

TO-BE-PROPOSED: 12.6 Virtual Instruction (Local Remote Learning Programs under TEC, §29.9091, or as Modified by TEC, §48.007(c))

Virtual Instruction may be:

- Remote Synchronous Instruction – Two-way, real-time/live, virtual instruction between teachers and students when students are not on campus. In this method, the required amount of instructional time is scheduled each day, and funding is generated when attendance is recorded daily at a locally selected snapshot time. Synchronous instruction is provided through a computer or other electronic device or over the phone;
- Remote Asynchronous Instruction – Instruction that does not require having the instructor and student engaged at the same time. In this method, students learn from instruction that is not necessarily being delivered in-person or in real time. This type of instruction may include various forms of digital and online learning, such as prerecorded video lessons or game-based learning tasks that students complete on their own, and pre-assigned work and formative assessments made available to students, and/or
- A combination of asynchronous and synchronous instruction

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.

Regardless of delivered remote synchronous or asynchronous method of instruction, all instruction must address the required curriculum per TEC, §28.002, and meet the needs of students in special population/intervention groups.

Student Eligibility for ADA Funding

Eligibility based on the preceding school year

Each of the following three conditions must be met if the student was a virtual student during the preceding school year (a student is considered to have been virtual during the preceding year if 50% or more of their instructional days were attended remotely (i.e., marked either Remote Synchronous - Present or Remote Asynchronous - Present for that day) compared to the total number of instructional days offered for the school year):

- The student achieved satisfactory performance or higher on each STAAR assessment taken during the preceding school year;
- The student earned a C or higher in each of the foundation curriculum courses under TEC, §28.002, (i.e., mathematics, science, English language arts and reading, and social studies) taken virtually or remotely during the preceding school year;
 - Note: End-of-year course grades for all foundation curriculum courses for which a student received 50% or more of their instructional days via remote instruction must be considered under this criterion.

- The student had 10 percent or fewer unexcused absences during the preceding school year in total for all instructional methods offered, i.e., on-campus, remote synchronous and remote asynchronous.

If a student was not a virtual student during the preceding school year (i.e., less than 50% of the student's instructional days were attended remotely), the student is eligible to receive ADA funding for virtual instruction for the current school year regardless of the three conditions noted above.

The restriction on funding based on these prior year criteria only applies to remote instruction funding. Students served on campus are eligible to earn average daily attendance for the current year even if that student does not meet the conditions for enrollment in a virtual course listed above.

Eligibility based on the current school year

For the purposes of determining whether a student continues to be eligible for ADA funding in a remote setting within the current school year, the student may no longer be counted for virtual ADA funding once the student has 10 or more unexcused absences in a six-month period in the current school year while enrolled in remote instruction. Once this threshold is reached, the student may continue to receive instruction remotely but will not generate ADA funding. Should the student return to on-campus instruction, the student will continue to be eligible to generate ADA funding. In an instance where a student is no longer eligible for remote ADA funding and returns to on-campus instruction, eligible remote days of attendance (and associated funding) generated before the 10-absence threshold was reached is unaffected by the change in the student's remote instruction eligibility status. 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).

Limits on Total Remote Participation ADA

Except as described by the 48.0071(c) exception described below, an LEA 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 LEA during the 2021-2022 or the 2022-2023 school years. Any students enrolled for at least a portion of the year in local remote instruction count toward this cap. Additionally, any student that receives remote instruction under an alternative to local remote instruction for a majority of their instructional time during the year would count toward this cap, which would include students who are:

- Medically fragile;
- Placed in a remote learning setting by an admission, review, and dismissal committee;
- Receiving accommodations under Section 504;
- Served via remote conferencing as described in section 12.3; or
- Served via any other remote methods approved under this handbook, except for full time virtual school students described in 12.2.

Regular program and special program average daily attendance for remote students that exceed this 10 percent limit will be reduced from an LEA's total average daily attendance counts in proportion by which the 10 percent limit was exceeded. LEAs can serve students over the 10 percent limit, however those

students will not receive ADA funding, and those students should be coded as ADA code 9 – Enrolled, Not in Membership Due to Virtual Learning.

Exception to Limit on Total Remote Participation ADA: LEAs eligible under TEC, §48.0071(c)

LEAs eligible to provide remote learning under TEC, §48.0071(c), may exceed the 10% limit on enrollment noted above. LEAs must submit a request to the agency and be approved as eligible for this exception.

Attendance-Taking and Minutes Requirements:

In order for students to earn ADA funding, LEAs must continue to comply with the two-through-four-hour rule and provide students the minimum instruction to earn half-day or full day funding. Note discussions below mostly discuss the minimum for full day funding; divide the requirements in half in order to earn half day funding for eligible students.

