

1-1 By: Taylor S.B. No. 15
1-2 (In the Senate - Filed August 7, 2021; August 7, 2021, read
1-3 first time and referred to Committee on Education; August 10, 2021,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 6, Nays 2; August 10, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11			X	
1-12			X	
1-13			X	
1-14	X			
1-15		X		
1-16	X			
1-17		X		
1-18	X			

1-19 COMMITTEE SUBSTITUTE FOR S.B. No. 15 By: Taylor

1-20 A BILL TO BE ENTITLED
1-21 AN ACT

1-22 relating to virtual and off-campus electronic instruction at a
1-23 public school, the satisfaction of teacher certification
1-24 requirements through an internship teaching certain virtual
1-25 courses, and the allotment for certain special-purpose school
1-26 districts under the Foundation School Program.

1-27 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-28 SECTION 1. Section 21.051, Education Code, is amended by
1-29 adding Subsection (g) to read as follows:

1-30 (g) Rules proposed by the board under Section 21.044(a) or
1-31 this section may allow a candidate to satisfy certification
1-32 requirements through an internship that provides the candidate
1-33 employment as a teacher for courses offered through a local remote
1-34 learning program under Section 29.9091 or the state virtual school
1-35 network under Chapter 30A. This subsection expires September 1,
1-36 2027.

1-37 SECTION 2. Section 25.092, Education Code, is amended by
1-38 adding Subsection (a-4) to read as follows:

1-39 (a-4) A school district or open-enrollment charter school
1-40 may adopt a policy to exempt students from the requirements of this
1-41 section for one or more courses identified in the policy that are
1-42 offered under a local remote learning program under Section
1-43 29.9091. This subsection expires September 1, 2027.

1-44 SECTION 3. Subchapter 2, Chapter 29, Education Code, is
1-45 amended by adding Section 29.9091 to read as follows:

1-46 Sec. 29.9091. LOCAL REMOTE LEARNING PROGRAM. (a) A school
1-47 district or open-enrollment charter school assigned an overall
1-48 performance rating of C or higher under Section 39.054 for the
1-49 preceding school year or the most recent school year in which a
1-50 performance rating was assigned may operate a local remote learning
1-51 program to offer virtual courses outside the state virtual school
1-52 network under Chapter 30A to eligible students.

1-53 (b) A school district or open-enrollment charter school
1-54 that operates a full-time local remote learning program must:

1-55 (1) include in the program:

1-56 (A) at least one grade level in which an
1-57 assessment instrument is required to be administered under Section
1-58 39.023(a), including each subject for which an assessment
1-59 instrument is required; or

1-60 (B) a complete high school program, including

2-1 each course for which an end-of-course assessment instrument is
 2-2 required to be administered under Section 39.023(c); and

2-3 (2) offer the option for a student's parent or person
 2-4 standing in parental relation to select in-person instruction for
 2-5 the student.

2-6 (c) A virtual course offered under a local remote learning
 2-7 program:

2-8 (1) may be provided through synchronous instruction,
 2-9 asynchronous instruction, or a combination of synchronous and
 2-10 asynchronous instruction; and

2-11 (2) may be provided in combination with in-person
 2-12 instruction as appropriate to meet the needs of individual
 2-13 students.

2-14 (d) A student is eligible to enroll in a virtual course
 2-15 offered under a local remote learning program if the student:

2-16 (1) is enrolled in a school district or
 2-17 open-enrollment charter school;

2-18 (2) has reasonable access to in-person services for
 2-19 the course at a district or school facility; and

2-20 (3) meets any additional criteria, including minimum
 2-21 academic standards, established by the school district or
 2-22 open-enrollment charter school in which the student is enrolled.

2-23 (e) A school district or open-enrollment charter school
 2-24 that operates a local remote learning program:

2-25 (1) shall periodically assess the performance of
 2-26 students enrolled in virtual courses under the program; and

2-27 (2) subject to Subsection (f), may remove a student
 2-28 from virtual courses under the program and return the student to
 2-29 in-person instruction if the district or school determines that the
 2-30 student does not meet the criteria described by Subsection (d).

