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No equivalent provision.

SECTION __. Section 21.001, Education Code, is amended by adding Subdivisions (4) and (5) to read as follows:

(4) "Virtual instruction" means instructional activities delivered to students primarily over the Internet.

(5) "Virtual learning" means digital learning facilitated by virtual instruction. [FA10]

No equivalent provision.

SECTION __. Section 21.044(c-2), Education Code, is amended to read as follows:

(c-2) Any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree must also require that the person receive, as part of the training required to obtain that certificate, instruction in digital learning, virtual learning, and virtual instruction, including a digital literacy evaluation followed by a prescribed digital learning curriculum. The instruction required must:

(1) be aligned with the International Society for Technology in Education's standards for teachers;

(2) provide effective, evidence-based strategies to determine a person's degree of digital literacy; [~~and~~]

(3) cover best practices in:

(A) assessing students receiving virtual instruction, based on academic progress; and

(B) developing a virtual learning curriculum; and

(4) include resources to address any deficiencies identified by the digital literacy evaluation. [FA10]

No equivalent provision.

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

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(g) Rules proposed by the board under Section 21.044(a) or this section may allow a candidate to satisfy 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. This subsection expires September 1, 2027. [FA3(1A);FA4]

SECTION 1. Section 25.092, Education Code, is amended by adding Subsection (a-3) to read as follows:

(a-3) A school district or open-enrollment charter school may adopt a policy to exempt students from the requirements of this section for one or more courses identified in the policy that are offered under a local remote learning program under Section 29.9091. This subsection expires September 1, 2027.

No equivalent provision.

SECTION 2. Section 25.092, Education Code, is amended by adding Subsection (a-3) to read as follows:

(a-3) A school district or open-enrollment charter school may adopt a policy to exempt students from the requirements of this section for one or more courses identified in the policy that are offered under a local remote learning program under Section 29.9091. This subsection expires September 1, 2027. [FA3(1B)]

SECTION __. Section 26.006(a), Education Code, is amended to read as follows:

(a) A parent is entitled to:

(1) review all teaching materials, instructional materials, and other teaching aids used in the classroom of the parent's child, including while the child is participating in virtual or remote learning; [and]

(2) review each test administered to the parent's child after the test is administered; and

(3) observe virtual instruction while the parent's child is participating in virtual or remote learning to the same extent the parent would be entitled to observe in-person instruction of the child. [FA11]

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SECTION 2. Subchapter Z, Chapter 29, Education Code, is amended by adding Section 29.9091 to read as follows:

Sec. 29.9091. LOCAL REMOTE LEARNING PROGRAM.

(a) In this section, "synchronous instruction" means 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.

(b) A school district or open-enrollment charter school may establish a local remote learning program to offer synchronous virtual courses outside the state virtual school network under Chapter 30A to eligible students.

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

(1) must be provided through synchronous instruction; and

(2) may be provided in combination with in-person

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SECTION 3. Subchapter Z, Chapter 29, Education Code, is amended by adding Section 29.9091 to read as follows:

Sec. 29.9091. LOCAL REMOTE LEARNING PROGRAM.

(a) A school district or open-enrollment charter school assigned an overall performance rating of C or higher under Section 39.054 for the preceding school year or the most recent school year in which a performance rating was assigned may operate a local remote learning program to offer virtual courses outside the state virtual school network under Chapter 30A to eligible students. [FA5]

(b) A school district or open-enrollment charter school that operates a full-time local remote learning program must 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), 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).

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

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

(2) may be provided in combination with in-person

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instruction as appropriate to meet the needs of individual students.

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

(1) was enrolled in a public school in this state in the preceding school year;

(2) is enrolled in a school district or open-enrollment charter school in grade level three or above;

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

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

(2) may 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).

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instruction as appropriate to meet the needs of individual students.

(d) 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

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

() A school district or open-enrollment charter school may not deny enrollment in a virtual course offered under a local remote learning program operated by the district or school to a student based on the student's disability or the student's status as a student of limited English proficiency, as defined by Section 29.052. [FA7]

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

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

(2) subject to Subsection (f), may 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) A school district or open-enrollment charter school may 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

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(f) A school district or open-enrollment charter school may 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. 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 and 39A.

(g) An assessment instrument administered under Section 39.023 or 39.025 to a student enrolled in a virtual course offered under a local remote learning program shall 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.

(h) If a school district or open-enrollment charter school offers virtual courses under a local remote learning program for students receiving special education services, the courses must meet the needs of a participating student in a manner consistent with Subchapter A of this chapter 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).

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removed from those courses.

(g) A school district or open-enrollment charter school may 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. 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 and 39A.

(h) An assessment instrument administered under Section 39.023 or 39.025 to a student enrolled in a virtual course offered under a local remote learning program shall 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) If a school district or open-enrollment charter school offers virtual courses under a local remote learning program for students receiving special education services, the courses must meet the needs of a participating student in a manner consistent with Subchapter A of this chapter 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) A teacher may not provide 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.

() A school district or open-enrollment charter school may not assign a teacher to a full-time local remote learning program unless the teacher agrees to the assignment and the assignment is specifically stated in the teacher's employment

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- (i) A school district or open-enrollment charter school may not require a teacher to provide both virtual instruction and in-person instruction for a course during the same class period.
- (j) A student enrolled in a virtual course offered under a local remote learning program may 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.
- (k) A student enrolled in a virtual course offered under a local remote learning program shall 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. The commissioner shall 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.
- (l) Chapter 30A does not apply to a virtual course offered under a local remote learning program.

