Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 1468 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Note to Conference Committee Clerk:
Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.
A BILL TO BE ENTITLED

AN ACT

relating to virtual instruction at a public school and the
satisfaction of teacher certification requirements through an
internship teaching certain virtual courses.

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

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

(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.

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.

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.

(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 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.

(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 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

(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.

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

(p) 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
evaluate the performance of students enrolled in the program
separately from other district or school students.

(q) A school district or open-enrollment charter school that
operates a local remote learning program may not enroll in the
program a number of students that exceeds 10 percent of the total
number of students enrolled in the district or school during the
2021-2022 school year. The commissioner may waive this subsection
on application by a school district or open-enrollment charter
(r) This section expires September 1, 2027.

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.

SECTION 5. Section 48.005, Education Code, is amended by amending Subsection (h) and adding Subsections (m-1) and (m-2) 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-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.

(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...
(m-2) Subsection (m-1) and this subsection expire September 1, 2027.

SECTION 6. 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.

SECTION 7. Section 48.007, Education Code, is amended by amending Subsection (b) and adding Subsections (c), (d), (e), and (f) to read as follows:

(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. 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.

(d) 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:

(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 any grade level or combination of grade levels from kindergarten through grade 12 as long as the program includes at least one grade level for which an assessment instrument is administered under Section 39.023.

(e) A full-time virtual program described by Subsection (d) may not exceed the program's enrollment level for the 2020-2021 school year during any subsequent school year.

(f) Subsections (d) and (e) and this subsection expire September 1, 2027.

SECTION 8. 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.

Section (b-1) and this subsection expire September 1, 2027.

Section 9. This Act applies beginning with the 2021-2022 school year.

Section 10. 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.
House Bill 1468  
Conference Committee Report  
Section-by-Section Analysis

<table>
<thead>
<tr>
<th>HOUSE VERSION</th>
<th>SENATE VERSION (IE)</th>
<th>CONFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>No equivalent provision.</td>
<td>SECTION __. Section 21.001, Education Code, is amended. [FA10]</td>
<td>Same as House version.</td>
</tr>
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<td>No equivalent provision.</td>
<td>SECTION __. Section 21.044(c-2), Education Code, is amended. [FA10]</td>
<td>Same as House version.</td>
</tr>
<tr>
<td>No equivalent provision.</td>
<td>SECTION 1. Section 21.051, Education Code, is amended by adding Subsection (g) to read as follows: (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]</td>
<td>SECTION 1. Same as Senate version.</td>
</tr>
<tr>
<td></td>
<td>SECTION 2. Same as House version. [FA3(1B)]</td>
<td>SECTION 2. Same as House version.</td>
</tr>
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<td>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]</td>
<td>Same as House version.</td>
</tr>
</tbody>
</table>

Associated CCR Draft: TNA
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.

(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.

(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 may be used as credit toward graduation under this section only if the course is offered by a school district or open-enrollment charter school.

21.149.1735
program:
(1) must be provided through synchronous instruction; and
(2) may be provided in combination with in-person 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.

No equivalent provision.

(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; (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 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.

Same as House version.

(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...
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).

No equivalent provision.

(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 removed from those courses.

(g)-(i) Same as House version.

No equivalent provision.

(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.

Same as House version.

( ) 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 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

Associated CCR Draft: TNA
### HOUSE VERSION

<table>
<thead>
<tr>
<th>(i)-(l)</th>
<th>(k)-(n)</th>
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<tbody>
<tr>
<td><strong>No equivalent provision.</strong></td>
<td>(o) <strong>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.</strong></td>
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</tr>
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<td>(q) <strong>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.</strong></td>
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<td>(m)</td>
<td>(r) <strong>Same as House version.</strong></td>
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### SENATE VERSION (IE)

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<td>(m)</td>
<td>(r) <strong>Same as House version.</strong></td>
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</table>

### SECTION 3. Section 39.301, Education Code, is amended by

**SECTION 4. Same as House version.**

Associated CCR Draft: TNA
adding Subsection (c-1).

No equivalent provision.

SECTION 5. 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-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]

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(g) 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(IE)]

No equivalent provision.

SECTION 5. Same as Senate version.

SECTION 6. Same as Senate version.

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.

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

No equivalent provision.

(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.

Associated CCR Draft: TNA

SECTION __. Section 48.007, Education Code, is amended.

SECTION 7. Same as Senate version except as follows:

(b) Same as Senate version.

(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. 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.
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:
(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]

(f) Same as Senate version.

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.

(b-2) Subsection (b-1) and this subsection expire September 8, 2027. [FA8]

(e) Same as Senate version.

(f) Same as Senate version.

SECTION 8. Same as Senate version.
<table>
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<tr>
<td>SECTION 5. Transition provision.</td>
<td>SECTION 7. Same as House version.</td>
<td>SECTION 9. Same as House version.</td>
</tr>
<tr>
<td>SECTION 6. Effective date.</td>
<td>SECTION 8. Same as House version.</td>
<td>SECTION 10. Same as House version.</td>
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TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1468 by Bell, Keith (Relating to virtual instruction at a public school and the satisfaction of
teacher certification requirements through an internship teaching certain virtual courses.),
Conference Committee Report

No significant fiscal implication to the State is anticipated.

This bill would authorize a school district to develop procedures and curriculum for virtual courses not
provided by the Texas Virtual School Network (TXVSN) or required to meet TXVSN course standards.

The bill would also allow districts to earn Foundation School Program (FSP) funding based on the time a
student participates in the virtual course provided through the local remote learning program as a full-time
student in average daily attendance.

TEA does not anticipate that the bill would have a significant impact on average daily attendance. TEA does
anticipate that there would be a minimal cost related to implementing the provisions of the bill, but this analysis
assumes that those costs could be absorbed within existing resources.

Local Government Impact

There would be costs to school districts who choose to operate virtual courses. Costs come from starting and
maintaining virtual courses, designing policies to document student participation and developing requirements
related to tracking that participation, and the technology needed to design and maintain virtual courses and track
participation.

Source Agencies: 701 Texas Education Agency
LBB Staff: JMc, SL, LBO, AH, CPA
Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires a copy of a conference committee report signed by a majority of each committee of the conference to be furnished to each member of the committee in person or, if unable to deliver in person, by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Rule 13, Section 10(a). The paper copies of the report submitted to the chief clerk under Rule 13, Section 10(b), must contain a certificate that the requirement of Rule 13, Section 6(b), has been satisfied, and that certificate must be attached to the copy of the report furnished to each member under Rule 13, Section 10(d). Failure to comply with this requirement is not a sustainable point of order.

I certify that a copy of the conference committee report on HB1468 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before paper copies of the report were submitted to the chief clerk under Rule 13, Section 10(b), House Rules of Procedure.

(name)

(date)