

The information and provisions in this subsection (Subsection 12.2, including 12.2.1 through 12.2.4) apply specifically to the TxVSN and TxVSN courses. They do not apply to any other form of electronically delivered instruction. See [12.3 Remote Instruction That Is Not Delivered through the TxVSN](#) for information on remote instruction. See [12.4 On-Campus Online Courses Not Provided through the TxVSN](#) for requirements related to time spent in on-campus online courses not provided through the TxVSN. See [12.5 Self-Paced Computer Course](#) for requirements related to time spent in self-paced computer courses.

12.2.1 Student Eligibility for the TxVSN

A student who is enrolled in a school district or open-enrollment charter school in this state may take one or more electronic courses through the TxVSN, provided the student meets eligibility criteria.

A student is eligible to enroll in a course provided by the TxVSN only if the student meets the following three criteria:

1. the student, on September 1 of the school year:
 - a. is younger than 21 years of age; or
 - b. is younger than 26 years of age and entitled to the benefits of the FSP under the TEC, [§42.003](#);
2. the student has not graduated from high school; **and**
3. the student:
 - a. is otherwise eligible to enroll in a public school in this state; or
 - b. meets the following requirements:
 - i. is a dependent of a member of the United States military;
 - ii. was previously enrolled in high school in this state; and
 - iii. no longer resides in this state as a result of a military deployment or transfer.

12.2.1.1 Student Eligibility for Full-Time Enrollment in TxVSN Courses or Program

“Full-time enrollment” means enrollment in five or more TxVSN courses for grades 9 through 12 or enrollment in a grade 3 through 8 TxVSN OLS program offered by an officially recognized TxVSN online school.

A student is eligible for full-time enrollment in TxVSN courses or in a TxVSN OLS program only if the student meets criteria #1 and #2 in 12.2.1 and also meets one of the following four criteria:

1. the student was enrolled in a public school in this state in the preceding school year; or
2. the student is a dependent of a member of the United States military who has been deployed or transferred to this state and was enrolled in a publicly funded school outside of this state in the preceding year; or
3. the student has been placed in substitute care²⁵⁶ in this state, regardless of whether the student was enrolled in a public school in this state in the preceding school year; or
4. the student:
 - a. is a dependent of a member of the United States military;
 - b. was previously enrolled in high school in this state; and
 - c. no longer resides in this state as a result of a military deployment or transfer.

12.2.1.2 Student Eligibility and Documentation

For a student whose eligibility to enroll full-time in TxVSN courses or in a TxVSN OLS program is based on having been placed in substitute care, a court order related to the placement is acceptable documentation of eligibility. A copy of documentation showing that the Texas DFPS or an authorized agency placed the student in substitute care is also acceptable.

For a student whose eligibility to enroll in TxVSN courses is based on being a dependent of a member of the United States military and no longer residing in Texas because of a military deployment or transfer, the following must be on file:

- documentation that a district employee verified the student's Department of Defense (DoD) photo identification for children of active duty service members. The documentation must include the printed name and signature of the person who verified the identification and the date that it was verified. **Important:** Your district should **not** make a copy of the identification.

If the student has not been issued such an ID, then documentation must be on file that a district employee verified the military member's DoD photo identification (or other DoD-issued documentation indicating that the person is an active-duty member of the military) and verified documentation showing that the student is a dependent of the military member. The documentation to be kept on file must include the printed name and signature of the person who verified the DoD and other documentation and the date that it was verified, as well as a photocopy of the documentation showing that the student is a dependent of the military member. **Important:** Your district should **not** make a copy of the DoD identification.

and

²⁵⁶ Per the Texas Family Code, [§263.001\(a\)\(4\)](#), "substitute care" means the placement of a child who is in the conservatorship of the Texas Department of Family and Protective Services or an authorized agency in care outside the child's home. The term includes foster care, institutional care, adoption, placement with a relative of the child, or commitment to the Texas Juvenile Justice Department

- DoD-issued orders or other DoD-issued documentation showing that the military member has been deployed or transferred outside of Texas.

