

## **BILL ANALYSIS**

C.S.H.B. 1468  
By: Bell, Keith  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been argued that demand for online school will not disappear after the pandemic and that quality online learning programs should be accessible to families across the state. Due to limitations on school funding based on students enrolled in virtual courses and poor ratings of two of the largest online schools in the Texas Virtual School Network (VSN), Texas needs to revise online learning requirements to allow public school districts and open-enrollment charter schools to provide online learning curriculum for their students outside of the VSN. This would allow districts and charter schools to serve homeschool students with curricular resources, extra- and co-curricular courses, and flexibility to meet the new demands in the education of students with parents in the remote- and home-based workforce. C.S.H.B. 1468 seeks to grant districts and charter schools the ability to establish virtual learning programs to receive equivalent attendance funding from the state and to exercise local control over programming to ensure that it is most beneficial to the unique needs of their students.

### **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 SECTION 2 of this bill.

### **ANALYSIS**

C.S.H.B. 1468 amends the Education Code to authorize a public school district or open-enrollment charter school to establish a local remote learning program to offer synchronous virtual courses outside the state virtual school network to eligible students. A virtual course offered under a remote learning program:

- must be provided through synchronous instruction, defined as instruction provided in a manner in which the instructor and the student are engaged at the same time with the ability to interact in real time; and
- may be provided in combination with in-person instruction as appropriate to meet the needs of individual students.

A student is eligible to enroll in a virtual course offered under a remote learning program if the student:

- was enrolled in a public school in Texas in the preceding school year;
- is enrolled in a district or charter school in grade level three or above;
- has reasonable access to in-person services for the course at a district or school facility; and
- meets any additional criteria, including minimum academic standards, established by the district or charter school in which the student is enrolled.

C.S.H.B. 1468 requires the periodic assessment of the performance of students enrolled in virtual courses under a local remote learning program by the district or charter school. If the district or school determines that a student does not meet the established criteria for enrollment in such virtual courses, the student may be removed and returned to in-person instruction.

C.S.H.B. 1468 authorizes a district or charter school to contract with another district or 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 such an agreement is considered enrolled in the sending district or school for purposes of average daily attendance and public school system accountability.

C.S.H.B. 1468 requires a statewide standardized test or end-of-course test for a student enrolled in a virtual course offered under a local remote learning program to be administered in the same manner in which the test is administered to other district or charter school students. If a district or charter school offers virtual courses for students receiving special education services, the courses must meet the needs of a participating student in a manner consistent with applicable state and federal law.

C.S.H.B. 1468 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. The bill authorizes a student enrolled in a virtual course under a local remote learning program to participate in an extracurricular activity sponsored or sanctioned by the district or charter school in which the student is enrolled or by the University Interscholastic League in the same manner as other district or school students.

C.S.H.B. 1468 establishes that a student enrolled in a virtual course offered under a local remote learning program must be counted toward the district's or charter school's average daily attendance in the same manner as other district or school students. The bill requires the commissioner of education to adopt rules providing for a method of taking attendance, once each school day, for students enrolled in such a virtual course. The bill requires the commissioner to adopt a performance indicator for reporting purposes for students who spend at least half of the students' instructional time in virtual courses offered under a local remote learning program.

C.S.H.B. 1468 authorizes a district or charter school to adopt a policy to exempt students from the statutory requirements relating to minimum attendance for class credit or a final grade for one or more courses identified in the policy that are offered under a local remote learning program.

C.S.H.B. 1468 establishes that virtual courses offered under a local remote learning program are not subject to statutory provisions relating to the state virtual school network.

C.S.H.B. 1468 applies beginning with the 2021-2022 school year.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1468 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute extends the authority to offer virtual courses outside the state virtual school network to an open-enrollment charter school and makes the bill's provisions applicable beginning with the 2021-2022 school year.

The substitute requires the virtual courses to be provided through synchronous instruction and authorizes them to be provided in combination with in-person instruction as appropriate to meet the needs of individual students. The substitute revises the eligibility criteria for enrollment in a virtual course.

The substitute includes the following:

- provisions relating to the periodic assessment of student performance in virtual courses and the removal of a student under certain circumstances;
- provisions authorizing a district or charter school to enter into a contract that allows a student to enroll in virtual courses with another district or charter school;
- requirements for the administration of tests to students enrolled in virtual courses;
- requirements for virtual courses for students receiving special education services;
- a prohibition against requiring a teacher to provide both virtual and in-person instruction for a course during the same class period;
- a provision relating to participation in extracurricular activities;
- a requirement for the commissioner of education to adopt rules providing for a method of taking attendance for students enrolled in a virtual course;
- a requirement for the commissioner to adopt a certain performance indicator; and
- an authorization for a district or charter school to adopt a policy to exempt students enrolled in a virtual course from statutory requirements relating to minimum attendance for class credit or a final grade.

The substitute changes the bill's effective date from September 1, 2021, to on passage or September 1, 2021, if the bill does not receive the necessary vote for immediate effect.