By:  West S.B. No. 1389

A BILL TO BE ENTITLED

AN ACT

relating to remote learning programs provided by school districts and the calculation of average daily attendance in public schools.

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

SECTION 1.  Section 25.081, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1)  A school district or open-enrollment charter school may include any minutes provided through a remote learning program under Subchapter O, Chapter 29, in the minutes of operation required by Subsection (a).

SECTION 2.  Chapter 29, Education Code, is amended by adding Subchapter O to read as follows:

SUBCHAPTER O. SCHOOL DISTRICT REMOTE LEARNING PROGRAM

Sec. 29.601.  DEFINITION. In this subchapter, "remote learning" means instruction or a course offered by a school district or open-enrollment charter school in which:

(1)  instruction and content are delivered primarily over the internet;

(2)  the student and teacher are in different locations for a majority of the instructional period;

(3)  most instructional activities take place in an online environment; and

(4)  the student is not required to be located on the physical premises of a school district to receive the instruction.

Sec.  29.602  ESTABLISHMENT OF REMOTE LEARNING PROGRAM. (a) A school district or open-enrollment charter school may establish a remote learning program in which the district provides instruction through remote learning to a student eligible under Section 29.603 or 20.604(b).

(b)  A school district or open-enrollment charter school that establishes a program under Subsection (a) must ensure that a participating student makes annual progress toward grade completion or graduation.

(c)  If a school district or open-enrollment charter school offers remote instruction for students receiving special education services, the program must meet the needs of a participating student in a manner consistent with Subchapter A and 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).

(d)  A school district or open-enrollment charter school may enroll a student in a remote learning program for a limited instructional time of the student's total instructional time and provide the remaining instruction to the student in a traditional classroom setting.

(e)  A school district or open-enrollment charter school shall adopt procedures for reporting and verifying the attendance of a student enrolled in a remote learning program. The rules may modify the application of Sections 25.085, 25.086, 25.087 for a student enrolled in a remote learning program but must require active participation by the student in the program.

(f)  The agency may not require a school district to use a specific curriculum provided or determined by the agency for remote learning.

Sec.  29.603.  STUDENT ELIGIBILITY FOR REMOTE LEARNING. Any student enrolled in a school district or open-enrollment charter school is eligible to enroll in a remote learning program under the subchapter if the district offers the program.

Sec. 29.604.  ENROLLMENT OF STUDENTS FOR SPECIAL EDUCATION SERVICES. (a) A district or open enrollment charter school may enroll a student in a remote learning program if the district or open enrollment charter school provides for in person special education services under Subchapter A to any student enrolled in the remote learning program who is eligible or who may in the future be identified as being eligible to receive services under Subchapter A.

(b)  Notwithstanding Section 29.603, a school district may enroll a student in the district's remote learning program who would not otherwise qualify if:

(1)  the district enters into an agreement with the school district in which the student would otherwise be enrolled to provide remote learning to that student, and

(2)  the agreement provides that a student participating in the remote learning program that is eligible for in-person special education services under Subchapter A shall receive those services from the school district in which the student would otherwise be enrolled.

Sec. 29.605. REMOTE LEARNING INSTRUCTION OR COURSE COMPLETION. (a) Except as provided by Subsection (b), for a student to successfully complete instruction or courses provided through a remote learning program, the student's classroom teacher must determine that the student demonstrates academic proficiency of the content for the curriculum or course under the district's grading policy sufficient to:

(1)  for a student in high school, receive credit for the course; or

(2)  for a student enrolled in elementary or middle school grades, be promoted to the next grade level.

(b)  If a student is enrolled in a remote learning program for a limited instructional time, the student's classroom teacher must determine whether the student successfully completes the instruction or course based on the student's demonstrated academic proficiency of the content for the curriculum or course delivered during the student's instructional time provided through remote learning.

Sec.  29.606.  APPLICABILITY OF ACCOUNTABILITY REQUIREMENTS. (a) Chapter 39 applies to remote learning instruction or courses in the same manner that chapter applies to any other instruction or course offered by a school district.

(b)  Each student enrolled in a remote learning program under this subchapter must take any assessment instrument required under Section 39.023.

(c)  A school district or open enrollment charter school shall report to the commissioner through the Public Education Information Management System (PEIMS) the results of assessment instruction administered to students enrolled in remote learning instruction or courses separately from the results of assessment instruments administered to other students.

Sec.  29.607  FOUNDATION SCHOOL PROGRAM FUNDING. A school district is entitled to funding under Chapter 48 for a student enrolled in a remote learning program in the same manner that the district is entitled to funding for the student's enrollment in a traditional classroom setting, provided that the student successfully completes the remote learning instruction or course.

Sec. 29.608.  Extra-Curricular Activities for Remote Learning Student. A student participating in local remote learning may participate in University Interscholastic League or other extra-curricular activities at the physical campus at which the student is enrolled in accordance with local district or charter policy.

Sec.  29.609.  COMMISSIONER AUTHORITY. The commissioner may not waive a provision of this subchapter.

SECTION 3.  Chapter 34, Education Code is amended by adding Section 34.016 to read as follows:

Sec.  34.016  TRANSPORTATION FOR STUDENTS PARTICIPATING IN REMOTE LEARNING. (a) A student participating in a remote learning program provided by a school district under subchapter O, Chapter 29, is eligible for transportation services under this chapter.

SECTION  4.  Section 48.005, Education Code, is amended by adding Section 48.005 (h-1) which reads as follows:

(h-1)  Students participating in local remote learning under Subchapter O, Chapter 21 shall be counted towards average attendance for the portion of the school year in which the student is enrolled by using the average daily attendance rate for the district or charter as a whole. A student participating in local remote learning shall be considered as in full or half-time attendance based on the coursework in which the student is enrolled in the same manner as students solely attending a school facility. All funding allotments in this code apply to a student participating in local remote learning in the same manner as for a student served entirely at a school facility. Nothing in this subsection shall be construed to count any student as in more than full-time attendance.

SECTION  5.  This Act takes effect September 1, 2021.