

**Region One Education Service Center
Remote Conferencing, Remote Learning and HB4545 Supplemental Instruction
Abridged Reference Guide (ILN Draft)**

Note: This document is abridged. School systems should consult the original TEA documents for further clarification and guidance for Supplemental Instruction, Remote Conferencing, and Remote Learning.

Area & Source	Supplemental Instruction HB 4545	Remote Conferencing	Remote Learning SB15 Grades K-12 through 9.1.23
LEA Eligibility HB4545 FAQ #2, 17 RC FAQ Intro SB 15 FAQ # 1, 2, &3	Accelerated instruction required for all LEAs effective June 16, 2021, to be delivered during the 2021-2022 school year. Students may not opt out of HB4545 requirements	Available to all LEA’s. Proposed rule change to SAAH for the entirety of the 2021-2022 school year.	<ul style="list-style-type: none"> Only available to LEA’s rated a C or higher in the A-F State of Texas Accountability System in the 2018-2019 SY or the year the latest performance was given. LEAs without prior performance rating are eligible to launch a remote learning program under SB15 and do not need to apply for a waiver. LEA’s may not solely provide a remote learning program. They must also provide on campus face to face instruction to all students not excluded due to COVID restrictions. LEA must administer assessments to students enrolled in local remote in the same manner as students on campus. Must periodically assess and provide students enrolled in remote learning the ability to participate in any extracurricular activity sponsored or sanctioned by the LEA or UIL in the same manner as other students.
Program Requirements HB4545 FAQ #2 RC FAQ #13 SB15 FAQ #29, 30, and 31.	<ol style="list-style-type: none"> 1. Assign a classroom teacher who is certified master, exemplary or recognized or deliver supplemental instruction before or after school or embedded in the school day meeting HB4545 requirements. 2. Establish an accelerated learning committee for students who did not pass STAAR 3, 5, or 8 math and reading beginning with the 2021-2022 SY. 3. Parents have the right to request a different teacher. 4. Develop an education plan for students in grade 3, 5, and 8 that did not meet standard in reading and mathematics. 	Remote Conferencing means remote instruction in which a student at an off-campus location is able to virtually participate in classes provide by a teacher on the student’s campus. (Applies to the 21-22 SY) May be delivered in a group setting.	If offered must include at least one grade level that requires a STAAR/EOC assessment or a complete high school program 19 TAC §74.3 (b). <ol style="list-style-type: none"> 1. Provide a GT education program for eligible students who receive remote instruction. 2. Provide compensatory education programs for eligible students who receive remote instruction 3. Provide science courses that include at least 40% hands-on laboratory investigations and field work using appropriate scientific inquiry.



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<p>Enrollment Cap</p> <p>HB4545 FAQ #16 R FAQ # SB15 FAQ #18, 19. #21</p>	<p>Supplemental accelerated instruction is provided to a student individually or in a group of no more than three students unless the parent or guardian of each student in the group authorizes a larger group.</p>	<p>No Cap (However, if a student receives remote conferencing for more than 50% of their instructional days, they count toward the 10% cap within SB15). (For example, 180 days of instruction, the student was in remote conferencing for more than 90. This would have required several waivers since there is a 20-day cap for remote conferencing.)</p>	<p>Up to 10% of LEA Enrollment. Each unique student counts towards the cap. LEAs should use the previous fall snapshot PEIMS enrollment figure, or the current year fall snapshot enrollment figure once it is known. LEA's may use the previous years' figure if it is higher than the current. If a student is not taking the majority of their instructional day virtually, then they do not count towards the cap.</p>
<p>Board Approval</p> <p>HB4545 #65 RC FAQ Intro 12.3.1 SB15 FAQ #43</p>	<p>Board approval is required for teacher certification waivers and must include the board agenda from the meeting in which the waiver request is approved.</p>	<p>No board approval required if the remote instruction lasts 20 or fewer days. If more than 20 days a board-approved waiver request is required to be sent to TEA for approval. Waivers will be considered on a case-by-case basis.</p>	<p>SB 15 remote instruction requires a board approved local policy that determines the instructional methods (synchronous, asynchronous, or a combination), and the official attendance taking time. If asynchronous, then a plan that is publicly posted on the LEA's website.</p>
<p>Student Eligibility</p> <p>HB4545 FAQ #2, 3, 14 RC-SAAH 12.3.1 SB 15 FAQ #4, 6,7,11</p>	<ul style="list-style-type: none"> Accelerated learning for any student that did not pass STAAR 3-8 or EOC assessments. For 21-22 school year, for students who did not participate in the spring 21 STAAR administration, School systems may decide to administer an assessment designed to show grade level proficiency on the TEKS (i.e., BOY). If the school system determines that the assessment shows the student achieved satisfactory performance, school systems may decide locally as to whether the student must be given accelerated instruction. Parent who think their students may benefit from accelerated instruction should have the option to appeal this decision if they disagree. Students going through an IGC review will be required to receive 30 hours of accelerated instruction for each course in which the student did not performance satisfactorily on the required 	<p>These two requirements must be met:</p> <ul style="list-style-type: none"> 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. <p>In addition, one of the following requirements also must be met:</p> <ul style="list-style-type: none"> 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. 	<p>LEAs may only count a student toward ADA if that student meets eligibility requirements in the following areas:</p> <p><i>Based on student information from the preceding school year</i>, if a student received remote instruction for a majority of their instructional days (50%) in the previous school year, they also must have:</p> <ol style="list-style-type: none"> Achieved satisfactory achievement or higher on each STAAR assessment administered. If a STAAR assessment was not administered, a different assessment can be administered that shows grade level proficiency in TEKS. Had fewer than 10 unexcused absences. Earned a grade of C or higher in the foundation curriculum (math, science, reading, and social studies) courses taken virtually or remotely in the preceding school year. <p>If a student did <i>not</i> 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.</p> <p><i>Based on student information from the current school year:</i></p>



