Senate Bill 15 Frequently Asked Questions (FAQ)
November 29, 2021

Overview:

This FAQ addresses questions related to Senate Bill (SB) 15, which was signed by the governor on September 9, 2021. SB 15 allows for LEAs to receive full ADA for remote instruction meeting requirements set by SB 15 offered at any time during 2020-21 school year. The Texas Education Agency (TEA) has released a To the Administrator Addressed (TAA) letter with an overview of SB 15, relevant proposed *Student Attendance Accounting Handbook* language, and upcoming Texas Education Agency (TEA) supports for LEAs seeking to learn more.

LEAs have begun seeking guidance on next steps to implement local remote learning in accordance with SB 15. The TAA referenced above and this FAQ document have been prepared to support LEAs in planning in alignment with SB 15.

Questions are organized into the following sections:

- LEA Eligibility
- Funding
- Student Eligibility
- Funding & Enrollment
- Implementation Requirements & Considerations
  - Special Populations
  - Program Design & Implementation Considerations
  - Staffing and Professional Development
  - Partnerships
- Options for Remote Learning (SB 15 and beyond)

LEA Eligibility

1. **How will SB 15 apply to LEAs that have not received a previous performance rating, for example, new schools?**

   LEAs that do not have a prior performance rating, for example, LEAs established in school year 2019-20 or 2020-21, are eligible to launch local remote learning under SB 15. LEAs without prior performance ratings do not need to apply for a waiver to meet the performance rating requirement.

2. **If an LEA or single school within an LEA fully closes and discontinues on-campus learning due to COVID, can that closed school or LEA offer a local remote learning program for full funding under SB 15 while they are closed?**

   No. LEAs may not solely provide a local remote learning program. Under SB 15, LEAs offering a local remote program must also provide on-campus face to face instruction to all students not excluded due to COVID restrictions in order to receive ADA funding for remote instruction.

3. **If a student at an LEA is at a D-rated campus, but the LEA overall has C rating, can the LEA provide remote instruction under SB 15 for full funding to the student?**

   Yes. SB 15 requires that an LEA's overall rating is C or higher in order for that LEA to be eligible to receive remote instruction ADA under SB 15. SB 15 does not have a campus rating threshold.

Added 10/7/21

4. **Are LEAs required to submit a plan to the TEA in order to operate a local remote learning program under SB 15?**

   No. However, LEAs must maintain required documentation and meet requirements and rules set forth in SB 15 and proposed *Student Attendance Accounting Handbook* language. If an LEA is providing asynchronous instruction, a board-approved asynchronous plan is also required, and that plan must be posted publicly on the LEA's website.

Student Eligibility

5. **How should LEAs determine student eligibility for the "C or higher" grade criteria?**

   For a student enrolled in a virtual course in a local remote learning program under SB 15 to be eligible to count toward ADA, one requirement is that, if the student received more than 50% of their instructional days via remote instruction in the preceding school year, that student must have received an end-of-year course grade of C or higher for each individual foundation curriculum subject/course taken (math, science, reading, and social studies) remotely or virtually.

   Courses or subjects that must be considered in this analysis are all those for which the student received greater than 50% of their instructional days remotely in the preceding school year.

   If your LEA does not record letter grades (e.g., A, B, C), your LEA should use the local grading level that reflects passing the course or otherwise meeting standards. If two or more courses are taught in a combined setting (for example, if humanities are taught as a single course or subject combining reading and social studies), then LEAs should use the single combined grade for both as though they were individual courses.

6. **If students are in kindergarten, how do we determine their eligibility for local remote learning under SB 15?**

   If students were not previously served in school, or not previously served for a majority of the time in remote instruction, the student is eligible to draw funding for local remote. If the student was previously enrolled in remote instruction for a majority of the preceding school year, they must pass all of the three-part statutory test of relevance. For prekindergarten students, this will mean that the only applicable test is the 10% absenteeism.

7. **If a student received virtual instruction for fewer than 50% of their instructional days last school year, is that student eligible for local remote learning under SB 15, no matter their grades or STAAR scores from last year?**

   Yes. There is no precondition based on prior performance for students who were not remote for a majority of the preceding school year.

   Note: the following criteria for the current school year still have to be met in order to claim a student for remote instruction ADA:
   - The student is enrolled in a school district or open-enrollment charter school.
   - The student has reasonable access to in-person services at a district or school facility.
   - The student has fewer than 10 unexcused absences over a six-month period.

8. **What records does an LEA need to review and retain in order to determine and prove student eligibility for remote ADA?**

   In order to determine student eligibility to count toward remote ADA under SB 15, LEAs will need to consult the following data for the preceding school year for each student:
   - Percentage of instructional days received via remote instruction
   - STAAR assessment data
   - Percentage of days for which the student received an unexcused absence
   - End-of-year grades for each foundation curriculum course

   To support LEAs in collecting and reviewing this student eligibility data, the TEA anticipates providing a list with the following student data from the school year 2020-21:
   - STAAR assessment data
   - Remote attendance for 50% or more of their total instructional days for the preceding school year
   - Total number of absences and total percentage of days absent

   TEA does not have access to course grade data, unexcused absence counts, nor any local BOY results, so LEAs will be able use the list provided by TEA as a starting point but must independently determine student eligibility for remote ADA.