12.2.2 TxVSN FSP Funding and Attendance Accounting

If an eligible student participates in a course offered through the TxVSN or in an officially recognized TxVSN OLS program and meets the requirements for enrollment in a Texas school district or charter school, the student is eligible to generate FSP funding in the same manner as a student who receives instruction in a traditional classroom generates FSP funding.²⁵⁷ A student is eligible to generate FSP funding for participation in a TxVSN course or program regardless of whether the student is physically present at school while participating in the course or program.

12.2.2.1 Courses for Grades 9 through 12

Enrollment in courses for grades 9 through 12 taken through the TxVSN may apply toward ADA eligibility status. For a TxVSN course for grades 9 through 12 to count toward ADA eligibility status, the student must successfully complete the course regardless of whether or not the student is physically present at the school when taking the online course. Successful completion is defined as earning credit for the online semester course.

For purposes of determining and reporting the ADA eligibility code of a student enrolled in one or more TxVSN courses for grades 9 through 12 (that is, for purposes of determining whether the student is eligible for half-day or full-day attendance), the student is considered to be scheduled for and receiving instruction for 55 minutes each day for each virtual course taken through the TxVSN. In other words, each TxVSN course is considered to be 55 minutes of daily classroom time for purposes of the 2-through-4-hour rule. (See [3.2.2 Funding Eligibility](#) for more information on ADA eligibility.) A total of no more than three semester courses taken through the TxVSN statewide course catalog may be used in determining a student's ADA eligibility for any one semester with a maximum of six total semester courses in a school year.²⁵⁸ Students enrolled in online courses offered by an officially recognized TxVSN online school are not subject to the three-course maximum; no more than five total semester courses taken through the TxVSN may be used in determining a student's ADA eligibility for any one semester, with a maximum of 10 TxVSN semester courses within a school year..

An exception applies to a student who lacks up to ten semester courses to meet his or her graduation plan, is in the final semester of the school year, and did not generate FSP funding in the first semester of that school year. That student may earn funding for a maximum of six semester courses through the TxVSN course catalog in the second semester of the school year; or, if the student is enrolled in an officially recognized TxVSN online school, he or she may earn funding for a maximum of 10 TxVSN semester courses in the second semester of the school year. Each course is considered to be 55 minutes of daily classroom instruction for purposes of the 2-through-4-hour rule.

For purposes of recording a student's daily attendance, a student enrolled full-time in TxVSN courses for grades 9 through 12 (enrolled in five TxVSN courses) is considered to have been present (in attendance) for each day of instruction in the reporting period. The daily attendance of a student who is not enrolled full-time in TxVSN courses for grades 9 through 12 is determined by whether that student was present or absent at the official attendance-taking time, or, if the student is not scheduled to be on campus at

²⁵⁷ TEC, [§30A.153](#)(a)

²⁵⁸ TEC, [§30A.153](#)(a-1)

the official attendance-taking time, whether the student was present or absent at the alternative attendance-taking time set for that student. See [3.6.2 Time of Day for Attendance Taking](#) and [3.6.2.2 Alternative Attendance-Taking Time for Certain Student Populations](#).

The TEA determines a student's ultimate ADA eligibility status for a semester based on whether the student successfully completed each TxVSN online semester course in which the student was enrolled, using course completion data reported by the district. If the student did not successfully complete a TxVSN course, the TEA adjusts the student's ADA eligibility status accordingly. Resulting adjustments to the district's FSP funding are made in the following school year.

12.2.2.2 Programs for Grades 3 through 8

Enrollment in a grade 3 through 8 full-time virtual TxVSN OLS program that is offered by an officially recognized TxVSN online school may apply toward ADA eligibility status. For enrollment in the grade-level program to count toward ADA eligibility status, the student must successfully complete the program. Successful completion is defined as completion of the TxVSN education program and demonstrated academic proficiency sufficient for promotion to the next grade level. If a student does not complete the entire TxVSN education program at the grade level in which the student is enrolled and demonstrate academic proficiency sufficient for promotion to the next grade level, the district will have any FSP funding for that student reduced to \$0.

For purposes of determining and reporting the ADA eligibility code of a student enrolled in a grade 3 through 8 TxVSN OLS program offered by an officially recognized TxVSN online school, the student is considered to be scheduled for and receiving instruction for 4 or more hours each day. Thus, the ADA eligibility code of the student is reported as 1 - Eligible for Full Day Attendance.

