

YOU'RE ON MUTE: VIRTUAL INSTRUCTION IN THE DAEP

NELI Conference
December 4, 2025

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Is Virtual Learning a New Form of Exclusionary Discipline?

The new school discipline: Forcing kids into virtual learning

Schools are sending kids to virtual classes as punishment. Advocates say that could violate their rights.

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HB 6

- Expands teacher removal authority
- Changes to mandatory expulsion, including assault on school employee
- Establishes requirements for virtual expulsion program
 - If no JJAEP or JJAEP rejects or returns student early, district can place student in virtual JJAEP program and provide virtual instruction and remote learning materials
 - Must review placement every 45 days
 - Student is counted toward ADA
 - Commissioner will develop rules



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SB 569

- Repeals Texas Virtual Schools Network and replaces it with virtual or hybrid courses offered by districts
- Requires districts to consider appropriateness and feasibility of enrolling a student in a **full-time virtual** or **full-time hybrid** program as an alternative to expulsion
 - Does not apply to a student who is expelled for Title 5 felonies, aggravated assault, indecency with a child, or aggravated kidnapping



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Scenarios

- District has no JJAEP and wants to expel a student for aggravated robbery off campus. What are their options?
- District expels a student for assault on a teacher. The JJAEP rejects the student. What options does the district have?



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What impact do you expect these changes to have on schools?

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Benefits of Virtual Instruction



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Challenges with Remote Instruction

- Access to technology and resources
- Student engagement
- Screen fatigue
- Loss of incidental support
- The student's at-home learning environment
- Monitoring and data collection



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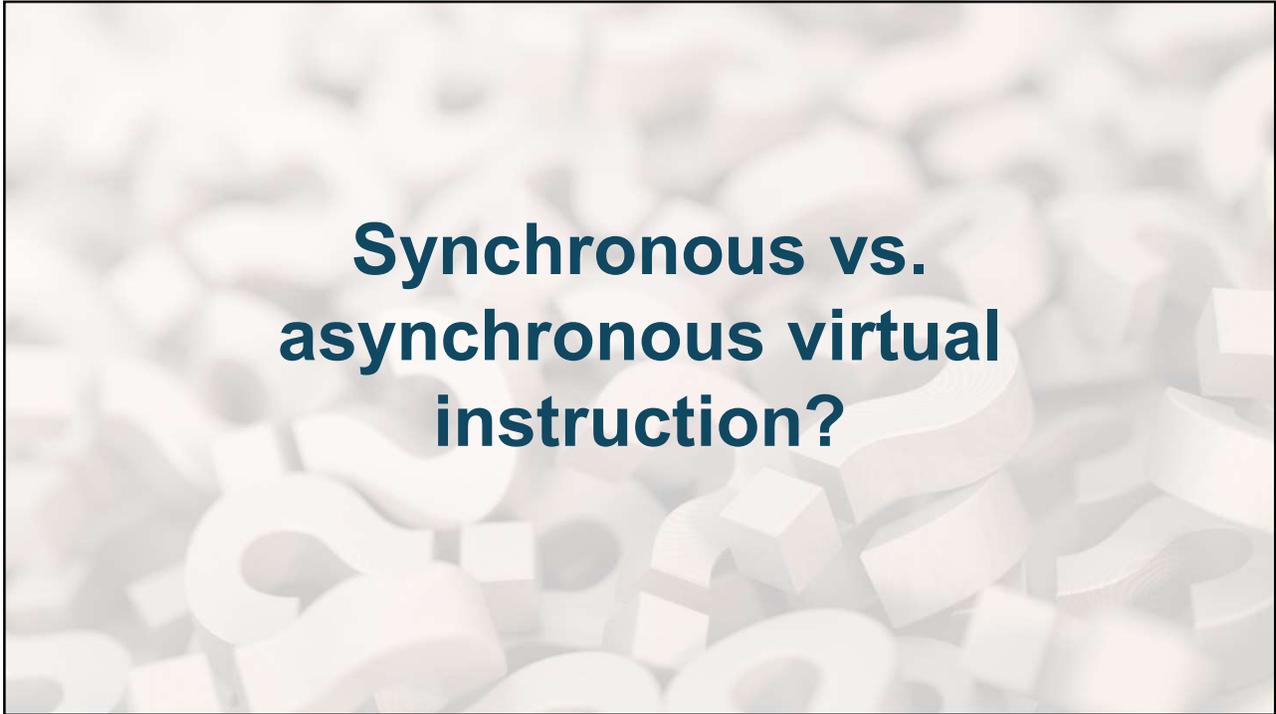
SAAH

- **Funding**
- Defines virtual instruction as the provision of education in which the primary instructional delivery method is online, allowing students to engage in learning activities remotely. This **includes synchronous and asynchronous instruction** in which students and teachers are in different physical locations.
- Hybrid Instruction refers to a method of delivering education that combines both in-person and virtual learning. This means that students may attend some instructional minutes physically on campus while engaging virtually in a course at other times, without needing to be present on campus.