   TEA anticipates that LEAs will be able to access this information via a secure TEAL login sometime in October or November 2021. More information will be coming on eligibility data access in future communications.

Finally, LEAs are required to maintain documentation of all data that proves student eligibility to count toward ADA, including preceding school year data noted above and current school year data required by SB 15 to maintain student eligibility to count toward ADA (e.g., unexcused absences).

9. **Does SB 15 prohibit school districts from enrolling students in remote programs if they were not enrolled in Texas public schools in the preceding year?**

   No, it does not. Students may be served in local remote instruction programs even if not previously enrolled in Texas public schools.

   Note: Restrictions do apply to students enrolled in a full-time Texas Virtual School Network program, which were unchanged by SB 15.

10. **Will students who were not STAAR-tested previously still be eligible if they meet the other criteria?**

    For students who *both* received virtual instruction for 50% or more of their instructional days *and* were in a grade level without a STAAR assessment in the preceding school year, LEAs will determine student eligibility based on the remaining two student eligibility criteria using data from the preceding school year:

    - The student must not have 10 or more unexcused absences in the preceding school year.
    - The student did not earn a grade of C or higher in the foundation curriculum courses taken virtually in preceding school year.

    For a student who received virtual instruction for 50% or more of their instructional days *and* was in a grade level with a STAAR assessment in the preceding school year, but *did not* take one or more of their STAAR assessments, by default the student is assumed not to have demonstrated satisfactory performance and is ineligible for remote instruction funding. However, SB 15 specifically authorizes a school system to administer an alternative assessment for these specific students if they likely would have been able to demonstrate satisfactory performance. The assessment must be designed to show grade level proficiency on the Texas Essential Knowledge and Skills (TEKS) for students who did not participate in state assessments during the 2020-21 school year, and the students must perform satisfactorily on that assessment. School systems must determine the TEKS-aligned assessment that they will use and will review and determine locally if the assessment shows the student achieved satisfactory performance and if accelerated instruction during the 2021–22 school year is required.

    As one option to assist district, TEA offers a free, state provided Beginning-of-Year [BOY] Assessments for any school system that wishes to use it. That BOY is available for use until October 15. For more information on registering / using it, please have your District Testing Coordinator email TexasTestingSupport@cambiumassessment.com. More information is also available in our learning management system here.

Added 10/7/21

11. **Who is considered to have achieved "satisfactory achievement or higher"?**

    Students who have performed satisfactorily on STAAR achieved *Approaches Grade Level, Meets*

Grade Level, or Masters Grade Level. Students who did not perform satisfactorily on STAAR achieved *Did Not Meet Grade Level* or did not test. Performance in this category indicates that students are unlikely to succeed in the next grade or course without significant, ongoing academic intervention. Students in this category do not demonstrate a sufficient understanding of the assessed knowledge and skills.

12. **If a student becomes ineligible for funding under local remote programs in the current year due to excessive absences, are they ineligible for funding for the whole year, or just from that point forward?**

    If the LEA continues to serve such a student remotely, then the student would be ineligible to generate ADA in a remote setting after their 10th absence and would need to have their ADA eligibility code designated as ADA Code 9 - Enrolled, Not in Membership Due To Virtual Learning (from that point forward). However, they are fully eligible for funding if served on campus.

    For the period of time a student is coded as ADA 9, days absent and days present are not reported to TEA. The attendance reporting requirements for ADA code 9 are the same as ADA code 0.

Added 10/7/21

13. **In calculating unexcused absences, should LEAs add up *daily* unexcused absences, or each absence for a given class period?**

    LEAs should add up only *daily* unexcused absences for the purpose of SB 15.

Added 10/7/21

14. **What if in the preceding school year, a student received remote instruction for *exactly* 50% of their instructional days and received on-campus instruction for exactly 50% of their instructional days? Would that student need to meet preceding school year criteria for eligibility to count toward ADA under SB 15?**

    No. In this scenario, the student would not have to meet preceding school year eligibility criteria, given that SB 15 only applies that criteria to students who received remote instruction for a *majority* of their instructional days in the preceding school year. "Majority" means more than 50%.

15. **For SB 15, does the STAAR portion of the 3-part student eligibility test apply to students who received a majority of their instructional days virtually in the preceding school year and who also took the STAAR-Alt 2?**

    Yes.

16. **When determining the percentage of unexcused absences for a given student for the preceding school year, can my district round 10.4% down to 10%?**

    No.

Added 09/23/21

17. Are students who were homeschooled in the prior school year eligible for remote instruction under SB 15?

As long as this student enrolls at a district or open-enrollment charter school in the current school year, they meet the "enrolled in a school district or open-enrollment charter school" eligibility requirement laid out in SB 15. These students must still meet other student eligibility requirements set by SB 15.

Funding & Enrollment

18. Can students receiving instruction through a local remote learning program temporarily due to testing positive for COVID-19 or close contact quarantining generate funding?

Yes. If LEAs are eligible to receive funding under SB 15 for a local remote learning program, and students meet eligibility requirements, then a student who temporarily participates in a local remote learning program may generate funding.

Separate from local remote learning under SB 15, LEAs may receive full ADA funding to deliver remote instruction to students who test positive for COVID-19 or have been in close contact through **remote conferencing**. This may be an option in the event the LEA and/or student does not qualify for SB 15 funded local remote learning.

