

By: Bell of Kaufman

H.B. No. 30

A BILL TO BE ENTITLED

AN ACT

1
2 relating to virtual instruction and off-campus electronic
3 instruction at a public school, certain requirements for
4 certification as a teacher for virtual instruction only, and the
5 allotment for special-purpose school districts under the
6 Foundation School Program.

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

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

10 (g) Rules proposed by the board under Section 21.044(a) or
11 this section may allow a candidate to satisfy certification
12 requirements for virtual instruction only through an internship
13 that provides the candidate employment as a teacher for courses
14 offered through a local remote learning program under Section
15 29.9091 or the state virtual school network under Chapter 30A. This
16 subsection expires September 1, 2027.

17 SECTION 2. Section 25.092, Education Code, is amended by
18 adding Subsection (a-4) to read as follows:

19 (a-4) A school district or open-enrollment charter school
20 may adopt a policy to exempt students from the requirements of this
21 section for one or more courses identified in the policy that are
22 offered under a local remote learning program under Section
23 29.9091. This subsection expires September 1, 2027.

24 SECTION 3. Subchapter Z, Chapter 29, Education Code, is

1 amended by adding Section 29.9091 to read as follows:

2 Sec. 29.9091. LOCAL REMOTE LEARNING PROGRAM. (a) A school
3 district or open-enrollment charter school assigned an overall
4 performance rating of C or higher under Section 39.054 for the
5 preceding school year or the most recent school year in which a
6 performance rating was assigned may operate a local remote learning
7 program to offer virtual courses outside the state virtual school
8 network under Chapter 30A to eligible students.

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

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

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

19 (c) A virtual course offered under a local remote learning
20 program:

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

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

27 (d) A student is eligible to enroll in a virtual course

1 offered under a local remote learning program if the student:

2 (1) is enrolled in a school district or
3 open-enrollment charter school;

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

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

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

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

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

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

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

1 enrolled in virtual courses under an agreement described by this
2 subsection is considered enrolled in the sending district or school
3 for purposes of average daily attendance and accountability under
4 Chapters 39 and 39A.

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

11 (i) If a school district or open-enrollment charter school
12 offers virtual courses under a local remote learning program for
13 students receiving special education services, the courses must
14 meet the needs of a participating student in a manner consistent
15 with Subchapter A of this chapter and with federal law, including
16 the Individuals with Disabilities Education Act (20 U.S.C. Section
17 1400 et seq.) and Section 504, Rehabilitation Act of 1973 (29 U.S.C.
18 Section 794).

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

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

26 (l) A student enrolled in a virtual course offered under a
27 local remote learning program may participate in an extracurricular

1 activity sponsored or sanctioned by the school district or
2 open-enrollment charter school in which the student is enrolled or
3 by the University Interscholastic League in the same manner as
4 other district or school students.

5 (m) A student enrolled in a virtual course offered under a
6 local remote learning program shall be counted toward the school
7 district's or open-enrollment charter school's average daily
8 attendance in the same manner as other district or school students.

9 The commissioner shall adopt rules providing for a method of taking
10 attendance, once each school day, for students enrolled in a
11 virtual course offered under a local remote learning program.

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

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

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

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

1 on application by a school district or open-enrollment charter
2 school.

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

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

6 (c-1) In addition to the indicators described by Subsection
7 (c), the indicators for reporting purposes must include, for each
8 school district and campus, the performance of students who spend
9 at least half of the students' instructional time in virtual
10 courses offered under a local remote learning program under Section
11 29.9091. This subsection expires September 1, 2027.

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

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

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

1 daily attendance based on full and partial semester course
2 completion.

3 (m-2) Subsection (m-1) and this subsection expire September
4 1, 2027.

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

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

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

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

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

1 district or school students. In adopting rules under Subsection
2 (b), the commissioner shall provide for a method of taking
3 attendance, once each school day, for students enrolled in a course
4 or program provided under this subsection.

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

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

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

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

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

19 (f) Subsections (d) and (e) and this subsection expire
20 September 1, 2027.

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

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

1 entitlement under Subsection (b) based on full and partial semester
2 course completion.

3 (b-2) Subsection (b-1) and this subsection expire September
4 1, 2027.

5 SECTION 9. This Act applies beginning with the 2021-2022
6 school year.

7 SECTION 10. This Act takes effect immediately if it
8 receives a vote of two-thirds of all the members elected to each
9 house, as provided by Section 39, Article III, Texas Constitution.
10 If this Act does not receive the vote necessary for immediate
11 effect, this Act takes effect on the 91st day after the last day of
12 the legislative session.