For purposes of recording the student's daily attendance, a student enrolled in a grade 3 through 8 TxVSN OLS program that is offered by an officially recognized TxVSN online school is considered to have been present (in attendance) for each day of instruction in the reporting period.

The TEA determines a student's ultimate ADA eligibility status for the instructional year based on whether the student successfully completed the TxVSN education program, using course completion data reported by the district. If the student did not successfully complete the TxVSN education program, the TEA adjusts the student's ADA eligibility status accordingly. Resulting adjustments to state funding are made in the following school year.

12.2.2.3 Enrollment in a TxVSN Course or Program and Receipt of Special Program Services

A student's enrollment in one or more TxVSN courses or in a TxVSN OLS program offered by a TxVSN online school does not necessarily preclude your district from serving the student in other special programs, such as special education, career and technical education (CTE), bilingual/English as a Second Language (ESL) education, or pregnancy-related services. Nor does it necessarily preclude your district from receiving weighted funding for serving the student in those programs, provided all program requirements are met. See the applicable sections of the handbook for specific program requirements. The determination of whether a TxVSN course or program will meet the needs of a student with a disability must be made by that student's admission, review, and dismissal committee in a manner consistent with state and federal law.²⁵⁹

²⁵⁹ TEC, [§30A.007](#)

12.2.3 Additional TxVSN Requirements and Information

A student who has begun enrollment in an electronic course and transfers from one educational setting to another is entitled to continue enrollment in the course.

Your school district or open-enrollment charter school must **not** require a student to enroll in an electronic course.

A student who resides in this state but who is not enrolled in a school district or open-enrollment charter school in this state as a full-time student may²⁶⁰ enroll in electronic courses through the TxVSN.²⁶¹ A student to whom this paragraph applies:

- must not in any semester enroll in more than two electronic courses offered through the state virtual school network,
- is not considered to be a public school student and is not eligible to generate FSP funding,
- must obtain access to a course provided through the network through the school district or open-enrollment charter school attendance zone in which the student resides,
- is not entitled to enroll in a course offered by a school district or open-enrollment charter school other than an electronic course provided through the network, and
- is not entitled to any right, privilege, activities, or services available to a student enrolled in a public school, other than the right to receive the appropriate unit of credit for completing an electronic course.

12.2.4 Examples

Example 1

A student who is scheduled for and receiving instruction in traditional classes for 185 minutes each day and who is enrolled in one TxVSN course for grades 9 through 12 is reported with an ADA eligibility code of 1 - Eligible for Full-Day Attendance because the online course is considered to be 55 minutes of daily classroom time.

The student's daily attendance is determined by whether the student is present or absent at the official attendance-taking time or at the alternative attendance-taking time set for that student.

If the student does not successfully complete the TxVSN course, the TEA will adjust the student's ADA eligibility status to half-day eligibility because the 55 minutes for that course will no longer be considered classroom time and the student will have fallen below the 4 hours (240 minutes) required for full-day eligibility.

Example 2

²⁶⁰ Subject to the TEC, [§30A.155](#)

²⁶¹ TEC, [§30A.107\(c\)](#)

A student who is scheduled for and receiving instruction in traditional classes for 4 hours (240 minutes) each day and who is enrolled in one or more TxVSN courses for grades 9 through 12 is reported with an ADA eligibility code of 1 - Eligible for Full-Day Attendance.

The student's daily attendance is determined by whether the student is present or absent at the official attendance-taking time or at the alternative attendance-taking time set for that student.

Whether the student successfully completes the TxVSN course(s) does not impact the student's ADA eligibility status because the student does not need the additional 55 minutes generated by the online course to be eligible for full-day attendance.

Example 3

A student who is scheduled for and receiving instruction in traditional classes for 1 hour (60 minutes) each day and is enrolled in two TxVSN courses for grades 9 through 12 is reported with an ADA eligibility code of 2 - Eligible for Half-Day Attendance because each TxVSN course is considered to be 55 minutes of daily classroom time (110 minutes total for both TxVSN courses).

