

SUBJECT: Authorizing schools to offer local remote learning programs

COMMITTEE: Public Education — committee substitute recommended

VOTE: 12 ayes — Dutton, Lozano, Allison, K. Bell, Bernal, Buckley, M. González, Huberty, K. King, Meza, Talarico, VanDeaver

1 nay — Allen

WITNESSES: For — Justin Terry, Forney ISD; Angela Marcellus, International Leadership of Texas; Bruce Gearing, Leander ISD; Christian Merritt, Live Oak Public Finance LLC; David Vroonland, Mesquite ISD; David Anderson, Raise Your Hand Texas; Tommy Hooker, TACS and Thrall ISD; Brian Woods, Texas Association of School Administrators, South Texas Association of Schools, Bexar County Education Coalition, and Northside ISD; Jennifer Bergland, Texas Computer Education Association; Dr. Michael Hinojosa, Texas Urban Council and Dallas ISD; Ruth Torres; (*Registered, but did not testify*: Julia Grizzard, Bexar County Education Coalition; Traci Berry, Goodwill Central Texas; Frank Corte Jr, International Leadership of Texas; Chris Wallace, North Texas Commission; Grover Campbell, TASB; Barry Haenisch, Texas Association of Community Schools; Michael Lee, Texas Association of Rural Schools; Mark Terry, Texas Elementary Principals and Supervisors Association; Bill Tarleton, Texas Rural Education Association; Christy Rome, Texas School Coalition; Dr. Kent Scribner, Texas Urban Council and Texas School Alliance; Amanda List)

Against — (*Registered, but did not testify*: Andrea Chevalier, Association of Texas Professional Educators; Dena Donaldson, Texas AFT; Paige Williams, Texas Classroom Teachers Association; Carrie Griffith, Texas State Teachers Association; James Dennehy)

On — Kurtis Indorf and Jasmine Odle Moore, Great Hearts Online; Charles Forrest Smith, Huntsville ISD; Chris Bigenho, Lewisville ISD; Elizabeth Nelson, Lone Star Online Academy at Roscoe; Lora Stegner, National Coalition for Public School Options; Andy Wilson, Roscoe

Collegiate ISD; Jenna Dennehy; (*Registered, but did not testify*: Justin Keener, Doug Deason, Americans for Prosperity, and Libre Initiative; Von Byer, Jeff Cottrill, Megha Kansra, Leonardo Lopez, Eric Marin, and Monica Martinez, Texas Education Agency; Starlee Coleman, Texas Public Charter Schools Association; Emily Sass, Texas Public Policy Foundation)

DIGEST: CSHB 1468 would authorize a school district or open-enrollment charter school to establish a local remote learning program and offer virtual courses through the program. The bill would require students enrolled in such courses to be counted toward the schools average daily attendance in the same manner as other students.

Local remote learning program. CSHB 1468 would authorize a school district or charter school to establish a local remote learning program and offer synchronous virtual courses outside the state virtual school network to eligible students. Synchronous instruction would mean instruction provided in a manner in which the instructor and the student were engaged at the same time with the ability to interact in real time.

A virtual course offered under a local remote learning program would have to be provided through synchronous instruction and could be provided in combination with in-person instruction as appropriate to meet the needs of individual students. A district or charter school could not require a teacher to provide both virtual and in-person instruction during the same class period.

Student eligibility. A student would be eligible to enroll in a virtual course if the student:

- had been enrolled in a Texas public school in the preceding school year;
- was enrolled in a school district or charter school in grade 3 or above;
- had reasonable access to in-person services for the course at a district or school facility; and

- met any additional criteria, including minimum academic standards, established by the school district or charter school in which the student was enrolled.

A district or charter school that offered a remote learning program would have to periodically assess the performance of students enrolled in the program's virtual courses and could return a student to in-person instruction if the student did not meet the criteria for enrollment.

Attendance. The bill would require a student enrolled in a virtual course offered under a local remote learning program to be counted toward the district's or charter school's average daily attendance in the same manner as other students. The commissioner of education would have to adopt rules providing for a method of taking attendance once each school day.

A school district or charter school could adopt a policy to exempt students from state minimum attendance requirements for one or more courses that were offered under a local remote learning program.

STAAR exams. Schools would be required to administer STAAR exams to a student enrolled in a virtual course in the same manner in which the exams were administered to other students.

Special education. A district or charter school that offered virtual courses under a remote learning program for students receiving special education services would have to ensure the courses met the needs of a participating student in a manner consistent with state and federal laws governing education services for students with disabilities.

Extracurricular activities. A student enrolled in a virtual course offered under a local remote learning program could participate in an extracurricular activity sponsored or sanctioned by the district or charter school in which the student was enrolled or by the University Interscholastic League in the same manner as other students.

Accountability. CSHB 1469 would add to the public school accountability

system a performance indicator for each school district and campus to indicate the performance of students who spent at least half of their instructional time in virtual courses offered under a local remote learning program.

Interlocal agreements. CSHB 1468 would allow a school district or charter school to contract with another district or 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 such an agreement would be considered enrolled in the sending district or school for purposes of average daily attendance and accountability.

The bill would apply beginning with the 2021-2022 school year.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.

**SUPPORTERS
SAY:**

CSHB 1468 would grant school districts and charter schools the ability to design virtual learning courses around the needs of their students and to receive full average daily attendance funding for students enrolled in those courses. The bill would expand public school choice while providing local control to ensure the success of students enrolled in a local remote learning program.

The COVID-19 pandemic in 2020 forced schools to scramble immediately to offer virtual learning. While online learning did not work as well as in-person learning for many students, others thrived in a virtual learning setting. CSHB 1468 would allow districts and charter schools to implement the lessons learned during the pandemic and build local courses for students who chose a home learning environment.

The program created by the bill is a needed alternative to the Texas Virtual School Network, a statewide program of online schools that has a mixed record of academic success. CSHB 1468 would better serve online

students by ensuring they could access in-person services such as special education services or technical courses. The bill includes important safeguards, including allowing local school officials to set minimum academic criteria for students enrolling in their virtual courses and to require them to return to in-person learning if they are not succeeding in the virtual courses.

While some say the bill should be expanded to allow students in the earliest grades to participate in virtual courses, evidence has shown that the youngest learners are best served in a classroom to ensure they develop the reading skills that are critical to their later academic success.

**CRITICS
SAY:**

CSHB 1468 would implement a learning model that has proven not to be in the best interest of students. Educators recognize that virtual schools have been necessary for health and safety reasons during the pandemic and could be necessary during future emergencies, but many experts agree that there is no substitute for in-person learning. Too many students have suffered significant learning loss and emotional trauma as a result of disruptions to in-person learning. Texas should move with caution before rapidly expanding online learning by requiring a study and pilot program.

The bill could be strengthened by requiring a student's eligibility for enrollment in virtual courses to be determined by a placement committee consisting of a student's parent, teacher, and counselor.

**OTHER
CRITICS
SAY:**

CSHB 1468 should be expanded to allow districts and charter schools to offer remote learning programs to students in grades below grade 3. Some of the largest enrollment declines during the pandemic involved students in the earliest grades, which demonstrates a desire of many parents to keep their young children at home. Offering a well structured virtual early learning program would give parents more educational options.