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	STAAR EOC assessment. Once they pass the project/portfolio, the student is no longer required to participate.	<ul style="list-style-type: none"> 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. 	<ol style="list-style-type: none"> 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. <p>LEAs are expected to maintain all data that proves student eligibility to count towards ADA.</p> <p>The STAAR portion of the three-part eligibility test applies for students who received a majority of their instruction virtually in the preceding school year and who also took the STAAR-Alt 2.</p>
Staff Assignment HB4545 FAQ #16: RA FAQ # 3: SB15 FAQ# 38	Supplemental Instruction is provided by a person <u>with training in the applicable instructional materials</u> and under the direct oversight of the school district; and to the extent possible is provided by one person for the entirety of the school year.	The individual does not need to be the original teacher of record.	Provide <u>professional development on virtual instruction to all teachers delivering</u> instruction in a local remote learning program. (Determined by the LEA)
Teacher Certification HB4545 FAQ #16, 40, 46 RC FAQ #3 SB15 FAQ #40	<ul style="list-style-type: none"> The accelerated instruction is provided by a person with training in the applicable instructional materials for the supplemental instruction and under the oversight of the school district and to the extent possible is provided by one person for the entirety of the student’s supplemental instruction period. The statute does not require that the tutor be a teacher and research shows that many different tutor types can be successful, such as college students, community volunteers, paraprofessionals, or active or retired teachers, as 	<p>LEAs must provide Remote Conferencing students with a dedicated individual delivering instruction. The individual does not need to be the original teacher of record; however, this individual must meet the certification requirements to teach the content area. If you are unable to provide a certified teach in this area, you may pursue an applicable certification assignment flexibility option. Additionally, LEAs with limited staffing option may consider.</p> <ul style="list-style-type: none"> Designating a guest teacher or substitute to deliver instruction to students via Remote Conferencing 	The same certification requirements for on campus instruction apply to remote learning.