The student's daily attendance is determined by whether the student is present or absent at the official attendance-taking time or at the alternative attendance-taking time set for that student.

If the student does not successfully complete both TxVSN courses, the TEA will adjust the student's ADA eligibility status to enrolled, not in membership, and the FSP funding for the student to \$0.

Example 4

A student who is scheduled for and receiving instruction in traditional classes for 1 hour (60 minutes) each day and is enrolled in four yearlong TxVSN statewide catalog courses for grades 9 through 12 is reported with an ADA eligibility code of 2 – Eligible for Half-Day Attendance because only a maximum of three TxVSN statewide course catalog courses (165 minutes) may apply toward ADA eligibility and 165 minutes plus 60 minutes totals only 225 minutes.

Example 5

A student who is enrolled in five or more TxVSN courses for grades 9 through 12 offered by an officially recognized TxVSN online school is reported with an ADA eligibility code of 1 - Eligible for Full-Day Attendance.

The student is considered present (in attendance) for each day of instruction in the reporting period.

If the student successfully completes at least five courses, his or her ADA eligibility status does not change. If the student successfully completes only three or four of the courses, the TEA will adjust the student's ADA eligibility status to half-day eligibility. If the student successfully completes only two or fewer of the courses, the TEA will adjust the student's ADA eligibility status to enrolled, not in membership, and the FSP funding for the student to \$0.

Example 6

A student enrolled full time in a grade 3 through 8 TxVSN OLS program offered by an officially recognized TxVSN online school is reported with an ADA eligibility code of 1 - Eligible for Full-Day Attendance.

The student is considered to be present (in attendance) for each day of instruction in the reporting period.

If the student successfully completes the TxVSN education program (completes the program and is promoted to the next grade level), his or her ADA eligibility code does not change. If the student does not demonstrate academic proficiency sufficient for promotion to the next grade level, the TEA will adjust the student's ADA eligibility status to enrolled, not in membership, and the FSP funding for the student to \$0.

Example 7

A student who is not scheduled for traditional classes, is not receiving instruction in traditional classes, is eligible for full-time enrollment in TxVSN courses, and is enrolled in five or more TxVSN courses for grades 9 through 12 offered by a district or charter school that is **not** an officially recognized TxVSN online school is reported with an ADA eligibility code of 2 – Eligible for Half-Day Attendance because only a maximum of three TxVSN statewide course catalog courses (165 minutes) may apply toward ADA eligibility in any one semester. The student is considered present (in attendance) for each day of instruction in the reporting period.

If the student successfully completes at least three TxVSN courses in a semester, his or her ADA eligibility status does not change. If the student successfully completes two or fewer of the courses, the TEA will adjust the student's ADA eligibility status to enrolled, not in membership, and adjust the FSP funding for the student to \$0.

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. **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 nonexpansion 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.

12.3.1 Remote Conferencing—Regular Education Students

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.

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 condition²⁶².
- 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 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 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 classroom 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)

²⁶² 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.

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.

12.3.2 Remote Conferencing—Special Education Students

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.

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 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 admission, review, and dismissal (ARD) committee must have determined, in a manner consistent with state and federal law²⁶³, 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 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, 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

²⁶³ including provisions related to least-restrictive environment (LRE) and free appropriate public education (FAPE) requirements

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.

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 classroom 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.

12.3.3 Remote Homebound Instruction—Regular Education Students

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 \(GEH\) 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.

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](#).

12.3.4 Remote Homebound Instruction—Special Education Students

In Subsection 12.3.4, “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 law²⁶⁴, 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](#).

12.3.5 Distance Learning

In Subsection 12.3, including Subsection 12.3.5, "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. In Subsection 12.3, including Subsection 12.3.5, distance learning does not include instruction provided through the TxVSN. For requirements related to the TxVSN, see [12.2 Texas Virtual School Network \(TxVSN\)](#).

*To reiterate, "remote instruction" means instruction provided through a technology that allows for **real-time, two-way audio and two-way video interaction** between a student and teacher who are in different physical locations.

²⁶⁴ including provisions related to LRE and FAPE requirements

A class taken through distance learning does not require a waiver to count as attendance if it is taken as part of a schedule that includes regular attendance in classroom instruction at the student's home campus.