Please note that remote conferencing is available without a waiver for up to 20 instructional days. In order for LEAs to be eligible, they must meet remote conferencing requirements, described further in this document. We have additionally developed a resource that helps LEAs understand key differences between remote conferencing and remote instruction under SB 15.

19. If two or more LEAs decide to collectively launch a combined regional remote learning program meeting SB 15 requirements, how would ADA and accountability be accounted for?

Per SB 15, LEAs may develop contracts or agreements with one another for a student from a sending LEA to receive instruction from a receiving LEA. For the purposes of funding and accountability, the student would be counted for the sending LEA.

20. Will LEAs be retroactively funded for remote learning programs that started prior to the passing of SB 15?

Yes, LEAs who provided local remote learning that met all of the requirements of SB 15 will receive funding for the 2021-22 school year, even if some of the local remote learning instruction was delivered prior to the passage of SB 15. At a minimum the virtual instruction being provided must have met the requirements outlined in the Proposed SAAH 12.6 Virtual Instruction, in particular, offering 240 minutes of daily instruction and taking daily attendance at an official attendance time if instruction was delivered synchronously or ensuring that a student met the daily asynchronous instruction attendance requirement set by the LEA.

Added 10/7/21

21. Does the LEA's local plan need to be approved before they may receive funding under SB 15?

SB 15 allows for funding to be provided retroactively to the start of school year 2021-22. Now that SB 15 has passed into law, in order to receive funding under the bill (including retroactive funding), LEAs must seek board approval of the learning plan, the instruction methods, and attendance-taking measures, in alignment with proposed *Student Attendance Accounting Handbook* language.

22. Does SB 15 create new eligibility requirements for ADA funding for on-campus instruction?

No. SB 15 did not create any new restrictions on ADA funding eligibility for on-campus instruction. New TEC 48.005(m-1) applies only to remote students that are not in the TxVSN or a special district authorized in TEC, 48.053.

Added 09/23/21

23. What enrollment figure should LEAs use to determine their 10% cap threshold (for the purposes of the denominator)? If enrollment changes over the course of the school year, do LEAs use their updated enrollment to determine their 10% cap threshold?

To begin the school year, LEAs should use the fall snapshot enrollment figure from the previous year's PEIMS submission. When the fall snapshot enrollment figure is known for the current year, LEAs can use that number if enrollment has increased from the previous school year. LEAs who experience a decline in enrollment from the previous school year can continue to use the higher enrollment figure from the previous school year to determine their cap threshold.

Added 09/23/21

24. Is progress toward the 10% enrollment cap measured as a cumulative figure?

Yes. Each unique student that counts toward the cap on a given day adds to the total number of students considered enrolled, and that number is cumulative over the school year. For example, if a student is served remotely for 30 days and then returns to in-person instruction and another student then enrolls in the LEA's remote program that would be two students measured against the cap.

Added 09/23/21

25. If an LEA or campus fully closed and offered only remote learning for a period of time, would the students who received remote learning during that period of time be counted against the 10% cap threshold?

Most likely not. Because no on-campus instruction was offered to students and families during the closure, students receiving remote instruction during this period of time would not be considered eligible for remote ADA under SB 15. Therefore, these students would not count toward the 10% cap as SB 15-eligible students, unless the total number of instructional days of the closure amounted to a majority of any given student's instructional days during the year, consequently meeting the "majority of instructional days received via remote learning" threshold.

Please additionally note that if an LEA closes a campus fully and does not offer on-campus instruction, that LEA is not allowed to count the days the campus was closed as instructional days for the purposes of minutes or funding.

Added 09/23/21

26. If a student took only one class via remote instruction funded through SB 15, taking the remainder of their classes on campus, would that student count toward the 10% cap?

No, given that this student is not receiving a majority of their daily instruction virtually, they would not count toward the 10% cap.

Added 10/7/21

27. May LEAs still enroll students beyond the 10% enrollment cap and simply not be funded under SB 15 for those students above the 10% enrollment cap?

Yes, and any such students must be coded as ADA code 9 – Enrolled, Not in Membership Due to Virtual Learning and will not generate funding. Once the student is coded as ADA code 9, the student will no longer generate attendance for funding from that point unless the student returns to on-campus learning or (in a rare scenario) an SB 15-funded seat within the 10% cap becomes available for the student, at which point the student would be coded 01 – Eligible for Full-Day Attendance. Note: Even if the student is coded as 9, all other attendance-related coding would be required.

Added 09/23/21

28. Can there be a different Official Attendance Taking (OAT) time for different grade levels?

Yes, an LEA may set different OATs per grade level on a given campus, but each OAT needs to be board-approved and requires a separate calendar track.

Added 09/23/21

29. If an LEA is delivering a combination of synchronous and asynchronous instruction, what are the attendance-taking requirements this LEA must follow?

For an LEA delivering a combination of synchronous and asynchronous instruction to a given student, if the student meets the minimum four hours of instruction via synchronous instruction, then the LEA should take attendance during the synchronous portion of the student's instruction, where the student's attendance can be verified on-camera face-to-face. In this scenario, the student's attendance would be recorded as "Remote Synchronous."

