

DATE:	September 9, 2021
SUBJECT:	Senate Bill 15 Overview
CATEGORY:	Remote Learning
NEXT STEPS:	<ul style="list-style-type: none"> • Review proposed <i>Student Attendance Accounting Handbook</i> language • Attend an SB 15 overview webinar

Legislation Overview

Senate Bill 15 (SB 15) was sent to the governor to be signed into law on September 1, 2021. Upon the governor’s signature of the bill, local educational agencies (LEAs) may receive full ADA funding for students who attend local remote learning programs at any point during the 2021-22 school year if that remote instruction meets the requirements set by SB 15. Of equal importance: No LEAs are required to offer remote instruction.

This document provides an overview of SB 15, a link to the relevant proposed *Student Attendance Accounting Handbook* language, and upcoming Texas Education Agency (TEA) supports for LEAs seeking to learn more. Please note that all guidance below is pending the governor’s final signature on SB 15, and if the bill is not signed into law, this guidance is no longer applicable.

What does SB 15 allow LEAs to do in terms of remote learning delivery?

Under SB 15, LEAs may receive full funding for local remote learning delivered via **synchronous instruction, asynchronous instruction, or a combination, for grades K-12.** (Please note that students enrolled in prekindergarten are not eligible for remote instruction ADA.) The number of students receiving remote instruction is capped at **10% of all enrolled students** within a given LEA (more detail below in this document). Under SB 15, LEAs may receive funding for remote learning provided in combination with on-campus instruction, as appropriate, to meet the needs of individual students.

Under SB 15, LEAs also may:

- Establish additional criteria for students to be eligible to participate in local remote learning, including minimum academic standards.
- Remove a student from local remote learning, provided that the LEA establishes a process to ensure that each student and parent has sufficient notice and opportunity to provide input before a student is removed from remote courses.
- Contract with another LEA to allow a student enrolled in the sending district to enroll in local remote learning offered by the receiving district.

What are the requirements and constraints on local remote learning under SB 15?

To be eligible for funding for local remote learning, LEAs must:

- Have an overall district-wide performance rating of **C or higher** in school year 2018-19, or the year the latest performance rating was given.

- LEAs that do not have a prior performance rating, for example, LEAs established in school years 2019-20 or 2020-21, are eligible to launch local remote learning under SB 15 but will be subject to the performance rating constraint once a rating is assigned in a future school year.
- Include at least one STAAR-assessed grade level among the grade levels for which local remote learning is offered or include a complete high school program, including each course for which an end-of-course assessment is required to be administered.
- Provide families an on-campus option. Local remote learning may not be the sole option offered to families, in general or for any given day that remote instruction is offered.
- Administer assessments to students enrolled in local remote learning in the same manner as students learning on campus. LEAs must also periodically assess students in the remote learning program to assess progress.
- Provide students enrolled in remote learning the ability to participate in any extracurricular activity sponsored or sanctioned by the LEA or by the University Interscholastic League in the same manner as other students.
- Meet the needs of and comply with all relevant federal and state law and policy with respect to students with disabilities and English learners who are enrolled in a remote program.
- With respect to teachers delivering instruction, LEAs must:
 - Provide professional development on virtual instruction to all teachers delivering instruction in a local remote learning program.
 - Ensure that teachers delivering instruction in a full-time remote program have not been coerced in any way to take their full-time remote learning instruction position.
 - Ensure teachers are not delivering instruction concurrently; concurrent instruction is instruction delivered to both on-campus and remote learners during the same class period, at the same time.

Critically, 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 (e.g., 88+ days in a 175-day instructional year), they also must have:
 - Achieved satisfactory achievement or higher on each STAAR assessment administered.
 - If a STAAR assessment was not administered but the student was in a grade/subject for which STAAR should have been administered, a different assessment can be administered that shows grade level proficiency in TEKS (e.g., the STAAR Beginning of Year (BOY) assessment).
 - Had a number of unexcused absences that is 10 percent or fewer out of all instructional days.
 - 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 the student's 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 remote instruction students.

2. *Based on student information from the current school year:*

- 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 while enrolled in local remote instruction over a six-month period.

Please note that for criteria from the current school year, in the event that a student does not meet one of the criteria partway through the school year, LEAs will still receive funding for the first portion of the school year during which all current year criteria were met for that student.

