



OFFICE OF THE ASSOCIATE SUPERINTENDENT

#BestSmallDistrictinTexas

To: Board of Trustees and Superintendent Galaviz
From: Dr. Debra Kerney, Associate Superintendent
Date: November 7, 2024
Re: Waiver for Remote Conferencing-Regular Education Students during the 2024-2025 SY

In accordance with BF (LEGAL), Canutillo ISD will submit the following waiver: Remote Conferencing-Regular Education Students as noted on the adopted 2024-2025 Student Attendance Accounting Handbook (SAAH). The waiver must be approved by the Board of Trustees annually and was previously approved for the 2023-2024 school year during the February 27, 2024 RBM.

Campus attendance clerks will submit a waiver request in addition to supporting documentation (e.g. doctor/psychologist note, hospital letter) to the PEIMS Specialist who will in turn submit the waiver request (sample attached) through TEAL for TEA approval. Below is the section in the 2024-2025 SAAH addressing Remote Conferencing-Regular Education Students.

12.3.1 Remote Conferencing—Regular Education Students

In this subsection, remote conferencing means remote instruction in which a student at an off-campus location is able to virtually participate in classes provided by a teacher on the student's campus.

If your school district provides instruction through remote conferencing to a regular education student, your district may, **with the approval of a waiver request**, count that instruction as classroom time for FSP funding purposes and count the student in attendance for FSP funding purposes, provided the following requirements are met:

- The student is unable to attend school because of a temporary medical or psychological condition.²²¹

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Texas Education Agency A-Rated Three Years in a Row.

Canutillo Independent School District does not discriminate on the basis of race, color, religion, gender, sex, national origin, age, disability, military status, genetic information, or any other basis prohibited by law in its employment practices or in providing education services, activities, and programs, including career and technical education (vocational programs).

For additional information regarding Canutillo Independent School District's policy of nondiscrimination contact the Human Resources Division: (915) 877-7423 | 7965 Artcraft Dr. | El Paso TX 79932.

- The student's temporary medical or psychological condition is documented by a physician licensed to practice in the United States.

Note: A student who has an infant (0-6 months) considered medically fragile and who meets the criteria in the bullets listed above may also be considered for the GEH program.

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. Supporting documentation submitted with the waiver must also be submitted for each student on a case-by-case basis but must not contain identifiable information. This documentation must be retained by the LEA locally for audit purposes. If a waiver is granted, the affected student will generate attendance according to the two-through-four hour rule and based on if the student is virtually "present" at the official attendance-taking time.

Remote conferencing students will **not** be considered to be receiving homebound program instruction and will not be eligible to generate eligible days present through the GEH program. If a student is eligible to be served through the GEH program, your district should evaluate whether it is more appropriate to serve the student through that program or through remote conferencing. If your district opts to serve the student through the GEH program, then the student would generate attendance (eligible days

²²¹ Pregnancy, in and of itself, is not considered a medical condition. See [12.3.3 Remote Homebound Instruction—Regular Education Students](#) for information on remote PRS compensatory education home instruction

present) according to the GEH funding method. A student must not generate attendance through both remote conferencing and the GEH program simultaneously. See [3.7 General Education Homebound \(GEH\) Program](#) for GEH requirements. See [12.3.3 Remote Homebound Instruction—Regular Education Students](#) for requirements specific to remote GEH instruction.

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 requirements in item 3 of the General Waivers section: 1) [19 TAC §129.1025](#) and 2) face-to-face instruction policy. Note that only [19 TAC §129.1025](#) needs to be cited if the student is scheduled to be off campus at the official attendance-taking time.

A student served through remote conferencing may be eligible to generate weighted funding for programs such as CTE or bilingual/ESL education, provided requirements for the applicable program(s) are met. See the applicable sections of this handbook for specific program requirements. In submitting a waiver request, explain how any applicable program requirements

will be satisfied if your district intends to claim weighted funding. Funding may be claimed beginning on the date the waiver is approved.

12.3.2 Remote Conferencing—Students Receiving Special Education and Related Services

In this subsection, remote conferencing means remote instruction 1) in which a student at an off-campus location is able to virtually participate in classes provided by a teacher on the student's campus or 2) in which a student at an on- or off-campus location receives instruction or special education and related services from an appropriately credentialed individual who is at a different location. An example of a situation described by item 2 is one in which a student in a campus classroom receives speech therapy via remote instruction from an appropriately credentialed individual who is not on the student's campus.