If the minimum of four hours is not met through the synchronous portion of instruction alone, then an asynchronous attendance-taking method will be used. Under the asynchronous attendance-taking rules, student-teacher interactions that confirm access to instruction are one of the three approved methods for asynchronous attendance-taking. Synchronous instruction delivered at another time in the day would meet the requirements of student-teacher interactions under the asynchronous attendance-taking rules. Note: Overall, four hours of instruction are still required to meet asynchronous requirements, consistent with proposed *Student Attendance Accounting Handbook* language.

30. May an LEA change the intended method of attendance-taking for a student partway through a given school day? For example, if a student is intended to receive fully synchronous instruction and misses a scheduled synchronous session, but that student participates online and makes daily progress, could that student be counted present under the "remote asynchronous" option?

Most likely, no. Per the *To Be Proposed SAAH Language*, the student in this situation cannot count as present "remote synchronous"*:* "A student who is found later to have participated synchronously or asynchronously but was not present during the official attendance taking time, is still absent for funding purposes of **synchronous attendance** for that day."

However, an LEA may count a student as present "remote asynchronous" even after they miss their synchronous attendance-taking window, if the student attended an intentionally planned asynchronous learning experience and meets the asynchronous attendance requirements set by the LEA for that given school day. Please note that this requires that your LEA's asynchronous instruction plan has been intentionally designed to operate in this manner, and allows for students to engage in asynchronous instruction even after missing synchronous instruction.

Added 09/23/21

31. If an LEA has been delivering SB 15-eligible remote instruction since the start of the year, should that LEA retroactively code prior attendance codes as "Remote Synchronous" or "Remote Asynchronous"?

Yes. SB 15 allows for retroactive funding back to the start of school year 2021-22, provided that all SB 15 implementation and eligibility requirements are met. LEAs who have met these requirements should retroactively code eligible prior days as RA and RS.

Added 10/7/21

32. Is it mandatory for LEAs to post their asynchronous plans on their website? Does that plan need to be in English and Spanish?

Yes, per To-Be-Proposed *Student Attendance Accounting Handbook* language, LEAs' asynchronous plans must be publicly posted on their website. The *SAAH* language further describes the required components of the plan. The *SAAH* language does not specify that a Spanish version of the plan must also be posted; however, recommended practice is to ensure that families have access to a version of the asynchronous plan that they can understand, if there are non-English speaking families within your LEA community.

Added 10/7/21

33. If a student is present during Official Attendance Taking (OAT) time but not present for the full 240 instructional minutes, then should that student still be counted as present for funding purposes?

The requirement is no different from the requirement for a student attending on campus. The 240 instructional minutes must be offered daily to all students who are considered full-time students. If a student is considered present at the OAT, then the student is counted present for the day for state funding purposes.

Added 08/29/22

34. How should I report my calendar and operational minutes for a remote learning program at a full-time virtual campus that has its own CDCN?

In this situation, where there isn't necessarily a brick and mortar campus that is physically accessible to students for a certain amount of operational time each day, LEAs should create a calendar for the remote learning program that mirrors their traditional school calendar. The calendar must contain at least 75,600 operational minutes and should be reported with an

Added 10/7/21

35. What functionality must a district's Learning Management System (LMS) possess to meet LEA requirements for asynchronous attendance-taking in accordance with *SAAH* requirements for SB 15 remote instruction?

The *SAAH* proposed language states that "A student will be considered absent if the student does not have documented engagement with the LMS and/or daily contact with the teacher, and/or documentation of completion/turn-in of daily assignments within the school day as defined in the local plan if it's a narrower window than the 24 hour day." Depending on the approved local plan for asynchronous instruction, the LEA may choose the "daily contact with the teacher" or "documentation of completion/turn-in of daily assignments" option for attendance-taking, which would not require an LMS.

If the LEA opts for the "documented engagement with the LMS" option, then the LMS must provide the LEA the ability to track whether or not a student accessed instruction on a daily basis within the LMS, which may include:

- Assignment submission within the LMS
- Exit survey completion within the LMS
- Log-in and progress within the LMS – *Note: Checking for log-in status alone is not a sufficient manner of determining whether a student is making daily progress within an LMS, given that a student may log on but not engage in instruction.*

Implementation Requirements & Considerations

Special Populations

36. If an ARD Committee determines that remote learning is necessary for the provision of a Free Appropriate Public Education (FAPE), is the LEA required to deliver remote instruction to that student?

Yes. If an ARD Committee determines remote instruction is the only option to provide a FAPE to a student with an Individualized Education Program (IEP), then that student must be served via remote instruction.

SB 15's local remote learning program will provide funding for most students for whom such an ARD Committee determination is made. In the cases where SB 15 would not provide for funding for a given student (for example, if the student does not meet student eligibility requirements set forth in SB 15), then remote conferencing or remote homebound, as appropriate and depending on the student's individual needs, may be an avenue for delivering remote instruction with full ADA to that student. In such a case, an LEA must follow the guidance available for remote conferencing or remote homebound instruction including the submission of any applicable waivers.

If your LEA does not generally offer remote instruction under SB 15 or via remote conferencing or remote homebound, then your LEA is still required to identify a mechanism for delivering

remote instruction in a manner consistent with the ARD Committee's determination, defined services, and the student's needs.

Added 10/7/21

37. For a student enrolled in special education to be placed in a local remote learning program, is it required that an ARD Committee determines that remote learning is an appropriate setting for the student? Is an amendment required?