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	<p>long as the other elements of high-impact tutoring are met.</p> <ul style="list-style-type: none"> If a student is assigned a recognized, exemplary, or master teacher under the TEA TIA designation system, then they are not required to receive 30 hours of supplemental instruction. 	<ul style="list-style-type: none"> Designating a paraprofessional or other non-teacher of record staff member to provide remote conferencing support to students as needed Using ESSER funds to proactively hire additional staff members 	
<p>Attendance HB4545 #17, 18, 19 RC FAQ General and #1, 2, 8, 15, 21, SB 15 FAQ #22, 23, 24, 27</p>	<ul style="list-style-type: none"> Accelerated instruction and any associated tutoring that districts are implementing to meet HB 4545 are subject to the compulsory attendance requirements of the TEC 25.085 and should be treated like any other required instructional time during the day. LEAs should make every effort to communicate with parents/guardians regarding attendance for accelerated instruction. Documentation should be kept of the student’s acceleration instructional program and attendance. Only applies to students enrolled in a Texas public school district or open enrollment charter school the previous year. 	<ul style="list-style-type: none"> Students must be virtually present at the official attendance taking time. Instruction must be provided synchronously, real-time/live between students and teacher. The instruction must not be concurrent. The teacher must see the students face on the camera. Remote conferencing similarly applies to special education students. The ARD determines the placement under FAPE and documents in the IEP. Temporary alternate bell schedule can be developed, but district policy will need to be adjusted particularly attendance time. If the campus official attendance time falls outside of the synchronous instruction window. LEA’s must assign an alternative attendance time in alignment with SAAH 3.6.2.2 	<p>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.</p> <p>For remote synchronous, if the student meets the minimum four hours of instruction, then the LEA should take attendance during the synchronous portion and recorded as remote synchronous. Must be verified on camera face to face. In this limited circumstance, LEAs may ask that a student served by special education and determined by the ARD may keep the camera off and verbally affirm that they are attending for attendance-taking and keep it off during instruction.</p> <p>If the minimum of four hours is not met through synchronous portion of the 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 three approved methods for asynchronous attendance taking. Note: Overall four hours of instruction are still required to meet asynchronous requirements.</p> <p>Note: An LEA may count a student 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 day. Requires an LEAs asynchronous instruction plan has been intentionally designed to operate in this manner allows students to engage in asynchronous instruction even after missing synchronous instruction.</p>



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<p>Mode of Instruction</p> <p>HB4545 # 16, RC FAQ # 12.3.1 of the SAAH SB15 #23</p>	<p>Supplemental instruction that helps students make more than one year of growth in one year of time before, during after school. Students receive on-grade level, rigorous, TEKS-aligned instruction that strategically address gaps in prerequisite skills need to master grade-level content. This includes 30 hours no less than once per week using effective instructional materials provided in small groups of no more than 3 students unless waived by the parent. (See question 16 for additional details)</p>	<ul style="list-style-type: none"> • Students in PreK to five must receive the equivalent of four hours of instruction each school day with at least two hours of synchronous instruction each school day. Instruction does not need to be consecutive. • Students in grades six to twelve must receive at least four hours of instruction through synchronous instruction each school day. Instruction does not need to be consecutive. • Remote conferencing similarly applies to special education students. 	<p>Synchronous, asynchronous, or combination of synchronous/asynchronous with requirements as defined in the Student Attendance Accounting Handbook (SAAH)</p>
<p>Concurrent Instruction</p> <p>HB4545 #30, RC FAQ #1 SB15 FAQ #44</p>	<p>The statute requires that students not be removed from recess or from the foundation curriculum or enrichment curriculum. Districts may repurpose existing time, this time must be supplemental, which means that it cannot be time that would otherwise be used for instruction in the foundation or enrichment curriculum. It must be in addition, to the instruction normally provided to students in the grade level in which the student is enrolled.</p>	<p>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.</p>	<p>No concurrent instruction (teacher instructing remote and on-campus students at the same time, in the same class period.</p>
<p>Class Size</p> <p>HB 4545 # 28, 33 RC FAQ #13 SB15 FAQ #37</p>	<ul style="list-style-type: none"> • Supplemental instruction must be provided to a student individually or in a group of no more than three students unless waived by the parent or guardian of each student. • A classroom with 12 students would meet the requirements only if the teacher was working with a small group of three students and another teacher was in the room facilitating and overseeing learning of the students not in the small group. 	<p>Remote conferencing may be delivered in a group setting.</p>	<p>Maximum class size restrictions still apply. Kindergarten through 4th grade classrooms may not exceed 22 student class limit. See restrictions, exemption requests and parent notification. Additional flexibility may apply is your district is a District of Innovation.</p>



