BILL ANALYSIS

Senate Research Center

C.S.H.B. 1468
By: Bell, Keith et al. (Taylor)
Education
5/21/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It has been argued that demand for online school will not disappear after the pandemic and that quality online learning programs should remain accessible to families across the state. H.B. 1468 grants 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.

(Original Author's / Sponsor's Statement of Intent)

C.S.H.B. 1468 amends current law relating to a local remote learning program offered by a public school.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 3 (Section 29.9091, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 21.051, Education Code, by adding Subsection (g), as follows:

> (g) Prohibits rules proposed by the State Board for Educator Certification under Section 21.044(a) (relating to rules establishing the training requirements a person is required to accomplish to obtain a certificate, enter an internship, or enter an induction-year program) or Section 21.051 (Rules Regarding Field-Based Experience and Options for Field Experience and Internships) from prohibiting a candidate from satisfying 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 (State Virtual School Network). Provides that this subsection expires September 1, 2023.

SECTION 2. Amends Section 25.092, Education Code, by adding Subsection (a-3), as follows:

> (a-3) Authorizes a school district or open-enrollment charter school to adopt a policy to exempt students from the requirements of Section 25.092 (Minimum Attendance for Class Credit or Final Grade) for one or more courses identified in the policy that are offered under a local remote learning program under Section 29.9091. Provides that this subsection expires September 1, 2023.

SECTION 3. Amends Subchapter Z, Chapter 29, Education Code, by adding Section 29.9091, as follows:

> Sec. 29.9091. LOCAL REMOTE LEARNING PROGRAM. (a) Authorizes a school district or open-enrollment charter school assigned an overall performance rating of C or higher under Section 39.054 (Methods and Standards for Evaluating Performance) for the preceding school year to operate a local remote learning program to offer virtual courses outside the state virtual school network under Chapter 30A to eligible students.

(b) Requires a school district or open-enrollment charter school that operates a full-time local remote learning program to include in the program:

(1) at least one grade level in which an assessment instrument is required to be administered under Section 39.023(a) (relating to appropriate criterion-referenced assessment instruments designed to assess certain essential knowledge and skills), including each subject for which an assessment instrument is required; or

(2) 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) (relating to end-of-course assessment instruments for certain secondary-level courses),

(c) Provides that a virtual course offered under a local remote learning program:

(1) is authorized to be provided through synchronous instruction, asynchronous instruction, or a combination of synchronous and asynchronous instruction; and

(2) is authorized to be provided in combination with in-person instruction as appropriate to meet the needs of individual students.

(d) Provides that 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

(4) 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) Provides that a school district or open-enrollment charter school that offers a local remote learning program:

(1) is required to periodically assess the performance of students enrolled in virtual courses under the program; and

(2) subject to Subsection (f), is authorized to 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) Authorizes a school district or open-enrollment charter school to 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 parents have sufficient notice and opportunity to provide input before the student is removed from those courses.

(g) Authorizes a school district or open-enrollment charter school to 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. Provides that 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 (Public School System Accountability) and 39A (Accountability Interventions and Sanctions).

(h) Requires that an assessment instrument administered under Section 39.023 (Adoption and Administration of Instruments) or 39.025 (Secondary-Level Performance Required) to a student enrolled in a virtual course offered under a local remote learning program 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) Requires that courses, if a school district or open-enrollment charter school offers virtual courses under a local remote learning program for students receiving special education services, meet the needs of a participating student in a manner consistent with Subchapter A (Special Education Program) of Chapter 29 (Educational Programs) 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) Prohibits a teacher from providing 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) Prohibits a school district or open-enrollment charter school from requiring a teacher to provide both virtual instruction and in-person instruction for a course during the same class period.

(l) Authorizes a student enrolled in a virtual course offered under a local remote learning program to 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) Requires a student enrolled in a virtual course offered under a local remote learning program to 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. Requires the commissioner of education (commissioner) to 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) Provides that Chapter 30A does not apply to a virtual course offered under a local remote learning program.

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

(p) Requires the commissioner, in determining the performance ratings under Section 39.054 of a school district or open-enrollment charter school that operates a full-time local remote learning program, to evaluate the performance of students enrolled in the program separately from the performance of other district or school students and assign separate campus overall and domain performance ratings for the program.

(q) Prohibits a school district or open-enrollment charter school that operates a local remote learning program from enrolling in the program more than 10 percent of the district's or school's enrolled students.

(r) Provides that this section expires September 1, 2023.

SECTION 4. Amends Section 39.301, Education Code, by adding Subsection (c-1), as follows:

(c-1) Requires that the indicators for reporting purposes, in addition to the indicators described by Subsection (c) (relating to requiring indictors of the quality of learning for reporting purposes to include certain criteria), 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. Provides that this subsection expires September 1, 2023.

SECTION 5. Amends Section 48.005, Education Code, by adding Subsections (m-1) and (m-2), as follows:

(m-1) Provides that 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. Requires the commissioner, for a dropout recovery school or program to which this subsection applies, to establish an asynchronous progression funding method for determining average daily attendance based on full and partial semester course completion.

(m-2) Provides that Subsection (m-1) and this subsection expire September 1, 2023.

SECTION 6. Amends Section 48.053, Education Code, by adding Subsection (b-1) and (b-2), as follows:

(b-1) Provides that this subsection applies only to a special-purpose district described by Subsection (a) (relating to Section 48.053 only applying to certain special-purpose school districts operated by a general academic teaching institution) that existed before September 1, 2019, and that operates a local remote learning program under Section 29.9091. Requires the commissioner, for a local remote learning program of a district to which this subsection applies, to establish an asynchronous progression funding method that is authorized to be used to determine the amount of the district's entitlement under Subsection (b) (relating to a school district being entitled to funding if the district had no tier one local share) based on full and partial semester course completion.

(b-2) Provides that Subsection (b-1) and this subsection expire September 1, 2023.

SECTION 7. Provides that this Act applies beginning with the 2021-2022 school year.

SECTION 8. Effective date: upon passage or September 1, 2021.