Yes, the ARD committee determines whether remote instruction is appropriate for implementing the student's IEP, bearing in mind that students with disabilities may not be excluded from, or be denied the benefits of, remote instruction on the basis of disability. An LEA should address specific concerns with its local counsel. The determination may be documented as an amendment by agreement if is a change in location and the determination is not being made during the student's annual ARD meeting. However, the determination would require an ARD committee meeting if it results in a change of placement.

Added 09/23/21

38. If an ARD Committee determines that a student needs to keep their camera off during instruction, how should LEAs reconcile this determination with the "on camera" synchronous attendance-taking requirement?

In this limited circumstance, LEAs may ask that the student verbally affirms that they are attending (with the camera off) for attendance-taking, and then may keep it off during instruction, given the ARD determination.

Added 09/23/21

39. Are bilingual services required to be part of an LEA's remote instruction program?

Bilingual services are not required to be offered as part of an LEA's remote instruction program, with the exception of rare cases in which all students eligible for bilingual programs are enrolled solely in the LEA's remote learning program. Generally, LEAs must still meet other district-wide requirements for providing bilingual services; for example, ensuring that there is a campus within the LEA that provides bilingual services to identified emergent bilingual students.

Added 10/7/21

40. If the family of an emergent bilingual (EB) student who participates in the ESL program of a local educational agency (LEA) opts for a remote learning setting, is the LEA required to continue ESL program services in the remote setting?

Yes. The LEA must continue ESL program services for EB students if participating in a remote learning setting, which includes providing the appropriately certified teacher(s) for the ESL program. If the EB students participating in a remote ESL program prior to November 1, 2021 do not receive at a minimum their English reading and language arts instruction by an ESL certified teacher to fulfill the requirements of an ESL pull-out model, an ESL waiver must be filed by the LEA, and a temporary alternative language program will be in place in accordance with 19 TAC §89.1207.

Added 10/7/21

41. When an LEA has a bilingual program that is provided in person and is not offered as a remote learning option, what are the procedures for placing and coding emergent bilingual (EB)

students currently served in a bilingual program in a non-bilingual program remote learning setting?

Parents of EB students currently served in a bilingual program who are requesting access to the remote learning option must be informed that the student's current bilingual program services will be offered in-person only, not remote.

If parents choose the remote learning option with the understanding that bilingual program services will not be offered, the LEA should do the following:

- Obtain parental approval to deny bilingual program services, encourage parents to consent to receive ESL program services, and place the student in a remote learning setting with a minimum of reading and language arts instruction provided by an ESL certified teacher (to fulfill the requirements of an ESL pull-out model). The LEA may create a form specific to the remote context in which the parents temporarily deny bilingual program services in order to participate in a remote learning setting, or the LEA may use its standard form already in place for parental denial of bilingual program participation and acceptance of ESL program participation.

- Code EB students previously served in a bilingual program and now participating in an ESL program as follows, based on the Code Guide for Bilingual and ESL Program Association:
  - LEP/EL Indicator: 1 (identified as an emergent bilingual)
  - Parental Permission: A (denied bilingual program, consented to ESL program)
  - Bilingual Program Code: 0 (not participating in bilingual program)
  - ESL Program Code: 2 (content based) or 3 (pull out)
  - Alternative Language Program Code: 00 (not participating in alternative language program; not under bilingual exception or ESL waiver)

- The codes above shall be changed, as appropriate, whenever the child is once again served in the bilingual program.

- If the EB students who now have parental consent for an ESL program do not have the appropriately certified ESL teacher(s) in the remote learning setting prior to November 1, 2021, the remote learning teacher(s) should be under the LEA's ESL waiver.

- Keep internal records on the EB students previously served in a bilingual program to ensure that they are returned to the bilingual program with updated parental consent and coding when they return to in-person instruction or when the appropriately certified teacher(s) is/are provided to offer the bilingual program in a remote learning setting, whichever comes first. This is critical for all students, especially those who may change LEAs prior to their return to the bilingual program.

Added 10/7/21

42. What are the instructional considerations for serving EB students previously served in the bilingual program whose parents have temporarily consented to ESL program services?

The ESL teacher serving EB students previously served in the bilingual program should be informed of the EB students' previous program participation, including language allocation plan.

Ongoing support for the ESL teacher in the remote learning setting should include an emphasis on:

- linguistic accommodations appropriate for the EB students previously served in a bilingual program and now in all-English remote instruction;
- access to targeted resources in the students' primary language (e.g., academic vocabulary lists, cognate lists, texts, cross-curricular content);
- effective practices, such as 5 Instructional Methods for Teachers of Emergent Bilinguals During Remote Learning; and
- intentional use of the ELPS coupled with all content TEKS to develop academic language.

It is recommended that the LEA provides supplemental primary language access to the EB students previously served in the bilingual program in order to continue primary language literacy development. Examples include the following:

- Remote small group sessions led by a bilingual staff member (teacher, instructional coach, paraprofessional, etc.) in which
  - students read and discuss primary language books or other text related to classroom content or
  - students participate in a book club in which they read a book of their choice and share a review with other students (may incorporate Preview, View, Review methodology).
- Student opportunities to continue developing writing skills through short responses, summaries, narratives, interactive journal entries, etc. in their primary language with coordinated feedback from a bilingual staff member
- Technology resources and the appropriate, compatible devices that provide content in both the primary language and English (e.g., online books in the primary language, bilingual sites for content enrichment)
- Designated collaboration time between the remote teacher and the previous bilingual teacher. Proactive discussion will help inform the remote teacher of student strengths and areas of growth for daily instruction as well as informed LPAC participation. Teachers can:
  - discuss student work completed in the primary language,
  - collaborate on student linguistic and academic progress, and
  - facilitate communication with the students' families so parents can provide targeted primary language activities at home. (All parent communication should be in the preferred language of the family and English.)

