



## Using Virtual Technology to Deliver Remote Instructional Services.



### **1. Can a district deliver instructional services through a robot or other virtual means?**

Yes: With approval of a waiver request.

Here is what the SAAH says about remote instruction:

#### **12.3 Remote Instruction That Is Not Delivered Through the TxVSN**

This subsection (12.3) addresses remote instruction other than virtual instruction provided through the TxVSN. For requirements related to the TxVSN, see [12.2 Texas Virtual School Network \(TxVSN\)](#).

Under current agency rules and policies, remote instruction that is not delivered through the TxVSN is **not** eligible for state funding and generation of ADA, except for classes taken through distance learning while a student is in attendance at a regular school campus. However, this subsection describes procedures for submitting requests for waivers of those rules and policies and information on how the agency will evaluate those requests. **Please be advised that in addition to submitting a waiver request, any charter school wishing to provide remote instruction for students (other than distance learning while a student is in attendance at a regular school campus) must submit a non-expansion amendment request to the commissioner of education and receive commissioner approval before submitting the waiver request for possible implementation of remote instruction.** Changing the instructional program would be a substantive amendment request in accordance with 19 TAC §100.1033(c).

For the purposes of this subsection (12.3), "remote instruction" means instruction provided through a technology that allows for real-time, two-way interaction between a student and teacher who are in different physical locations. Examples of such technology might be interactive video conferencing or a robot that allows for virtual interaction between student and teacher. The technology must allow for both two-way audio and two-way video interaction.

### **2. How can this rule apply for students in the general education setting?**

#### **12.3.1 Remote Conferencing—Regular Education Students**

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 instructional 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 condition[1].

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

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).

If a waiver is granted, the affected student will generate attendance according to the 2-through-4-hour rule and based on whether the student is virtually "present" at the official attendance-taking time. The student will **not** be considered to be receiving homebound program instruction and will not be eligible to generate eligible days present through the General Education Homebound (GEH) program. If the 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 present according to the GEH funding method. A student may not generate attendance through both remote conferencing and the GEH program simultaneously. See [3.7 General Education Homebound \(GEH\)](#) 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 the TEA's automated waiver application system, which is available in the online TEA Login (TEAL) secure environment. When submitting a waiver request, cite the following requirements in item 3 of the "General Waivers" section: 1) the requirement that a student be on campus at the official attendance-taking time in order to be considered present for FSP funding purposes, as required by 19 TAC §129.21 and the *Student Attendance Accounting Handbook*, which is adopted annually through 19 TAC §129.1025, and 2) the agency's policy of considering only face-to-face instruction as instructional time for purposes of FSP funding.

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.

In Subsection 12.3.1, "remote conferencing" means remote instruction in which a student at an off-campus location is able to virtually participate in classes provided on the student's campus.

### **3. How can my district serve a student receiving general education services in the homebound setting through "Remote Homebound Instruction"?**

#### **12.3.3 Remote Homebound Instruction—Regular Education Students**

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.

Your district can submit a request for a general waiver using the TEA's automated waiver application system, which is available in the online TEAL secure environment. 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 Subsection 3.7.3 [GEH] or Subsection 9.10 [CEHI] of the *Student Attendance Accounting Handbook*, which is adopted annually through 19 TAC §129.1025

In Subsection 12.3.3, "remote homebound instruction" means remote instruction in which a student receives individualized instruction through the GEH program or Compensatory Education Home Instruction (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 \(GEH\)](#) for GEH program requirements. See [Section 9 Pregnancy Related Services \(PRS\)](#) for CEHI program requirements.

***4. Can a student receiving special education services and funding participate in similar "Remote Conferencing" instructional arrangement and meet the requirements for instruction/contact hours to meet the IEP?***

**12.3.2 Remote Conferencing—Special Education Students**

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

- The student's admission, review, and dismissal (ARD) committee must have determined, in a manner consistent with state and federal law[2], that the remote instruction to be provided meets the needs of the student. \*
- 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 appropriate for a student, that determination does not necessarily mean that the student's instructional arrangement/setting code will change with the provision of the instruction through remote conferencing. The student's instructional arrangement/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 arrangement/setting code to use for the student, the ARD

committee should consider the type of instruction and services being provided instead of the physical location of the student.

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 2-through-4-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 (12.3.2) 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—Special Education Students](#). If a student is eligible to be placed in the special education homebound instructional arrangement/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 the TEA's automated waiver application system, which is available in the online TEAL secure environment. When submitting a waiver request, cite the following requirements in item 3 of the "General Waivers" section: 1) the requirement that a student be on campus at the official attendance-taking time in order to be considered present for FSP funding purposes, as required by 19 TAC §129.21 and the *Student Attendance Accounting Handbook*, which is adopted annually through 19 TAC §129.1025, and 2) the agency's policy of considering only face-to-face instruction as instructional time for purposes of FSP funding. Note that requirement 1 needs to be cited only if the student is scheduled to be off campus at the official attendance-taking time.

In Subsection 12.3.2, "remote conferencing" means remote instruction 1) in which a student at an off-campus location is able to virtually participate in classes provided on the student's campus or 2) in which a student at an on- or off-campus location receives instruction or special education 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.

**5. How can my district serve a student receiving special education services in the homebound setting through "Remote Homebound Instruction"?**

**12.3.4 Remote Homebound Instruction—Special Education Students**

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<sup>[3]</sup>, 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 individualized education program.
- 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 the TEA's automated waiver application system, which is available in the online TEAL secure environment. 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 Subsection 4.7.2.5 of the *Student Attendance Accounting Handbook*, which is adopted annually through 19 TAC §129.1025.

In Subsection 12.3.4, "remote homebound instruction" means remote instruction in which a special education student with an instructional arrangement/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.

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[1] 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 Pregnancy Related Services Compensatory Education Home Instruction.

[2] including provisions related to least-restrictive environment (LRE) and free appropriate public education (FAPE) requirements

[3] including provisions related to LRE and FAPE requirements