If your school district provides instruction through remote conferencing to a student who is eligible for special education and related services for all or part of the school day, your district may, **with the approval of a waiver request**, count that instruction as classroom time for FSP funding purposes, including in the calculation of contact hours. To do so, the following conditions must be met:

- The student's ARD committee must have determined, in a manner consistent with state and federal law,²²² that the remote instruction to be provided is required for the provision of a FAPE.
- The ARD committee must have documented that determination in the student's individualized education program.

Note: If a student's ARD committee determines that instruction through remote conferencing is required for the provision of FAPE, that determination does not necessarily mean that the student's instructional setting code will change with the provision of the instruction through remote conferencing. The student's instructional setting code may stay the same if the actual instruction and services the student is receiving will remain the same and all that will change is the means of delivery of that instruction. In determining what instructional setting code to use for the student,

²²² including provisions related to LRE and FAPE requirements

the ARD committee should consider the type of instruction and services being provided instead of

the physical location of the student. Please also note that any change resulting in a change in placement for a student served by special education requires the ARD committee to meet to address the change in placement and document it in the student's IEP, generally within 10 school days.

The waiver request must include an explanation of the circumstances. Waivers will be granted on a case by-case basis.

If a waiver is granted, the affected student will generate attendance according to the two-through-four hour rule and based on whether the student is physically present on campus at the official attendance taking time if the student is scheduled to be on campus at that time or is virtually "present" at the official attendance-taking time if the student is scheduled to be off-campus at that time.

Please note that the remote conferencing instruction described in this subsection is different from remote special education homebound program instruction. For general requirements related to special education homebound instruction, see [4.7.2 Code 01 -Homebound](#). For requirements specific to remote special education homebound instruction, see [12.3.4 Remote Homebound Instruction—Students Receiving Special Education and Related Services](#). If a student is eligible to be placed in the special education homebound instructional setting, it is the responsibility of the student's ARD committee to determine whether it is more appropriate to place the student in that setting or in another setting that is provided via remote conferencing.

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 requirements in item 3 of the General Waivers section: 1) [19 TAC §129.1025](#) and 2) face-to-face instruction policy. Note that only [19 TAC §129.1025](#) needs to be cited if the student is scheduled to be off campus at the official attendance-taking time.

A student served through remote conferencing may be eligible to generate weighted funding for programs such as CTE or bilingual/ESL education, provided requirements for the applicable program(s) are met. See the applicable sections of this handbook for specific program requirements. If the waiver is approved, funding for remote conferencing for students receiving special education services may be retroactively claimed on the date services begin in remote conferencing in accordance with the ARD committee determination and proof of an approved waiver must be available for audit.

12.3.3 Remote Homebound Instruction—Regular Education Students

In this subsection, remote homebound instruction means remote instruction in which a student receives individualized instruction through the GEH program or CEHI program and in which all requirements of the program are met except for in-person instruction from the homebound teacher. See [3.7 General Education Homebound \(GEH\) Program](#) for GEH program requirements. See [Section 9 Pregnancy-Related Services \(PRS\)](#) for CEHI program requirements.

If your school district provides remote homebound instruction to an eligible regular education student, your district may, **with the approval of a waiver request**, count the student in attendance for FSP

funding purposes provided that all requirements of the homebound program are 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 [3.7.3 GEH Funding Chart](#) or [9.10 Confinement and Earning Eligible Days Present](#), as applicable. If the waiver is granted, funding may be claimed beginning on the date remote homebound services began.

Your district can submit a request for a general "Other" waiver using TEA's automated waiver application system, which is available in TEAL. When submitting a waiver request, cite one of the following applicable requirement(s) in item 3 of the General Waivers section:

- the requirement that a homebound teacher serves a student in person at the student's home or hospital bedside in order for FSP funding to be generated, as required by [3.7.3 GEH Funding Chart](#) or
- [9.10 Confinement and Earning Eligible Days Present](#) of the handbook, which is adopted annually through [19 TAC §129.1025](#).

These waivers will only be granted in extremely severe medical or psychological circumstances, and a waiver must be submitted for each individual student.

12.3.4 Remote Homebound Instruction—Students Receiving Special Education and Related Services

In this subsection, remote homebound instruction means remote instruction in which a student receiving special education and related services with an instructional setting code of 01 -

Homebound receives 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 student receiving special education and related services, 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,²²³ 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.

²²³ including provisions related to LRE and FAPE requirements

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](#). If the waiver is approved, funding may be claimed beginning on the date the ARD committee determined that remote homebound services began.

Your district can submit a request for a general "Other" 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](#). A waiver must be submitted for each individual student.