

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

1 instruction.

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

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

11 (c) If a school district or open-enrollment charter school
12 offers remote instruction for students receiving special education
13 services, the program must meet the needs of a participating
14 student in a manner consistent with Subchapter A and federal law,
15 including the Individuals with Disabilities Education Act (20
16 U.S.C. Section 1400 et seq.) and Section 504, Rehabilitation Act of
17 1973 (29 U.S.C. Section 794).

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

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

1 active participation by the student in the program.

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

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

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

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

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

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

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

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

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

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

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

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

26 (c) A school district or open enrollment charter school
27 shall report to the commissioner through the Public Education

1 Information Management System (PEIMS) the results of assessment
2 instruction administered to students enrolled in remote learning
3 instruction or courses separately from the results of assessment
4 instruments administered to other students.

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

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

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

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

21 Sec. 34.016 TRANSPORTATION FOR STUDENTS PARTICIPATING IN
22 REMOTE LEARNING. (a) A student participating in a remote learning
23 program provided by a school district under subchapter O, Chapter
24 29, is eligible for transportation services under this chapter.

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

27 (h-1) Students participating in local remote learning under

1 Subchapter 0, Chapter 21 shall be counted towards average
2 attendance for the portion of the school year in which the student
3 is enrolled by using the average daily attendance rate for the
4 district or charter as a whole. A student participating in local
5 remote learning shall be considered as in full or half-time
6 attendance based on the coursework in which the student is enrolled
7 in the same manner as students solely attending a school facility.
8 All funding allotments in this code apply to a student
9 participating in local remote learning in the same manner as for a
10 student served entirely at a school facility. Nothing in this
11 subsection shall be construed to count any student as in more than
12 full-time attendance.

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