2-31 (f) A school district or open-enrollment charter school may
 2-32 remove a student from virtual courses under Subsection (e)(2) only
 2-33 if the district or school establishes a process to ensure that each
 2-34 student and the student's parent or person standing in parental
 2-35 relation have sufficient notice and opportunity to provide input
 2-36 before the student is removed from those courses.

2-37 (g) A school district or open-enrollment charter school may
 2-38 contract with another school district or open-enrollment charter
 2-39 school to allow a student enrolled in the sending district or school
 2-40 to enroll in virtual courses offered under the local remote
 2-41 learning program of the receiving district or school. A student
 2-42 enrolled in virtual courses under an agreement described by this
 2-43 subsection is considered enrolled in the sending district or school
 2-44 for purposes of average daily attendance and accountability under
 2-45 Chapters 39 and 39A.

2-46 (h) An assessment instrument administered under Section
 2-47 39.023 or 39.025 to a student enrolled in a virtual course offered
 2-48 under a local remote learning program shall be administered to the
 2-49 student in the same manner in which the assessment instrument is
 2-50 administered to other school district or open-enrollment charter
 2-51 school students.

2-52 (i) If a school district or open-enrollment charter school
 2-53 offers virtual courses under a local remote learning program for
 2-54 students receiving special education services, the courses must
 2-55 meet the needs of a participating student in a manner consistent
 2-56 with Subchapter A of this chapter and with federal law, including
 2-57 the Individuals with Disabilities Education Act (20 U.S.C. Section
 2-58 1400 et seq.) and Section 504, Rehabilitation Act of 1973 (29 U.S.C.
 2-59 Section 794).

2-60 (j) A teacher may not provide instruction for a virtual
 2-61 course offered under a full-time local remote learning program
 2-62 unless the teacher has completed a professional development course
 2-63 on virtual instruction.

2-64 (k) A school district or open-enrollment charter school may
 2-65 not require a teacher to provide both virtual instruction and
 2-66 in-person instruction for a course during the same class period.

2-67 (l) A student enrolled in a virtual course offered under a
 2-68 local remote learning program may participate in an extracurricular
 2-69 activity sponsored or sanctioned by the school district or

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

3-4 (m) A student enrolled in a virtual course offered under a
 3-5 local remote learning program shall be counted toward the school
 3-6 district's or open-enrollment charter school's average daily
 3-7 attendance in the same manner as other district or school students.
 3-8 The commissioner shall adopt rules providing for a method of taking
 3-9 attendance, once each school day, for students enrolled in a
 3-10 virtual course offered under a local remote learning program.

3-11 (n) Chapter 30A does not apply to a virtual course offered
 3-12 under a local remote learning program.

3-13 (o) This section does not prohibit a student enrolled in a
 3-14 school district or open-enrollment charter school that operates a
 3-15 local remote learning program from enrolling in courses offered
 3-16 through the state virtual school network under Chapter 30A.

3-17 (p) In evaluating under Chapter 39 the performance of a
 3-18 school district or open-enrollment charter school that operates a
 3-19 full-time local remote learning program, the commissioner shall
 3-20 evaluate the performance of students enrolled in the program
 3-21 separately from other district or school students.

3-22 (q) A school district or open-enrollment charter school
 3-23 that operates a local remote learning program may not enroll in the
 3-24 program a number of students that exceeds 10 percent of the total
 3-25 number of students enrolled in the district or school during the
 3-26 2021-2022 school year. The commissioner may waive this subsection:

3-27 (1) on application by a school district or
 3-28 open-enrollment charter school; or

3-29 (2) in response to a public health emergency.

3-30 (r) This section expires September 1, 2027.

3-31 SECTION 4. Section 39.301, Education Code, is amended by
 3-32 adding Subsection (c-1) to read as follows:

3-33 (c-1) In addition to the indicators described by Subsection
 3-34 (c), the indicators for reporting purposes must include, for each
 3-35 school district and campus, the performance of students who spend
 3-36 at least half of the students' instructional time in virtual
 3-37 courses offered under a local remote learning program under Section
 3-38 29.9091. This subsection expires September 1, 2027.

