



## Remote Conferencing FAQ

August 5, 2021

The Texas Education Agency will be proposing changes to the *Student Attendance Accounting Handbook* to add certain flexibility to rules describing Remote Conferencing. Remote Conferencing is a mechanism by which remote instruction can be provided, but was previously available only upon issuance of a waiver requested for each individual student. In order to allow school systems to begin implementing changes in practice to align with the new rule (which, when adopted, would apply to the entirety of the 2021-22 school year), the relevant portion of the proposed rule language is provided below. In addition, this document describes answers to questions districts may have when attempting to implement changes aligned to the new flexibilities.

### Excerpts of SAAH To-Be-Proposed Language:

#### 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 count that instruction as classroom time for FSP funding purposes and count the student in attendance for FSP funding purposes, provided certain requirements are met.

These two requirements must be met:

- 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 instructional days over the entirety of the school year.

In addition, one of the following requirements also must be met:

- 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.
- The student has a positive test result for a communicable condition listed in [25 TAC §97.7](#).
- The student has been identified as having been in close contact with COVID-19.

If the documented temporary medical condition persists longer than 20 instructional days over the entirety of the school year, a waiver request must be submitted for an extension of remote conferencing beyond the allowable cumulative 20 instructional day period. The waiver request must include an explanation of the circumstances (for example, 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). 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.

Students participating through remote conferencing will generate attendance according to the two-through-four-hour rule and based on whether the student is virtually “present” at the official attendance-taking time. Instruction must be provided synchronously, which means two-way, real-time/live virtual instruction between teachers and students. 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.

Remote conferencing similarly applies to special education students.

### *Frequently Asked Questions:*

#### **1. Will students participating in remote conferencing generate funding?**

Yes, if your school district provides instruction through remote conferencing, your district may 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:

(1) The student’s circumstances meet one of the of the following criteria:

- 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.
- The student has a positive test result for a communicable condition listed in [25 TAC §97.7](#).
- The student has been identified as having been in close contact with COVID-19.

(2) Instruction will be provided synchronously, which means two-way, real-time/live virtual instruction between teachers and students. 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.

Note that funding may only be generated for up to 20 instructional days under this option.

#### **2. Can special education students participate in remote conferencing? What are the requirements for special education students to participate in remote conferencing?**

Yes. The student’s ARD committee must have determined, in a manner consistent with state and federal law,<sup>1</sup> that the remote instruction to be provided is required for the provision of FAPE and the ARD committee must have documented that determination in the student’s individualized education program.

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—Special Education Students](#). 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.

**3. Does the individual delivering instruction via remote conferencing have to be the teacher of record? What certification requirements apply to the individual delivering remote conferencing?**

LEAs cannot provide concurrent instruction during remote conferencing, which will likely mean that the teacher of record likely cannot provide remote conferencing. The individual providing remote conferencing instruction must meet the certification requirements to teach the content area. LEAs may also utilize substitute teachers to provide this instruction, as long as they are following local policies for substitute teachers and meeting all parent notification requirements as provided in TEC, §21.057. Certain certification rules do not apply to charter schools and districts of innovation.

If you are unable to provide a certified teacher or meet the above-referenced requirements for a substitute teacher in this area, you may pursue an applicable [certification assignment flexibility option](#).

**4. How might districts with limited available staff meet remote conferencing requirements of delivering synchronous nonconcurrent instruction for students?**

LEAs with limited staffing options may consider:

- i. Designating a guest teacher, substitute, or non-teacher of record staff member to deliver instruction to students via remote conferencing (as long as all certification or local substitute teacher policy requirements are met)
- ii. Using ESSER funds to proactively hire additional staff members
- iii. Utilizing flexibility available for districts with District of Innovation status
- iv. Allowing teachers who provide remote conferencing instruction to work remotely, which may allow districts to recruit and hire teachers who live outside of their geographic area

**5. What if a general education student needs remote conferencing for longer than 20 instructional days?**

If the documented temporary medical condition persists longer than 20 instructional days over the entirety of the school year, a waiver request must be submitted for an extension of remote conferencing beyond the allowable cumulative 20 instructional day period. The waiver request must include an explanation of the circumstances (for example, 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). 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.