Finally, LEAs may only enroll up to **10% of their total LEA-wide enrollment** in a local remote learning program. 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 could include students who are:

- Medically fragile;
- Placed in a remote learning setting by an admission, review, and dismissal committee;
- Receiving accommodations under Section 504 of the Rehabilitation Act of 1973;
- Served via remote conferencing.

How do we take attendance for remote instruction?

Discussions with superintendents over the last year surfaced many ideas about how to generate funding for students who are in a remote instruction environment. The typical approach to generating funding is to pay for daily attendance – an important educational input. Some have surfaced the possibility of funding remote instruction in ways that pay based on the progress students make in their learning, to allow for a break from daily attendance requirements. State law does provide for this, but only in the full-time virtual school network program, where funding is completion-based. It is important to note that SB 15 establishes funding for local remote instruction solely based on daily attendance, not based on some measure of student learning progress. As a result, the agency is planning to propose rules in the SAAH that will allow LEAs to generate remote instruction funding by taking daily attendance via synchronous, asynchronous, or a mix of methods.

For details on that proposal, please see the [Proposed SAAH Language on Virtual Instruction](#) document. It is worth highlighting two key requirements in that document:

- **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.
- **The minimum 240 instructional minutes requirement must be met.** Both methods require that at least 240 instructional minutes be offered to each student 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 remote instruction ADA.

What other critical information should LEAs know about SB 15 and remote learning in Texas?

Students participating in local remote programs will count in the accountability system just as any other student, based on the campuses they are associated with. In addition, each LEA that offers a local remote program will receive an A-F evaluation rating for the local remote program. This rating will be in addition to and separate from all other A-F accountability ratings. The information will be posted publicly but is not associated with any form of improvement, intervention, or sanction requirements in statute otherwise associated with campus and district accountability ratings. For the purpose of these performance ratings, students who spend at least half of their instructional time receiving remote instruction are considered enrolled in remote instruction.

Finally, SB 15 will be in effect through September 1, 2023. The potential continuation of remote learning may be determined by the legislature in future legislative sessions, including consideration of input from the Texas Commission on Virtual Education that will be studying remote learning in Texas and providing recommendations to the legislature over the course of school years 2021-22 and 2022-23.

Additionally, please note that LEAs may continue to offer remote learning outside of SB 15 via any of the partially or fully funded methods shared in [this guidance document](#).

Finally, there is a subset of LEAs described in TEC, §48.0071(c), that may exceed the 10% limit on remote instruction noted above. LEAs must submit a request to the agency and be approved as eligible for this exception. If your LEA believes it qualifies to offer remote learning under this TEC provision, please reach out to Remote.Learning@tea.texas.gov for additional guidance and with any questions.

Certain Details for PEIMS Coding

Below is PEIMS coding guidance for students receiving on-campus or remote instruction, with different coding guidance for students depending on the remote instruction option in use:

Mode of Instruction	ADA 1-6	ADA 9
On-campus Student	X	
Remote Conferencing Student	X	
Full ADA-eligible Local Remote Learning Student (SB 15)	X	
Non-TXVSN Remote Learning Student Not Eligible for ADA under SB 15		X

Additionally, a crisis code will be added to the PEIMS that indicates if a student was served at least one day as a Full ADA-eligible Local Remote Learning Student any time in the school year.

Upcoming Webinars

The TEA will offer webinars for LEAs seeking to learn more on the following dates:

Topic & Registration Link	Date/Time
Introduction to SB 15	September 17, 2021 – 1:00 PM – 2:00 PM
Asynchronous Instruction & Attendance Tracking Best Practices	October 13, 2021 – 10:00 AM – 11:00 AM
Synchronous Instruction Best Practices	October 27, 2021 – 10:00 AM – 11:00 AM
Learning Management System Best Practices	November 5, 2021 – 10:00 AM – 11:00 AM
Teacher Professional Development Resources & Best Practices	November 18, 2021 – 11:00 AM – 12:00 PM

TEA will continue to determine remote learning support needs for LEAs and provide resources and supports to LEAs over time. Additional webinar information will be released when available.

Contact Information

Please direct all questions to Remote.Learning@tea.texas.gov. The TEA also anticipates releasing a Frequently Asked Questions document soon.