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- contract or agreement for the applicable school year. A provision of the teacher's employment contract or agreement for a school year that specifically states the teacher's assignment to a full-time local remote learning program may be changed for a subsequent school year only before the date on which the teacher must submit a written resignation to resign without penalty under Section 21.105, 21.160, or 21.210, as applicable. The application of this subsection may not be waived by the commissioner or under a provision of a teacher's employment contract or agreement. [FA9]
- (k) A school district or open-enrollment charter school may not require a teacher to provide both virtual instruction and in-person instruction for a course during the same class period.
 - (l) A student enrolled in a virtual course offered under a local remote learning program may 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) A student enrolled in a virtual course offered under a local remote learning program shall 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. The commissioner shall 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) Chapter 30A does not apply to a virtual course offered under a local remote learning program.
 - (o) 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

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offered through the state virtual school network under Chapter 30A.

() In evaluating under Chapter 39 the performance of a school district or open-enrollment charter school that operates a full-time local remote learning program, the commissioner shall:

(1) evaluate the performance of students enrolled in the program separately from other district or school students; and

(2) compare the performance of students enrolled in the program to other district or school students. [FA6]

(q) A school district or open-enrollment charter school that operates a local remote learning program may not enroll in the program more than 25 percent of the total number of the district's or school's enrolled students. [FA3(2)]

(r) This section expires September 1, 2027. [FA3(1C)]

(m) This section expires September 1, 2027.

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

(c-1) In addition to the indicators described by Subsection (c), the indicators for reporting purposes must 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. This subsection expires September 1, 2027.

No equivalent provision.

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

(c-1) In addition to the indicators described by Subsection (c), the indicators for reporting purposes must 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. This subsection expires September 1, 2027. [FA3(1D)]

SECTION __. Section 48.005(h), Education Code, is amended to read as follows:

(h) Subject to rules adopted by the commissioner under Section 48.007(b), time that a student participates in an off-

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campus instructional program approved under Section 48.007(a) or a course or program provided under Section 48.007(c) shall be counted as part of the minimum number of instructional hours required for a student to be considered a full-time student in average daily attendance for purposes of this section. [FA1]

No equivalent provision.

SECTION 5. Section 48.005, Education Code, is amended by adding Subsections (m-1) and (m-2) to read as follows:
(m-1) 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. For a dropout recovery school or program to which this subsection applies, the commissioner shall establish an asynchronous progression funding method for determining average daily attendance based on full and partial semester course completion.
(m-2) Subsection (m-1) and this subsection expire September 1, 2027. [FA3(1E)]

No equivalent provision.

SECTION __. The heading to Section 48.007, Education Code, is amended to read as follows:
Sec. 48.007. OFF-CAMPUS COURSES OR PROGRAMS COUNTED ~~[APPROVED]~~ FOR PURPOSES OF AVERAGE DAILY ATTENDANCE. [FA1]

No equivalent provision.

SECTION __. Section 48.007, Education Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

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

(c) A school district or open-enrollment charter school may provide one or more off-campus electronic courses, an off-campus electronic program, or an instructional program that combines in-person instruction and off-campus electronic instruction to students enrolled in the district or school who have reasonable access to in-person services at a district or school facility. Off-campus electronic instruction for a course or program provided under this subsection may be provided synchronously or asynchronously. A student enrolled in a course or program provided under this subsection shall be counted toward the district's or school's average daily attendance in the same manner as other district or school students, except that the total number of students counted under this subsection may not exceed 10 percent of the district's or school's total student enrollment. In adopting rules under Subsection (b), the commissioner shall provide for a method of taking attendance, once each school day, for students enrolled in a course or program provided under this subsection. [FA1]

No equivalent provision.

SECTION __. Section 48.007, Education Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

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

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- (1) continue to operate the virtual program on a full-time basis;
- (2) apply the same enrollment and transfer criteria used during the 2020-2021 school year; and
- (3) offer the program to students in grades prekindergarten through 12 or to any grade level configuration that the district or charter school determines appropriate if the configuration contains at least one grade level for which an assessment instrument under Section 39.027 is administered.
- (d) A full-time virtual program described by Subsection (c) may not exceed the program's enrollment level for the 2020-2021 school year during any subsequent school year.
- (e) Subsections (c) and (d) and this subsection expire September 1, 2027. [FA2]

SECTION 4. Section 48.053, Education Code, is amended by adding Subsection (b-1) to read as follows:

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

SECTION 5. This Act applies beginning with the 2021-2022 school year.

SECTION 6. Section 48.053, Education Code, is amended by adding Subsections (b-1) and (b-2) to read as follows:

(b-1) This subsection applies only to a special-purpose district described by Subsection (a) that existed before September 1, 2019. For a district to which this subsection applies, the commissioner shall establish an asynchronous progression funding method that may be used to determine the amount of the district's entitlement under Subsection (b) based on full and partial semester course completion. [FA8]
(b-2) Subsection (b-1) and this subsection expire September 1, 2027. [FA3(1F)]

SECTION 7. Same as House version.

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SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

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SECTION 8. Same as House version.

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