

12.3.4 Remote Homebound Instruction—Special Education Students

In this subsection, remote homebound instruction means remote instruction in which a special education student with an instructional setting code of 01 - Homebound receives individualized instruction through special education homebound instruction and in which all requirements related to special education homebound instruction are met except for in-person instruction from the homebound teacher. See [4.7.2 Code 01 - Homebound](#) for special education homebound requirements.

A student’s ARD committee is responsible for determining, in a manner consistent with state and federal law, whether remote homebound instruction meets the needs of the student.

If your school district provides remote homebound instruction to a special education student, your district may, **with the approval of a waiver request**, count the student in attendance for FSP funding purposes, including weighted funding purposes, provided that the following requirements are met:

- The student’s ARD committee must have determined, in a manner consistent with state and federal law,²⁵⁰ that the remote homebound instruction to be provided meets the needs of the student.
- The ARD committee must have documented that determination in the student’s IEP.
- All requirements related to the provision of special education homebound instruction must be met except for face-to-face instruction from the homebound teacher.

If a waiver is granted, the affected student will generate attendance (eligible days present) according to the homebound funding provisions in [4.7.2.5 Homebound Funding and Homebound Documentation Requirements](#).

Your district can submit a request for a general waiver using TEA’s automated waiver application system, which is available in TEAL. When submitting a waiver request, cite the following requirement in item 3 of the General Waivers section: the requirement that a homebound teacher serve a student in person at the student’s home or hospital bedside in order for FSP funding to be generated, as required by [4.7.2.5 Homebound Funding and Homebound Documentation Requirements](#) of the handbook, which is adopted annually through [19 TAC §129.1025](#).

12.3.5 Distance Learning

In [12.3 Remote Instruction That Is not Delivered through the TXVSN](#), including this subsection, distance learning means remote instruction in which a student physically located at his or her home campus participates in a class provided at another campus in the same district or in another district at which students and a teacher are physically present. Distance learning does not include instruction provided through the TXVSN. For requirements related to the TXVSN, see [12.2 Texas Virtual School Network \(TXVSN\)](#).

²⁵⁰ including provisions related to LRE and FAPE requirements

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4. Which students would be eligible to receive Remote Conferencing for more than 20 days?

- A student who is “[medically fragile](#)” is a student who has a serious medical condition documented by a physician who is licensed in the United States. The physician’s note must also document that the student is expected to be confined at home or in a hospital bed for a minimum of four weeks. The weeks need not be consecutive. Medically fragile is defined as a student who has a serious, ongoing illness or a chronic condition that has lasted or is anticipated to last at least 12 or more months or has required at least one month of hospitalization, and that requires daily, ongoing medical treatments and monitoring by appropriately trained personnel which may include parents or other family members.
- If a child was a close contact more than twice over the course of the year, and the family opted to follow the stay-at-home recommendations each time.

An “Other” waiver request must be submitted in TEAL for an extension of remote conferencing beyond the allowable cumulative 20 instructional day period. The waiver request must include an explanation of the circumstances. Waivers will be granted on a case-by-case basis. A waiver will not be granted if the student is unable to attend school for a reason other than a medical condition, such as confinement at home for disciplinary reasons.

5. Will a student be eligible to begin remote conferencing on the first day of school?

Yes, a student who meets remote conferencing requirements as described above may begin the year through remote conferencing.

6. If a charter school decides to provide Remote Conferencing, will that school need to request a non-expansion amendment?

As long as a charter school is following its approved educational plan when providing remote instruction in compliance with either TEA’s August 5, 2021, Remote Instruction Guidance or Remote Conferencing FAQ, then there is no need to request an amendment. However, if a charter school intends to deviate from its approved educational plan when providing remote instruction, then a non-expansion amendment request would be necessary before beginning any remote instruction.

7. What is the official enrollment date for a qualified student who participates in an LEA’s remote conferencing program prior to attending school in person?

LEAs should use the first day the qualified Remote Conferencing student is virtually present at the official attendance time as the enrollment date for the student.

8. How should attendance for Remote Conferencing be captured?