Remote Instruction (VSN and non-VSN)

Updated: 09/29/2021

This document is intended to summarize various statutes and rules of relevance to school systems who wish to provide remote instruction to students in the 2021-22 school year but who are not authorized to do so as a full-time TX Virtual School Network operator. This document is not intended as binding guidance, and where interpretations conflict, statutes and rules prevail.

<u>Summary of Options for Remote Learning for School Year 2021-22</u>

LEA Remote Learning Options	ADA Funding		Resources to learn more
	Full	**Partial**	
1. LEAs may provide **full-time remote learning without ADA**, but would be eligible for certain FSP allotment funding**.** These students will be considered enrolled, not in membership due to virtual enrollment (new ADA code 9).		X	See the remainder of this document
2. LEAs may provide **hybrid learning** for partial ADA funding, and potentially using ESSER funds to support**.**		X	See the remainder of this document
3. LEAs may offer **TXVSN catalog courses for a portion of school day**.	X		TXVSN Site
4. If an LEA operates a **current TXVSN approved full-time program**, that LEA may offer full-time remote learning for full funding.	X		TXVSN Site
5. Two universities are authorized by state law to operate **full-time online** special purpose districts.	X		See the remainder of this document
6. LEAs may temporarily offer **remote conferencing** for full funding for students who meet key criteria related to medical conditions. Instruction must be provided synchronously, which means two-way, real-time/live virtual instruction between teachers and students. The instruction cannot be concurrent, which means remote students must not be taught by a teacher who is also teaching in-person students at the same time. Remote conferencing is allowable for up to a maximum of 20 instructional days over the entirety of the school year.	X		Remote Conferencing FAQ
7. Eligible LEAs may offer a **local remote learning program** under Senate Bill 15 for full funding for up 10% of their district enrollment. LEAs and students must meet key eligibility criteria. The eligibility requirements are described in detail in the SB 15 TAA. This bill is effective for school years 2021-22 and 2022-23.	X		SB 15 TAA SB 15 FAQ

A school district or charter school has the authority to provide remote instruction to a student. Pending confirmation of PEIMS coding updates, students receiving remote instruction are considered enrolled, not in membership due to virtual enrollment, and should be coded with new ADA code 9.

Applicability of State and Federal Laws and Rules

Students receiving remote instruction that are therefore considered enrolled, not in membership due to virtual enrollment (new ADA code 9):

- Must meet requirements for enrollment under TEC, §§25.001 and 25.002
- Must receive instruction in all of the Texas Essential Knowledge and Skills for the subject and grade level or course
- Must be in attendance at least 90% of the days a class is offered in order to receive credit or a final grade unless this requirement is waived under district of innovation provisions. The definition of attendance for the purpose of awarding credit (as opposed to attendance used in determining ADA funding) is determined by each local school system.
- Must receive instruction in CPR as required by TEC, §28.0023, and Interaction with Law Enforcement as required by TEC, §28.012
- Must receive instruction from an appropriately certified teacher unless exempt from this requirement due to open-enrollment charter school status or district of innovation exemptions (Note: certification is required in all instances for special education and bilingual/ESL instruction)
- Science courses must include at least 40% hands-on laboratory investigations and field work using appropriate scientific inquiry as required by Title 19, Texas Administrative Code (TAC) §74.3(b)(2)(C) (relating to Description of a Required Secondary Curriculum)
- Are subject to all state assessment requirements under TEC, Chapter 39, Subchapter B, and will need to be physically present to take the assessments
- Are considered in the same manner as students receiving in-person instruction for purposes of accountability under TEC, Chapter 39, Subchapter C
- Must complete the annual physical fitness assessment under TEC, §38.101
- Are subject to the same requirements for participation in extra-curricular activities as students receiving in-person instruction

An LEA must do the following:

- Develop a policy regarding when a student who receives remote instruction is deemed absent and has excessive absences.
- Adopt a student code of conduct applicable to students receiving remote instruction that aligns with the provisions of TEC, Chapter 37.
- Provide access to student records and teaching materials to parents of students receiving remote instruction in a manner comparable to access given to parents of students receiving in-person instruction as require by TEC, Chapter 26.
- Furnish without cost to the student, instructional materials selected for use in the district to a student receiving remote instruction.
- Provide students who receive remote instruction the same opportunity to earn credit by examination as students who receive in-person instruction as required by 19 TAC, §74.24.