For both synchronous and asynchronous instruction, there are two requirements:

1. **Daily attendance must be taken.** LEAs each day will identify students who are participating in the local remote virtual option as Remote Synchronous (RS) Eligible Days Present or Remote Asynchronous (RA) Eligible Days Present, depending on the student's instructional method. Days Present will need to be identified as days present in the RS method or days present in the RA method. Absences will not need to be distinguished between instructional methods.
2. **The minimum 240 instructional minutes requirement must be met.** Both methods require that at least 240 instructional minutes be offered to each student each day in order for the student to earn a full day of funding or 120 instructional minutes be offered to earn a half-day of funding. Students enrolled in prekindergarten are not eligible for ADA if served via remote instruction.

Remote Synchronous Instruction

Requirement #1: Attendance-taking

In a remote synchronous teaching and learning method, students who are logged in at the teacher's documented official attendance time are marked present for that day, and students who are not logged in at the teacher's documented official attendance time are marked absent.

For remote synchronous instruction, teachers will take and post attendance as if the student was physically present in the on-campus classroom daily. The student's camera must be turned on, and the teacher must see the student in order to mark the student present. Just as with traditional on-campus attendance, official attendance will be taken at a certain time determined by the LEA's policy. If the teacher cannot confirm that the student is physically present at the attendance taking time, the student would be marked absent under this option and would generate zero funding for the day. 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.

Requirement #2: Minimum 240 instructional minutes

A program would meet the remote synchronous method requirements for full-day funding if the daily instructional minute minimum of 240 minutes is provided through the synchronous instruction method, even if part of the day includes additional time for asynchronous activities. However, attendance **must** be taken during synchronous instruction at the official attendance time. The daily instructional minutes need not be consecutive. LEAs should maintain documentation of remote synchronous instruction provided to students through instructional schedules that show the number of minutes each day students are expected to engage in remote synchronous instruction.

Time students spend participating in work-based learning opportunities can continue to be included in the daily instructional minute calculation and can be considered a synchronous instruction method. Work-based learning opportunities could include internships, externships, apprenticeships, and mentorships.

This method also allows students who are taking career and technical education (CTE) courses to continue teacher-led instruction and would generate CTE funding. Special education students who are coded mainstream can receive their regular instruction and special education services through this remote synchronous instruction method, as well, unless their individualized education programs (IEPs) reflect that the services must be provided on-campus.

Remote Asynchronous Instruction

This method allows LEAs the flexibility to earn daily attendance through primarily asynchronous instructional methods OR through a combination of asynchronous and synchronous instruction. LEAs should use this method to track attendance if students are not receiving the minimum number of synchronous instructional minutes required by the synchronous instruction method. In the asynchronous instruction method, the LEA ensures students have access to the required number of daily instructional minutes by planning for and keeping documentation of the daily attendance measure, instructional schedule and materials, progress monitoring, and teacher supports the students receive in order to earn daily attendance.

Requirement #1: Attendance-taking

Measurement frequency is daily and may occur from 12:00 am to 11:59 pm every day the campus is open or in a narrower daily time window as determined by their local plan. Daily measurement options for attendance include:

- Daily progress in the learning management system (LMS) that confirms students accessed instruction, as defined by the LEA; or
- Daily check-in via teacher-student interactions that confirms students accessed instruction, as defined by the LEA; or
- Completion/turn-in of assignments from student to teacher (potentially via email or on-line).

LEAs must maintain documentation to support the daily attendance a student has earned.

The locally defined student attendance measure will establish daily attendance. 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. A teacher or campus representative will input the student's daily attendance into the Student Information System (SIS) for the asynchronous method for any day attendance occurred based on one of the above three methods by marking the student Remote Asynchronous Eligible Days Present. There is no requirement that remote asynchronous attendance must be posted in the SIS on the same day the engagement occurs. LEA's are free to develop policies and procedures that work best on their campuses.

Note: A learning management system is any electronic system used for virtual instruction that provides data that can be used to document individual student engagement as defined in this guidance.

Requirement #2: Minimum 240 instructional minutes

A student must be offered an equivalent of four hours (240 instructional minutes) of daily instruction to be considered full-time. The instructional time must provide students access to the equivalent of instructional minutes that a student would be engaged in over a normal school year as documented in the publicly posted asynchronous plan. The number of instructional minutes students have access to must match or exceed 240 instructional minutes of daily minimums across all subjects for Kindergarten through 12th grade. LEAs must maintain documentation of the plan for asynchronous instruction which demonstrates students have access to the minimum required number of daily instructional minutes.

Requirement #3: Publicly Posted Asynchronous Plan

The LEA must develop an asynchronous instructional plan as documentation for meeting the minimum instructional minutes and attendance requirements. The asynchronous instructional plan must include the following:

- the instructional schedule,
- description of how students engage in instructional materials asynchronously (or through a combination of synchronous and asynchronous instruction) that demonstrates 240 instructional minutes are being provided,
- expectations for progress monitoring, and
- expectations for support students will receive from a teacher.

Note: The above would likely vary by grade level and subject.

The LEA must post the asynchronous instructional plan publicly on the LEAs website.