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<p>Timeframe</p> <p>HB4545 #7, 8, 16, RC FAQ 12.3.1 of SAAH SB15 FAQ</p>	<p>An LEA must provide no less than 30 total hours for each subject area in which the student did not pass a STAAR/EOC assessment. Accelerated learning may be during the subsequent summer of school year and, and no less than once per week.</p>	<p>If the documented temporary medical condition persists longer than 20 instructional days over the entirety of the school year, a waiver must be submitted for an extension of remote conferencing beyond the allowable cumulative 20 instructional day period. The waiver must include an explanation of the circumstances.</p>	<p>Can be used for temporary or long-term remote learning.</p>
<p>Student Receiving Special Education Services</p> <p>HB4545 #74 RA FAQ #2 SB 15 #26</p>	<p>The accelerated and supplement instruction requirements of HB 4545 generally apply to all students, including students who are served in special education. When an accelerated learning plan is required, the ARD committee must consider the individual needs of the student and determine whether adjustments to the accelerated instruction plan are appropriate. Likewise, if a student served in special education requires supplemental instruction, the supplemental instruction must be provided in accordance with HB 4545 unless a student’s ARD committee has specifically determined that some or all of the supplemental instruction requirements would deny the student FAPE.</p>	<p>The student’s ARD committee must have determined, in a manner consistent with state and federal law that remote instruction to be provided is required for the provision of FAPE and document in the student’s IEP?</p> <p>Please note that remote conferencing instruction described here is different from remote special education homebound instruction.</p>	<p>If the ARD committee determines remote instruction is the only option to provide a PAFE to a student with an IEP, then that student must be served via remote instruction.</p>
<p>Bilingual/ESL</p> <p>HB4545 #49, 90-94 RC FAQ #16 SB15 FAQ #28</p>	<p>Supplemental instruction supports for a student will need to be provided in the language of instruction.</p> <p>The Accelerated Learning Committees must include an LPAC representative, but the LPAC cannot serve as the full Accelerated Learning Committee. Additionally, the bilingual or ESL teacher serving on the LPAC may/may not be the ALC required teacher of the content area in which the student did not meet the passing standard.</p>	<p>For emergent bilingual students, the LEA will need to develop a plan, if not already outlined in the CIP to continue providing the bilingual/ESL services for which the parent/family member has provided consent. Linguistic services and support should be consistently provided regardless of the setting.</p> <p>RC is a short-term approach and Bilingual/ESL programs <u>ARE</u> required. However, if RC teachers are not certified for Bilingual or ESL, then they can be considered as</p>	<p>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.</p> <p><u>Upcoming (tentative) guidance:</u></p> <p>1) Even though bilingual programs ARE NOT required, they are still HIGHLY encouraged.</p>



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	<p>If the student entering 6th grade is participating in a bilingual education program, access to accelerated instruction in Spanish is highly encouraged so the student continues to access literacy skills in the primary language that will ultimately support English STAAR mastery.</p> <p>If the student entering 6th grade is participating in an ESL program, accelerated instruction will most likely be conducted in English in alignment with ESL program goals.</p> <p>A student who uses the English I assessment provision and does not retake the test is required to receive the 30 hours of supplemental accelerated instruction since the student did not pass the STAAR EOC assessment.</p>	<p>long-term substitutes. Please refer to Q9 of the Bilingual Exceptions and ESL Waivers FAQ document: https://tea.texas.gov/sites/default/files/faq-bilingual-exception-esl-waiver.pdf</p>	<ol style="list-style-type: none"> 2) If LEAs choose to offer a bilingual program, all certification requirements must be met, or a bilingual exception must be filed before November 1st. 3) On the other hand, ESL programs ARE required for Emergent Bilingual students in remote learning programs, and this includes all necessary teacher certifications. 4) Parents must approve the change in program placement and new PEIMS code(s) for Program Type/Parental Permission must be entered. 5) Official written guidance will be provided by the TEA EL Support Division after 10/05/21.
<p>Funding/ADA HB4545 #43,44 RC FAQ 12.3.1 #1 SB15 FAQ #10, 15, 16, 26</p>	<ul style="list-style-type: none"> • LEAs may use Title I, Part A funding. Although Title I, Part A funding must be supplemental to the campus, it does not require the activity to be supplemental as long as the LEA’s required federal Supplement, Not Supplant Methodology has been approved by the LEA leadership and is being implemented consistently by the LEA. • LEAs may use State Compensatory Education (SCE) funds described in TEC, §48.104 to fund supplemental programs and services listed in HB 4545, such as targeted supplemental instruction, extended day and year instruction, and tutoring. SCE funds may also be used for professional development designed to provide instructors the knowledge and skills to deliver accelerated 	<p>May count the student in attendance for FSP funding purposes, provided the following requirements are met.</p> <ul style="list-style-type: none"> • The student is unable to attend school because of a temporary medical condition. • The total amount of remote conferencing instruction does not exceed more than 20 days instructional days over the entirety of the SY. <p>In addition, one of the following requirements also must be met:</p> <ul style="list-style-type: none"> • The student’s temporary medical condition is documented by a physician licensed to practice in the United States. The documentation must include 	<p>For LEAs that collectively launch a combined regional remote learning program, the student would be counted at the sending LEA for purposes of funding and accountability.</p> <p>LEAs will receive retroactive funding for virtual instruction for the 21-22 SY if they met the requirements outline in the SAAH 12.6.</p> <p>If the ARD committee determines remote instruction is the only option to provide a PAFE to s student with IEP, then that student must be served via remote instruction. (SB 15 may not provide funding if the student does not meet eligibility requirements set forth in SB15)</p> <p>A student would be ineligible to generate ADA in a remote setting after their t10th 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</p>



