



## **Remote Conferencing FAQ**

The Texas Education Agency will be proposing changes to the *Student Attendance Accounting Handbook* to add certain flexibility to rules for 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.

### **Certain SAAH To-Be-Proposed Language:**

#### ***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 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.<sup>1</sup>
- 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 in close contact with COVID-19 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 in the following ways:

- Students in grades pre-K to five must receive the equivalent of four hours of instruction with at least two hours of synchronous instruction each school day. This 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. This instruction does not need to be consecutive.

Additionally, attendance will be generated 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.

#### **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 certified? How might districts with limited available staff meet Remote Conferencing requirements of delivering synchronous nonconcurrent instruction for students?**

LEAs must provide Remote Conferencing students with a dedicated individual delivering instruction. That individual does not have 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 teacher in this area, you may pursue an applicable [certification assignment flexibility option](#).

Additionally, LEAs with limited staffing options may consider:

- i. Designating a guest teacher or substitute to deliver instruction to students via Remote Conferencing
- ii. Designating a paraprofessional or other non-teacher of record staff member to provide remote conferencing support to students as needed
- iii. Using ESSER funds to proactively hire additional staff members

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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?**

Remote Conferencing is a setting where students are to engage in daily instruction. Attendance must be taken in accordance with the LEA's local attendance procedures manual at the official attendance-taking time during remote synchronous instruction. The teacher must see the student's face on the camera.

**9. Is a parent's statement or documentation regarding a student's close contact status sufficient for a student to qualify for Remote Conferencing?**

Yes. A parent or LEA may provide documentation that a student has been in close contact with someone who has an eligible communicable disease. This may include an email...

**10. Is accelerated instruction required during weeks when students are out for testing COVID positive? Can Remote Conferencing be utilized to meet HB 4545 requirements?**

If a student is out due to a temporary medical condition and the student is receiving instruction via remote conferencing, the HB 4545 supplemental accelerated instruction should continue. If the supplemental instruction is not delivered during remote conferencing, or if the student is out and not receiving instruction, the district can pause the accelerated instruction, and the remaining time towards the 30 hours should be completed upon the student's return to campus. An LEA, in partnership with the parent/guardian, can determine what method is best for the student. Please refer to the *Student Attendance Accounting Handbook* rules described [here](#).

**11. Will LEAs violate HIPAA or FERPA in grouping remote conferencing students in one class?**

Grouping students in a remote conferencing class violates neither HIPAA nor FERPA, as long as individual reasons for placement in the remote conferencing class are not shared.

**12. How will Remote Conferencing affect attendance for credit (ie, the 90% attendance rule) for students participating in multiple class periods in secondary?**

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Recording attendance for school finance purposes – to satisfy Remote Conferencing requirement – is subject to agency rules related to attendance. However, the process of documenting and determining attendance for academic credit is made locally.

**13. Can Remote Conferencing be delivered in a group setting?**

Yes, Remote Conferencing may be delivered in a group setting.

**14. For Remote Conferencing, elementary needs to provide two hours of synchronous learning in a daily four-hour day and secondary needs to provide four hours of synchronous learning in a daily four hour day. Do those synchronous hours need to be consecutive?**

No, the required hours can be broken up over the course of the day.

**15. Are we able to create a temporary alternate bell schedule for students under Remote Conferencing?**

Yes, a temporary alternate bell schedule can be developed, but your district policy will need to be adjusted, particularly your attendance time.

**16. How will students in a Bilingual program be addressed when a student goes into Remote Conferencing?**

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.

**17. If a whole class is participating in remote conferencing, is the teacher of record eligible to provide Remote Conferencing for these students?**

In the unusual circumstance, yes, the teacher of record may provide Remote Conferencing as long as they are not teaching concurrently.

**18. Is there a specific return process / clearance a student must go through prior to returning to campus after Remote Conferencing?**

No. LEAs may establish their own return to on-campus instruction process.

**19. Can a student qualify for remote conferencing if someone else in their household is confirmed positive with COVID-19, due to their close contact status?**

Yes.

**20. Can a student qualify for remote conferencing to if a member of their household has a medical condition (other than a communicable disease such as COVID that makes the student a close contact)?**

No.

**21. How should attendance be taken if the campus official attendance time doesn't fall within the daily window where students are provided with synchronous instruction as part of the LEA's remote conferencing program?**

If the campus official attendance time falls outside of the synchronous instruction window, LEAs must assign an alternative attendance time in alignment with SAAH Section 3.6.2.2.