establish an asynchronous progression funding method based on full and partial semester course completion to determine certain state funding allocations for each of the following educational entities:

- certain dropout recovery schools or programs eligible for alternative education accountability procedures, if the applicable school or program is provided as a local remote learning program authorized by the bill; and
- a special-purpose district that existed before September 1, 2019, and is operated by a general academic teaching institution.

S.B. 15 authorizes rules proposed by the State Board for Educator Certification for educator certification and related training to allow a candidate to satisfy certification requirements through an internship that provides employment as a teacher for courses offered through a local remote learning program or through the state virtual school network.

Except as otherwise described, the provisions of S.B. 15 expire September 1, 2023. The bill applies beginning with the 2021-2022 school year.

#### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, the 91st day after the last day of the legislative session.