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	<p>instruction and for the purchase of supplemental instructional materials for the intended population defined in the authorizing statute, TEC, §29.081 and TEC, §48.104.</p>	<p>a statement from the physician that the student is to remain confined to their home or to a hospital.</p> <ul style="list-style-type: none"> • 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. <p>If the medical conditions persists longer than 20 days over the entirety of the year, a waiver must be submitted for an extension beyond the cumulative 20 days. Waivers will be granted on a case-by-case basis.</p> <p>Students in grades PreK to Grade 5 must receive the equivalent of four hours of instruction with at least 2 hours of synchronous instruction each day. (Not required to be consecutive).</p> <p>Students in Grades 6 – 12 must receive at least four hours of instruction through synchronous instruction each day. (Does not need to be consecutive)</p>	<p>point forward). However, they are fully eligible for funding if served on campus.</p>
<p>Additional Criteria</p>			<p>May include additional academic criteria for participation.</p> <p>May remove a student, provided the LEA establishes a process to ensure that student and parent have sufficient notification and an opportunity to provide input before removal.</p>
<p>Accountability</p> <p>HB 4545 #2 RC FAQ 12.3.1 SAAH SB15 FAQ</p>	<p>For any student who did not pass STAAR grades 3–8 or EOC assessments, accelerated instruction must be delivered in the 2021–22 school year (starting in fall 2021). Accelerated instruction entails either 1) assigning a classroom teacher who is a certified master, exemplary, or recognized teacher, or 2) delivering supplemental instruction (i.e., tutoring) before or after school, or embedded in the school day and meeting HB 4545 requirements.</p>	<p>Temporary placement.</p>	<p>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 purpose of</p>



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			these ratings, students who spend at least half of their instructional time receiving remote instruction are considered enrolled in remote instruction.
PEIMS Coding or Documentation HB4545 FAQ #34 PEIMS C059 Table	To ensure that students are being provided 30 hour minimum requirement of accelerated instruction per subject and in the event of an audit or grievance, LEAs should keep appropriate documentation. Artifacts may include, but not limited to, accelerated instruction attendance/tutoring logs, ALC education plans, minutes, ALC notices, parent communication, and evidence of student progress.	PEIMS Attendance Code 1-6 1 Eligible for Full Day Attendance 2 Eligible for Half Day Attendance 3 Eligible Transfer Student Full Day 4 Ineligible Full Day 5 Ineligible Half Day 6 Eligible Transfer Student Half Day	PEIMS Attendance Code 1-6, 9 (CO59 Table) 1 Eligible for Full Day Attendance 2 Eligible for Half Day Attendance 3 Eligible Transfer Student Full Day 4 Ineligible Full Day 5 Ineligible Half Day 6 Eligible Transfer Student Half Day 9 Enrolled, Not in Membership Due to Virtual Learning

TAA Letter Senate Bill 15 Overview (page 2): <https://tea.texas.gov/sites/default/files/senate-bill-15-overview.pdf>

HB4545 FAQ August 16, 2021: https://tea.texas.gov/sites/default/files/covid/house-bill-4545-frequently-asked-questions_0.pdf

Remote Conferencing FAQ August 19, 2021: <https://tea.texas.gov/sites/default/files/covid/remote-conferencing-faq.pdf>

SB 15 Remote Learning FAQ September 23, 2021: <https://tea.texas.gov/sites/default/files/covid/sb15-faq.pdf>

To Be Proposed: 12.6 Virtual Instruction (Local Remote Programs) under TEC 29.9091 or as Modified by TEC 48.007 (c): <https://tea.texas.gov/sites/default/files/covid/Virtual-Learning.pdf>