- Comply with Child Find requirements imposed under the Individuals with Disabilities Education Act (IDEA) by establishing and implementing policies and procedures to ensure that every student in the LEA who is receiving remote instruction and who needs special education and related services is located, identified, and evaluated.
- Provide special education services to a student with a disability as required by the student's IEP.
- Provide bilingual and/or English as a Second Language programs for eligible students who receive remote instruction in a manner comparable to instruction provided to eligible students who receive in-person instruction.
- Provide gifted/talented education programs for eligible students who receive remote instruction in a manner comparable to instruction provided to eligible students who receive in-person instruction.
- Provide compensatory education programs for eligible students who receive remote instruction in a manner comparable to instruction provided to eligible students who receive in-person instruction.

Certain Funding Issues

If a student is not physically in attendance, the district will not receive ADA funding for that student, as the requirements of the Student Attendance Accounting Handbook would not be satisfied.

An LEA may receive funding for any day that a student is physically in attendance, so long as the student is scheduled to attend at least two hours of instruction each school day for half-day funding or four hours of instruction each school day for full-day funding.

As a result, students who are predominantly virtual, but who periodically attend school in person, would generate at least some ADA funding.

School systems can adopt hybrid instructional schedules where, for example, students might attend Monday and Wednesday in person and the rest of the week would receive remote instruction. Under such an arrangement, the remote instruction would not be part of the student's schedule for the purposes of state funding and compliance with instructional minute requirements. Students who attend a hybrid schedule would need to be reported on a separate track along with their customary FSP enrollment eligibility code (ADA codes 1, 2, 3, or 6) with only their scheduled in-person days counted as instructional days. Under this scenario, the students would likely be scheduled for less than 75,600 minutes, and as a result, the funding for those students would be fractionally reduced by the ratio of the shortfall of the in person instructional schedule (which satisfies SAAH requirements) versus the remaining minutes short of 75,600 that are delivered remotely (which would not satisfy SAAH requirements).

Students who are entirely virtual, served in ways that never count for daily attendance under the rules of the Student Attendance Accounting Handbook, but who are enrolled and would otherwise be able to generate ADA, could generate at least some funding under the Foundation School Program. Examples of allotments under the Foundation School Program that are not attendance driven and that a student would still generate funding through are:

- **CCMR Allotment** – Because this allotment utilizes graduate data as opposed to enrollment figures, CCMR funding would be unaffected by whether a student is considered in membership

or not. Therefore, no changes to data reporting is required, and districts should expect full funding under this allotment.

- **State Compensatory Education (SCE) Allotment** – Currently, this allotment is generated by economically disadvantaged students eligible for FSP. **For the 2021-2022 school year only**, the agency will include additional students who are economically disadvantaged for SCE purposes and will flow SCE funding based on economically disadvantaged students from the following two categories: total enrolled eligible students (ADA codes 1, 2, 3, 6 and 7), and total students enrolled, not in membership due to virtual enrollment (new ADA code 9). Districts will be asked to report a Census Block Group for students with this new ADA code 9.
- **Dyslexia Allotment** – This information is gathered in the PEIMS summer submission and is currently unaffected by whether a student is considered in membership or not. Therefore, no changes to data reporting is required and districts should expect full funding under this allotment.
- **Fast Growth Allotment** – The FGA currently uses total enrollment in the calculation. Therefore, no changes to data reporting or rule is required, and districts should expect full funding under this allotment.
- **Gifted & Talented Allotment** – This information is gathered in the PEIMS summer submission and is currently unaffected by whether a student is considered in membership or not. Therefore, no changes to data reporting is required and districts should expect full funding under this allotment.
- **Teacher Incentive Allotment** – Currently, this allotment utilizes student counts eligible for FSP. **For the 2021-2022 school year only**, the agency will calculate TIA funding using total enrolled eligible students at the campuses and total students enrolled, not in membership due to virtual enrollment. See the bullet above for SCE Allotment to see the specific related reporting requirements for both economically and non-economically disadvantaged students.