Added 10/7/21

43. What are the certification requirements in supporting emergent bilingual (EB) students in remote learning under SB 15, as compared to remote conferencing?

The same certification requirements apply for students receiving remote instruction under SB 15 as those that apply for on-campus students. Please see the remote conferencing FAQ, and notice in question 16 that during remote conferencing the appropriately certified bilingual or ESL staff is required for continued bilingual or ESL program services. If there is not an appropriately bilingual/ESL certified teacher to provide remote conferencing, consider this as a long-term substitute situation as described in question #9 of the Bilingual Education Exception/ESL Waiver FAQ.

Program Design & Implementation Considerations

44. Offering a local remote learning program is optional, but should an LEA choose to offer the program, is it mandatory that the program be offered to students at all grade levels?

SB 15 does not require a full-time local remote learning program to include all grade levels, per TEC, Sec. 29.9091(b). However, Subsection (b) requires, per Subparagraph (1), that a full-time local remote learning program include at least one grade level that requires STAAR/end-of-course assessments or, per Subparagraph (2), a complete high school program.

45. How is TEA defining "a complete high school program"?

A complete high school program includes, at a minimum, the courses required to be offered under 19 TAC §74.3(b).

46. Other than the requirement to include at least one STAAR-assessed grade level and provide a complete high school program, what requirements must LEAs follow regarding courses offered?

Outside of requirements specified in SB 15, other pre-existing statutory and policy requirements governing course offerings and delivery still apply, including (but not limited to) that LEAs must:

- 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.
- Provide science courses that 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).

Added 09/23/21

47. Is virtual attendance of dropout recovery programs allowable under SB 15?

Yes, as long as the district or charter school operating the dropout recovery program meets the eligibility, program, and professional development requirements for offering a local remote learning program under SB 15 and students enrolled in the dropout recovery program meet the eligibility requirements under SB 15 for enrollment in a local remote learning program.

48. May LEAs take a phased or gradual approach to rolling out local remote learning, rather than an immediate opening of the program?

Yes. LEAs may choose when to launch their local remote learning program.

49. Can students be enrolled in a remote instruction program under SB 15 for an entire school year? Semester? Quarter?

SB 15 does not provide a minimum amount of instructional days that a student must be enrolled in remote instruction program under the legislation. LEAs may make a local decision about the allowable duration of enrollment in virtual courses in a remote instruction program under SB 15. For example, some LEAs may decide to offer remote instruction only to students who commit to remote for an entire semester or the entire year. Please note that SB 15 is only effective through September 1, 2023.

50. Can LEAs provide a hybrid instructional model, in which students receive some on-campus instruction and some remote instruction?

Yes, a hybrid model is allowable under SB 15.

51. Last year, LEAs had the ability to require a student to learn on campus in order to access on-campus extracurricular activities. May LEAs pursue the same option this school year?

Under SB 15, a student may not be denied participation from an extracurricular activity solely on the basis of their status as a student receiving remote instruction. Note that this is different from the waiver-based provisions applicable to school year 2020-21.

Please note, however, that LEAs are not required to adjust extracurricular activities in order to accommodate remote learners; for example, setting up offsite locations for extracurricular activities.

Added 10/7/21

52. What are the assessment requirements and allowances for students receiving remote instruction under SB 15? What does it mean for students receiving remote instruction under SB 15 to receive assessments "in the same manner as other students"?

To ensure equity for all students, a student must be present at a monitored testing session and must be supervised by a trained test administrator.

Districts may set up alternative testing sites other than the home campus (e.g., performing arts centers, recreational centers, hotels, other "learning centers" the district may have already established, or any other location supervised by a trained test administrator where the district can ensure equitable access and maintain test security). Remember that all test administration guidelines MUST still be followed:

- There must be at least one test administrator for every 30 students.
- Sufficient time to complete the test must be ensured for every student (especially for students receiving extra time accommodations).
- Sufficient bandwidth must be ensured for all students who are testing online.
- Answer documents should be grouped under the correct Campus and Group Identification Sheets to ensure test results are attributed to the home campus.

Any district personnel may serve as a test administrator if they hold valid education credentials (such as a Texas educator certificate or permit), or if they are supervised by a district professional who holds the appropriate credentials.

53. Do class size restrictions still apply in remote instruction under SB 15?

Yes, maximum class size restrictions still apply, meaning that kindergarten through 4th grade classrooms may not exceed the 22 student class limit. More details on class size restrictions, exemption requests, and parent notification can be found on this guidance page. Additional flexibilities may apply if your LEA has District of Innovation status.