Time spent in distance learning courses may be eligible for 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.

12.4 On-Campus Online Courses Not Provided through the TxVSN

This subsection addresses time spent in an online course **that is provided on a student's campus and is not provided through the TxVSN**. For information on funding eligibility of courses provided through the TxVSN, see [12.2 Texas Virtual School Network \(TxVSN\)](#). For information on remote instruction, including distance learning in which a student physically located at his or her home campus participates in a class provided at another campus, see [12.3 Remote Instruction That Is Not Delivered through the TxVSN](#).

Time that a student spends in an online course that is not provided through the TxVSN and that your district provides to the student on the student's campus may be considered classroom time for FSP funding purposes (that is, for purposes of the 2-through-4-hour rule) provided that the following conditions are met:

- For the duration of the course, a certified²⁶⁵ teacher for the appropriate grade level must be present in the room in which the student is taking the course to answer questions and otherwise assist the student.
- As with a traditional course, the student must be regularly scheduled for and attending the online course; that is, the course must not be designed to operate on a "drop-in" basis.

Time spent in a CTE online course provided on a student's campus may be considered for purposes of computing a student's CTE contact hours provided that the following conditions are met:

- For the duration of the course, a teacher who is appropriately qualified/certified to teach the course, as defined in 19 TAC [Chapter 231](#)²⁶⁶, must be present in the room in which the student is taking the course to answer questions and otherwise assist the student.
- As with any other CTE course, the student must be regularly scheduled for and attending the online course; that is, the course must not be designed to operate on a "drop-in" basis.
- All other requirements specified in [Section 5 Career and Technical Education \(CTE\)](#) must be met.

12.5 Self-Paced Computer Courses

Time spent in a self-paced computer course may be considered classroom time for FSP funding purposes (that is, this time may be counted as classroom time for purposes of the 2-through-4-hour rule) provided that the following conditions are met:

²⁶⁵ For a teacher other than a special education or bilingual/ESL teacher, the requirement that a teacher be certified does not apply to an open-enrollment charter school unless the school's charter requires that courses be taught by certified teachers.

²⁶⁶ The requirement that a teacher be appropriately qualified/certified does not apply to an open-enrollment charter school unless the school's charter states that a CTE course must be taught by a qualified/certified CTE teacher .

- For the duration of the course, a certified²⁶⁷ teacher for the appropriate grade level must be present in the room in which the student is taking the course to answer questions and otherwise assist the student.
- As with a traditional course, the student must be regularly scheduled for and attending the self-paced course; that is, the course must not be designed to operate on a “drop-in” basis.

Time spent in a CTE self-paced computer course may be considered for purposes of computing a student’s CTE contact hours provided that the following conditions are met:

- For the duration of the course, a teacher who is appropriately qualified/certified to teach the course, as defined in 19 TAC [Chapter 231](#)²⁶⁸, must be present in the room in which the student is taking the course to answer questions and otherwise assist the student.
- As with any other CTE course, the student must be regularly scheduled for and attending the self-paced course; that is, the course must not be designed to operate on a “drop-in” basis.
- All other requirements specified in [Section 5 Career and Technical Education \(CTE\)](#) must be met.

Subsection 12.5 addresses time spent in self-paced courses, not time spent in virtual courses, remote courses, or CTE independent study courses. For information about eligibility of virtual courses for FSP funding, see [12.2 Texas Virtual School Network \(TxVSN\)](#). For information on remote instruction, including distance learning in which a student physically located at his or her home campus participates in a class provided at another campus, see [12.3 Remote Instruction That Is Not Delivered through the TxVSN](#). For information about CTE independent study courses, see [5.8 Project-Based Research](#).

²⁶⁷ For a teacher other than a special education or bilingual/ESL teacher, the requirement that a teacher be certified does not apply to an open-enrollment charter school unless the school’s charter requires that courses be taught by certified teachers.

²⁶⁸ The requirement that a teacher be appropriately qualified/certified does not apply to an open-enrollment charter school unless the school’s charter states that a CTE course must be taught by a qualified/certified CTE teacher.