

BILL ANALYSIS

Senate Research Center

H.B. 1468
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Education
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It has been argued that demand for online school will not disappear after the pandemic and that quality online learning programs should remain accessible to families across the state. H.B. 1468 grants districts and charter schools the ability to establish virtual learning programs to receive equivalent attendance funding from the state and to exercise local control over programming to ensure that it is most beneficial to the unique needs of their students.

H.B. 1468 amends current law relating to a local remote learning program offered by a public school.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 2 (Section 29.9091, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 25.092, Education Code, by adding Subsection (a-3), as follows:

(a-3) Authorizes a school district or open-enrollment charter school to adopt a policy to exempt students from the requirements of Section 25.092 (Minimum Attendance for Class Credit or Final Grade) for one or more courses identified in the policy that are offered under a local remote learning program under Section 29.9091. Provides that this subsection expires September 1, 2027.

SECTION 2. Amends Subchapter Z, Chapter 29, Education Code, by adding Section 29.9091, as follows:

Sec. 29.9091. LOCAL REMOTE LEARNING PROGRAM. (a) Defines "synchronous instruction."

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

(c) Provides that a virtual course offered under a local remote learning program is required to be provided through synchronous instruction and is authorized to be provided in combination with in-person instruction as appropriate to meet the needs of individual students.

(d) Provides that 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) Provides that a school district or open-enrollment charter school that offers a local remote learning program is required to periodically assess the performance of students enrolled in virtual courses under the program, and is authorized to 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) Authorizes a school district or open-enrollment charter school to 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. Provides that 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 (Public School System Accountability) and 39A (Accountability Interventions and Sanctions).

(g) Requires that an assessment instrument administered under Section 39.023 (Adoption and Administration of Instruments) or 39.025 (Secondary-Level Performance Required) to a student enrolled in a virtual course offered under a local remote learning program 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) Requires that courses, if a school district or open-enrollment charter school offers virtual courses under a local remote learning program for students receiving special education services, meet the needs of a participating student in a manner consistent with Subchapter A (Special Education Program) of Chapter 29 (Educational Programs) 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).

(i) Prohibits a school district or open-enrollment charter school from requiring a teacher to provide both virtual instruction and in-person instruction for a course during the same class period.

(j) Authorizes a student enrolled in a virtual course offered under a local remote learning program to 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) Requires a student enrolled in a virtual course offered under a local remote learning program to 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. Requires the commissioner of education (commissioner) to 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) Provides that Chapter 30A does not apply to a virtual course offered under a local remote learning program.

(m) Provides that this section expires September 1, 2027.

SECTION 3. Amends Section 39.301, Education Code, by adding Subsection (c-1), as follows:

(c-1) Requires that the indicators for reporting purposes, in addition to the indicators described by Subsection (c) (relating to requiring indicators of the quality of learning for reporting purposes to include certain criteria), 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. Provides that this subsection expires September 1, 2027.

SECTION 4. Amends Section 48.053, Education Code, by adding Subsection (b-1), as follows:

(b-1) Provides that this subsection applies only to a special-purpose district described by Subsection (a) (relating to Section 48.053 only applying to certain special-purpose school districts operated by a general academic teaching institution) that existed before September 1, 2019. Requires the commissioner, for a district to which this subsection applies, to establish an asynchronous progression funding method that is authorized to be used to determine the amount of the district's entitlement under Subsection (b) (relating to a school district being entitled to funding if the district had no tier one local share) based on full and partial semester course completion.

SECTION 5. Provides that this Act applies beginning with the 2021-2022 school year.

SECTION 6. Effective date: upon passage or September 1, 2021.