Added 10/7/21

54. May LEAs seek a new County District Campus Number (CDCN) for a virtual or hybrid school?

The TEA will grant new CDCNs for full-time virtual or hybrid campuses that meet key criteria with CDCNs effective in school year 2022-2023. TEA defines a full-time virtual campus as one where 100% of instruction is provided via remote learning, whereas a hybrid campus provides instruction via a combination of both on-campus and remote learning. Please note, except for the narrow case of LEAs described under 48.0071(C) in SB 15, the TEA is unable to grant these new CDCNs to be effective in school year 2021-2022 given the timing of the passage of SB 15 on September 9, 2021.

For those LEAs seeking to be granted a new CDCN, effective in school year 2022-2023, the application will be open on January 17, 2022, with a deadline of April 29, 2022. More information on the process and a link to register for an informational webinar can be found on TEA's Remote Learning webpage. As an overview, the application process will have two key components:

- Submission of an application and virtual/hybrid school plan to the TEA that demonstrates evidence of meeting all key requirements, that the TEA will also score against key rubric criteria. This includes evidence of LEA board approval of the request for a new CDCN and virtual/hybrid school plan.
- Completion of process to request a new CDCN within the AskTed system.

LEAs may request for a CDCN for either a K-12 campus *or* a K-8 and 9th-12th Grade Campus. LEAs may not request more than two CDCNs for their local remote learning programs.

Note that LEAs are not *required* to seek a new CDCN for a virtual or hybrid school.

Staffing & Professional Development

55. Who determines content and timeline of virtual learning professional development for teachers, as required by SB 15?

LEAs may determine the content for virtual learning professional development for teachers. Ideally, this professional development would take place prior to the start of the school year with additional ongoing job-embedded professional development and coaching; however, for this school year, LEAs may determine a timeline for providing virtual teachers with the required professional development.

56. **If teachers at a given LEA took virtual learning professional development in school year 2020-21, would that professional development count toward the PD requirement for school year 2021-22?**

LEAs have the ability to determine whether prior year virtual learning professional development received in school year 2021-21 meets requirements for teacher professional development under SB 15. Best practice is to provide ongoing job-embedded professional development and coaching for teachers, which may indicate that additional professional development would be supportive to teachers.

57. **Staffing is a challenge for many LEAs. May LEAs hire non-certified teachers to deliver remote instruction under SB 15?**

The same certification requirements that apply for instructing on-campus students also apply for delivering remote instruction under SB 15.

Added 10/7/21

58. **SB 15 specifies that an LEA "may not coerce" a teacher to teach in a full-time remote learning position. If an LEA started remote instruction in compliance with SB 15 before the passage of the bill and had a mix of teachers teaching full-time remote learning – some who opted in and some who were assigned their position without having an opt-out option – is that LEA eligible to seek retroactive funding to the start of the school year?**

Generally, a way to prove that teachers have not been coerced to teach in a full-time remote learning position is to ensure that those teachers have been given the option to opt out of teaching in such a position. In order to receive retroactive funding for remote instruction under SB 15, LEAs must provide teachers assigned to teach in a full-time remote learning position an option to be reassigned to on-campus instruction before the end of the fall 2021 semester.

Partnerships

Added 10/7/21

59. **For an LEA that establishes an MOU to send a student to another LEA for remote instruction under SB 15, which LEA is responsible for attendance-taking, the sending or receiving LEA?**

LEAs have the ability to set up attendance-taking roles and responsibilities within their MOUs as they see fit. The receiving LEA must take attendance, since the receiving LEA's teacher(s) will be in a position to verify synchronous or asynchronous attendance. In addition, the sending LEA should ensure that there are systems in place to report the receiving LEA's attendance data back to the sending LEA, as well as verify that attendance is being taken with fidelity on a daily basis.

Added 10/7/21

60. **May an LEA partner with a third-party vendor to deliver remote instruction under SB 15?**

Yes, so long as all SB 15 requirements are met, an LEA may partner with a third-party vendor to deliver remote instruction under SB 15 and receive funding for that instruction.

Options for Remote Learning (SB 15 & Beyond)

61. What are all of the options for providing remote learning, outside of SB 15?

Options outside of SB 15 for delivering remote instruction, for partial or full ADA are detailed in this guidance document. Please note that no LEA is required to offer remote instruction.

62. What criteria should LEAs use to determine whether students are "medically fragile" and therefore may qualify for a waiver to receive remote conferencing for more than 20 days?

LEAs may consult the criteria laid out in this definition of "medically fragile" to make this determination. Please note that more information on and FAQs regarding remote conferencing are available here.

63. Across remote conferencing, remote homebound, and SB 15 remote learning programs, which of these avenues for providing remote instruction require board approval?

For remote conferencing, no board approval is required if the remote instruction lasts for 20 instructional days or fewer for a given student. For remote conferencing beyond 20 instructional days or remote homebound, board-approved waiver requests are required to be sent to the TEA for approval.

For SB 15-funded remote instruction, per To-Be-Proposed *SAAH* language: "A board-approved local policy will determine the instruction methods (i.e. synchronous, asynchronous, or a combination of both). The local policy should include the official attendance times for synchronous instruction. Additionally, if the board policy indicates approval for asynchronous method, the LEA must create an asynchronous instructional plan (described more fully below) and it must be publicly posted on the LEA's website."