An LEA may use ESSER funding to support a remote instruction option for students who do not generate ADA funding.

Tuition & Fees

An LEA may charge tuition for a child who is not eligible for free public prekindergarten to receive remote instruction in the same manner tuition is permitted for ineligible prekindergarten children receiving in-person instruction.

An ISD may charge tuition for a non-resident student who wishes to receive remote instruction in the same manner permitted for non-resident students receiving in-person instruction.

All tuition amounts should be formally adopted by the school board into policy prior to the beginning of the school year.

An LEA may not charge fees for the following:

- Instructional materials, workbooks, laboratory supplies, or other supplies necessary for participation in any instructional course except as authorized under the Texas Education Code
- Field trips required as a part of a basic education program or course

- The payment of instructional costs for necessary school personnel employed in any course or educational program required for graduation
- Library materials required to be used for any educational course or program, other than fines for lost, damaged, or overdue materials
- Admission to any activity the student is required to attend as a prerequisite to graduation
- Admission to or examination in any required educational course or program

Information for Parents

The following LEAs provide full-time online school programs through the Texas Virtual School Network (TXVSN):

iUniversity Prep
Grapevine-Colleyville Independent School District
County/District/Campus Number: 220-906-007
Dr. Kaye Rogers: kaye.rogers@gcisd.net, 817-305-4895
Established in 2013-2014
Enrollment as of October 2019: 951
Serves grades 5-12

Texas Virtual Academy at Hallsville
Hallsville Independent School District
County/District/Campus Number: 102-904-010
Julie Smith: jsmith@hisd.com, 903-668-5990 ext. 5107
Established in 2014-15
Enrollment as of October 2019: 6,500
Serves grades 3-12

Texas Connections Academy at Houston
Houston Independent School District
County/District/Campus Number: 101-912-100
Willie C. Spencer: wspence1@houstonisd.org, 713-556-6931 ext. 311
Established in 2008-2009
Enrollment as of October 2019: 6,295
Serves grades 3-12

Texas Online Preparatory School
Huntsville Independent School District
County/District/Campus Number:
236-902-108--elementary
236-902-048--middle school
236-902-008--high school
Jamey R. Johnson: jjohnson2@huntsville-isd.org, 936-435-6300
Established in 2013-2014
Enrollment as of October 2019: 357 elementary, 1,100 middle school, 1,611 high school (total 3,068)
Serves grades 3-12

Premier High School Online

Premier High Schools (Charter Holder: Responsive Education Solutions)
County/District/Campus Number: 072-801-145
Gary Arnold: garnold@responsiveed.com, 972-316-3663
Established in 2015-2016
Enrollment as of October 2019: 1,356
Serves grades 9-12

eSchool Prep
Texarkana Independent School District
County/District/Campus Number: 019-907-006
Stephanie Sparks: stephanie.sparks@txkisd.net, 903-793-7561 ext. 1327
Established in 2011-2012 through 2014-2015; reopened 2019-2020
Enrollment as of October 2019: 1,160
Serves grades 5-12

iSchool Virtual Academy of Texas
Texas College Preparatory Academies (Charter Holder: Responsive Education Solutions)
County/District/Campus Number: 221-801-022
Gary Arnold: garnold@responsiveed.com, 972-316-3663
Established in 2008-2009
Enrollment as of October 2019: 769
Serves grades 9-12

Visit https://tea.texas.gov/academics/learning-support-and-programs/texas-virtual-schoolnetwork/texas-virtual-school-network-online-schools-program to learn more.

The following universities are authorized by state law to operate full-time online special purpose school districts:

UT Austin High School
County/District Number: 227-506
Phone: 512-232-5000
Toll Free Phone: 866-361-UTHS
Email: edservices@austin.utexas.edu
Serves grades 9-12

Texas Tech University (TTU) K-12
County/District Number: 152-504
Phone: (806) 464-4173
Toll-Free: (800) 692-6877
Email: ttuk12@ttu.edu
Serves kindergarten-grade 12