3-39 SECTION 5. Section 48.005, Education Code, is amended by
 3-40 amending Subsection (h) and adding Subsections (m-1) and (m-2) to
 3-41 read as follows:

3-42 (h) Subject to rules adopted by the commissioner under
 3-43 Section 48.007(b), time that a student participates in an
 3-44 off-campus instructional program approved under Section 48.007(a)
 3-45 or a course or program provided under Section 48.007(c) shall be
 3-46 counted as part of the minimum number of instructional hours
 3-47 required for a student to be considered a full-time student in
 3-48 average daily attendance for purposes of this section.

3-49 (m-1) This subsection applies only to a dropout recovery
 3-50 school or program operating under Section 12.1141(c) or 39.0548
 3-51 that is provided as a local remote learning program under Section
 3-52 29.9091. For a dropout recovery school or program to which this
 3-53 subsection applies, the commissioner shall establish an
 3-54 asynchronous progression funding method for determining average
 3-55 daily attendance based on full and partial semester course
 3-56 completion.

3-57 (m-2) Subsection (m-1) and this subsection expire September
 3-58 1, 2027.

3-59 SECTION 6. The heading to Section 48.007, Education Code,
 3-60 is amended to read as follows:

3-61 Sec. 48.007. OFF-CAMPUS COURSES OR PROGRAMS COUNTED
 3-62 [APPROVED] FOR PURPOSES OF AVERAGE DAILY ATTENDANCE.

3-63 SECTION 7. Section 48.007, Education Code, is amended by
 3-64 amending Subsection (b) and adding Subsections (c), (d), and (e) to
 3-65 read as follows:

3-66 (b) The commissioner shall adopt by rule verification and
 3-67 reporting procedures to report student participation [concerning
 3-68 time spent by students participating] in instructional programs
 3-69 approved under Subsection (a) or courses or programs provided under

4-1 Subsection (c).
 4-2 (c) A school district or open-enrollment charter school may
 4-3 provide one or more off-campus electronic courses, an off-campus
 4-4 electronic program, or an instructional program that combines
 4-5 in-person instruction and off-campus electronic instruction to
 4-6 students enrolled in the district or school who have reasonable
 4-7 access to in-person services at a district or school facility.
 4-8 Off-campus electronic instruction for a course or program provided
 4-9 under this subsection may be provided synchronously or
 4-10 asynchronously. A student enrolled in a course or program provided
 4-11 under this subsection shall be counted toward the district's or
 4-12 school's average daily attendance in the same manner as other
 4-13 district or school students. In adopting rules under Subsection
 4-14 (b), the commissioner shall provide for a method of taking
 4-15 attendance, once each school day, for students enrolled in a course
 4-16 or program provided under this subsection.

4-17 (d) A school district or open-enrollment charter school
 4-18 that operated during the 2020-2021 school year a full-time virtual
 4-19 program outside the state virtual network under Chapter 30A may:

4-20 (1) continue to operate the virtual program on a
 4-21 full-time basis;

4-22 (2) apply the same enrollment and transfer criteria
 4-23 used during the 2020-2021 school year; and

4-24 (3) offer the program to students in any grade level or
 4-25 combination of grade levels from kindergarten through grade 12 as
 4-26 long as the program includes at least one grade level for which an
 4-27 assessment instrument is administered under Section 39.023.

4-28 (e) Subsection (d) and this subsection expire September 1,
 4-29 2027.

4-30 SECTION 8. Section 48.053, Education Code, is amended by
 4-31 adding Subsections (b-1) and (b-2) to read as follows:

4-32 (b-1) This subsection applies only to a special-purpose
 4-33 district described by Subsection (a) that existed before September
 4-34 1, 2019. For a district to which this subsection applies, the
 4-35 commissioner shall establish an asynchronous progression funding
 4-36 method that may be used to determine the amount of the district's
 4-37 entitlement under Subsection (b) based on full and partial semester
 4-38 course completion.

4-39 (b-2) Subsection (b-1) and this subsection expire September
 4-40 1, 2027.

4-41 SECTION 9. This Act applies beginning with the 2021-2022
 4-42 school year.

4-43 SECTION 10. This Act takes effect immediately if it
 4-44 receives a vote of two-thirds of all the members elected to each
 4-45 house, as provided by Section 39, Article III, Texas Constitution.
 4-46 If this Act does not receive the vote necessary for immediate
 4-47 effect, this Act takes effect on the 91st day after the last day of
 4-48 the legislative session.

4-49 * * * * *