64. What are key differences between remote conferencing and remote instruction under SB 15?

	Remote Conferencing	Local Remote Learning Program (SB 15)
Enrollment Cap	***No Cap*** *(However, if a student receives remote conferencing for more than 50% of their instructional days, they count toward the 10% cap within SB 15)*	***Up to 10% of LEA Enrollment***
Timeframe	Temporary Learning Option (Cannot exceed 20 instructional days without a waiver)	Can be used for temporary or long term remote learning
PEIMS Coding	PEIMS Attendance Code 1-6	PEIMS Attendance Code 1-6

Student Eligibility Criteria	These two requirements must be met: • The student is unable to attend school because of a temporary medical condition, and • The total amount of remote conferencing instruction does not exceed more than 20 instructional days over the entirety of the school year. In addition, one of the following requirements also must be met: • The student's temporary medical condition is documented by a physician licensed to practice in the United States. The documentation must include a statement from the physician that the student is to remain confined to their home or to a hospital, • The student has a positive test result for a communicable, condition listed in 25 TAC §97.7, or • The student has been identified as having been in close contact with COVID-19.	LEAs may only **count a student toward ADA if that student meets eligibility requirements in the following areas**: 1. *Based on student information from the preceding school year,* if a student received remote instruction for a majority of their instructional days in the previous school year, they also must have: a. Achieved satisfactory achievement or higher on each STAAR assessment administered. i. If a STAAR assessment was not administered, a different assessment can be administered that shows grade level proficiency in TEKS. b. Had a number of unexcused absences that is 10% or fewer out of all instructional days. c. Earned a grade of C or higher in the foundation curriculum courses taken virtually or remotely in the preceding school year. If a student did *not* receive a majority of their instructional time in the preceding school year via remote instruction, then the criteria noted above do not apply to determine student eligibility for remote learning. However, criteria noted in the next section apply to all students. *2. Based on student information from the current school year:* a. The student is enrolled in a school district or open-enrollment charter school. b. The student has reasonable access to in-person services at a district or school facility. c. The student has fewer than 10 unexcused absences while enrolled in local remote instruction over a six-month period.
LEA Eligibility	Available to all LEAs	***Only*** Available to LEAs with **C** or Higher Performance Rating

Mode of Instruction Constraints	Synchronous Instruction for a minimum of 2 hours for elementary students and 4 hours for secondary school students	Synchronous, Asynchronous, or Combination of synchronous/asynchronous, with requirements as defined in the SAAH
Concurrent Instruction	No Concurrent Instruction (teacher instructing remote and on-campus students at the same time, in the same class period)	

Added 10/7/21

65. In remote conferencing, if the 2-to-4-hour synchronous instruction requirements are met, can LEAs offer additional asynchronous instruction?

Yes.

Added 10/7/21

66. In remote conferencing, would an LEA only count the days a student is present toward the 20 instructional days limit?

Yes.

Added 10/7/21

67. What are the criteria and process for requesting a waiver for a student to receive remote conferencing for more than 20 instructional days?

Waivers for remote conferencing for more than 20 instructional days will only be granted in rare and specific circumstances, including:

- Students who are in close contact or test positive multiple times over the course of the school year for an approved medical condition under the remote conferencing rules, such that more than 20 instructional days of remote conferencing might be required
- Students who meet this definition of "medically fragile"
- Students receiving pregnancy related services with documentation from a licensed medical practitioner stating a medical necessity for confinement during the pregnancy prenatal or postpartum period

In order to apply for this waiver, the district must submit a board-approved "Other" waiver in the TEAL waiver application. An application must be submitted per individual student for whom the waiver is being sought, and all applications are reviewed on a case-by-case basis. Note: LEAs must omit student information in their waiver language that might identify an individual student.

Updated 11/29/21

68. Some LEAs are considering remote learning as an option for highly mobile students, including PRS students during the postpartum period. What are the considerations in seeking to fund remote instruction for these students?

"Highly mobile" students are students who change schools frequently. This includes students in foster care, students experiencing homelessness, military-connected students, migrant students, and can include students who are pregnant/parenting or involved in the juvenile justice system. If a student meets eligibility requirements under SB 15, then that student may

count toward remote ADA under SB 15. An LEA may always provide remote instruction without ADA, of course.

For PRS students, remote conferencing or remote homebound are options for remote instruction, as long as the student meets the criteria outlined in SAAH or is experiencing prenatal or postpartum complications and obtains a doctor's note stating a valid medical necessity to receive remote PRS services. All homebound and remote options will be extended to the student with the newborn if the newborn qualifies for a remote service as outlined in SAAH (for example, if the newborn meets this definition of "medically fragile" then the remote options for medically fragile students would be extended to the student with this medically fragile newborn).

For highly mobile students who change location during the school year, there may be a few considerations to keep in mind. The student must remain enrolled in a Texas school district or open-enrollment charter school in order to remain eligible to count toward remote ADA under SB 15. If the student is no longer residing in Texas, then they are no longer eligible to count toward remote ADA.

For additional information and guidance, visit the Pregnancy Related Services FAQ.

Added 09/23/21

69. When using eligibility code 9, does attendance also need to be tracked and entered?

ADA 9 is not reporting daily ADA for funding purposes because the student is enrolled not in membership. Unrelated to the requirements of the school finance system, LEAs must still track daily attendance in order to maintain compliance with course credit and compulsory attendance statutes, in accordance with local policy.

Please submit all questions to Remote.Learning@tea.texas.gov.