COMMITTEE VOTE

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COMMITTEE SUBSTITUTE FOR S.B. No. 15

A BILL TO BE ENTITLED
AN ACT

relating to virtual and off-campus electronic instruction at a public school, the satisfaction of teacher certification requirements through an internship teaching certain virtual courses, and the allotment for certain special-purpose school districts under the Foundation School Program.

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

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

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

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

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

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

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

(b) A school district or open-enrollment charter school that operates a full-time local remote learning program must:

(1) include in the program:

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

(B) a complete high school program, including
each course for which an end-of-course assessment instrument is
required to be administered under Section 39.023(c); and
(2) offer the option for a student's parent or person
standing in parental relation to select in-person instruction for
the student.
(c) A virtual course offered under a local remote learning
program:
(1) may be provided through synchronous instruction,
asynchronous instruction, or a combination of synchronous and
asynchronous instruction; and
(2) may be provided in combination with in-person
instruction as appropriate to meet the needs of individual
students.
(d) A student is eligible to enroll in a virtual course
offered under a local remote learning program if the student:
(1) is enrolled in a school district or
open-enrollment charter school;
(2) has reasonable access to in-person services for
the course at a district or school facility; and
(3) meets any additional criteria, including minimum
academic standards, established by the school district or
open-enrollment charter school in which the student is enrolled.
(e) A school district or open-enrollment charter school
that operates a local remote learning program:
(1) shall periodically assess the performance of
students enrolled in virtual courses under the program; and
(2) subject to Subsection (f), may remove a student
from virtual courses under the program and return the student to
in-person instruction if the district or school determines that the
student does not meet the criteria described by Subsection (d).
(f) A school district or open-enrollment charter school may
remove a student from virtual courses under Subsection (e)(2) only
if the district or school establishes 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 is removed from those courses.
(g) A school district or open-enrollment charter school may
contract with another school district or open-enrollment charter
school to allow a student enrolled in the sending district or school
to enroll in virtual courses offered under the local remote
learning program of the receiving district or school. A student
enrolled in virtual courses under an agreement described by this
subsection is considered enrolled in the sending district or school
for purposes of average daily attendance and accountability under
Chapters 39 and 39A.
(h) An assessment instrument administered under Section
39.023 or 39.025 to a student enrolled in a virtual course offered
under a local remote learning program shall be administered to the
student in the same manner in which the assessment instrument is
administered to other school district or open-enrollment charter
school students.
(i) If a school district or open-enrollment charter school
offers virtual courses under a local remote learning program for
students receiving special education services, the courses must
meet the needs of a participating student in a manner consistent
with Subchapter A of this chapter and with federal law, including
the Individuals with Disabilities Education Act (20 U.S.C. Section
1400 et seq.) and Section 504, Rehabilitation Act of 1973 (29 U.S.C.
Section 794).
(j) A teacher may not provide instruction for a virtual
course offered under a full-time local remote learning program
unless the teacher has completed a professional development course
on virtual instruction.
(k) A school district or open-enrollment charter school may
not require a teacher to provide both virtual instruction and
in-person instruction for a course during the same class period.
(l) A student enrolled in a virtual course offered under a
local remote learning program may participate in an extracurricular
activity sponsored or sanctioned by the school district or
open-enrollment charter school in which the student is enrolled or
by the University Interscholastic League in the same manner as
other district or school students.

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

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

(o) This section does not prohibit a student enrolled in a
school district or open-enrollment charter school that operates a
full-time local remote learning program to enroll in courses offered
through the state virtual school network under Chapter 30A.

(p) In evaluating under Chapter 39 the performance of a
school district or open-enrollment charter school
that operates a local remote learning program that offers a
program a number of students that exceeds 10 percent of the total
number of student enrolled in the district or school during the
2021-2022 school year. The commissioner may waive this subsection:
application by a school district or
open-enrollment charter school; or
(2) in response to a public health emergency.

(q) A school district or open-enrollment charter school
that operates a local remote learning program may not enroll in the
program a student who spend at least half of the students' instructional time in virtual
courses offered under a local remote learning program under Section
29.9091. This subsection expires September 1, 2027.

SECTION 4. Section 39.301, Education Code, is amended by
adding Subsection (c-1) to read as follows:
(c-1) In addition to the indicators described by Subsection
(c), the indicators for reporting purposes must include, for each
school district and campus, the performance of students who spend
at least half of the students' instructional time in virtual
courses offered under a local remote learning program under Section
29.9091. This subsection expires September 1, 2027.

SECTION 5. Section 48.005, Education Code, is amended by
amending Subsection (h) and adding Subsections (m-1) and (m-2) to
read as follows:
(h) Subject to rules adopted by the commissioner under
Section 48.007(b), time that a student participates in an
off-campus instructional program approved under Section 48.007(a)
or 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.

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

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

SECTION 6. The heading to Section 48.007, Education Code,
is amended to read as follows:
Sec. 48.007. OFF-CAMPUS COURSES OR PROGRAMS COUNTED
APPROVED FOR PURPOSES OF AVERAGE DAILY ATTENDANCE.

SECTION 7. Section 48.007, Education Code, is amended by
amending Subsection (b) and adding Subsections (c), (d), and (e) to
read as follows:
(b) The commissioner shall adopt by rule verification and
reporting procedures to report student participation [concerning
time spent by students participating] in instructional programs
approved under Subsection (a) or courses or programs provided under
(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 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) Subsection (d) and this subsection expire September 1, 2027.