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Michael F. Factors

- Whether the program is individualized on the basis of the student's assessment and performance;
- Whether the program is administered in the least restrictive environment;
- Whether the services are provided in a coordinated, collaborative manner by the key stakeholders; and
- Whether positive academic and non-academic benefits are demonstrated



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Identification and Evaluation

- Think ahead
- Screenings and questionnaires
- Parent and teacher feedback
- Monitor and document



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Do you have to teach all classes?

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IEP

- Still must provide for IEP, including related services
 - Are modifications required?
 - How will you monitor and assess progress toward goals?
 - Do you have appropriate instructional materials and technology to meet the student's needs in a virtual environment?

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What if we can't provide IEP virtually?

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BIP in Virtual Environment

- Must implement BIP
- Monitoring and documentation critical
- Some behaviors may be different in virtual environment



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Related Services

- Must provide related services, per IEP
- If IEP requires services that cannot be provided virtually, IEP team should create a plan or district should deliver the services in-person
- Example: Teletherapy
 - Speech
 - Occupational
 - Mental health counseling



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Adapting Virtual Accommodations

1. Identify function of each in-person accommodation and consider digital equivalent that serves same purpose
2. Clear expectations and feedback mechanisms
3. Monitor and document use
4. Evaluate effectiveness



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Presentation Accommodations

- Text-to-speech
- Recorded lessons
- Digital highlighters
- Visual cues and graphic organizers
- Simplified layouts
- Closed captioning and transcripts



Demonstrating Knowledge

- Dictation tools
- Verbal or video responses
- Chat or polling features
- Alternative projects
- Digital manipulatives

Virtual Learning Environment

- Virtual breakout rooms
- Noise-cancelling headphones
- “Pin” feature in video conferencing
- Create family checklists for distraction-free workplaces at home
- Visual schedules and timers



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Timing Accommodations

- Extended time
- Chunking assignments
- Movement breaks
- Flexible due dates



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Data and Progress Monitoring



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Ask yourself

- Does the IEP accurately reflect the accommodations, modifications, and services required for the student to receive FAPE in a remote setting?
- Are services and supports being delivered as documented in the IEP?
- Are all team decisions and changes to service delivery appropriately documented?
- Is the team maintaining records of any missed services or lack of progress that may impact the student's access to FAPE?



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Compulsory Attendance

Court Referral
This step is only after *TPMs* were applied and failed to solve the student's truancy. The district should have documentation of actions taken and circumstances considered.

Truancy Prevention Measures
Districts should consider the student's particular circumstances and look to state standards and best practices for guidance.

Inform Parents
The law requires parents to be informed at the beginning of the school year, but effective communication is year-long.

Monitor Student Attendance
A district has a legal obligation to provide written notice that the district will commence *TPMs* when students are absent a prescribed number of days.

Hire and Train Staff
Although an effective truancy prevention facilitator can help reduce truancy, all staff should learn to identify the root causes of unexcused absences and how to communicate with students and parents about the attendance expectations and procedures.

Start with a Plan
A truly comprehensive approach to truancy prevention includes routine internal procedures to enforce attendance laws, collaborating with external partners (community organizations, law enforcement, courts), and offering services and programs to a student's family.

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Truancy Prevention Measures

- At a minimum, district must do at least one:
 - Impose a behavior improvement plan
 - Impose school-based community service
 - Refer the student to counseling, mediation, mentoring, teen court, or other in-school or out-of-school service aimed at addressing truant behavior

Tex. Educ. Code 25.0915



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Truancy Prevention Measures

- TEA Minimum Standards
 - TPMs should identify root cause of student's unexcused absences and identify actions to address each cause
 - Include ongoing communication with students and parents on actions to be taken to improve attendance
 - Establish reasonable timeframes for completing TPMs
 - For a student with a disability, district should establish procedures to notify ARD committee or Section 504 committee of attendance issues
 - For student receiving special education services, a pattern of unexcused absences may be a reason to develop or revise BIP



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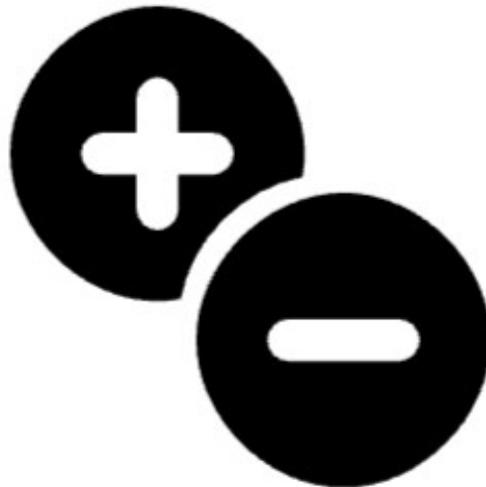
Truancy Enforcement

- Criminal prosecution of parent for contributing to student's failure to attend school if the parent fails to require student to attend school on 10 or more parts of days within a 6 month period
- Refer student to truancy court that can impose civil consequences for students between ages 12-18
 - Referral must include statement from district that TPMs were applied and failed
 - District may delay referral if the TPMs are succeeding and the delay is in student's best interest



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HB 6

- Parental engagement in student discipline policy
 - Must require notification by an appropriate administrator of a parent's right to request a behavioral agreement that specifies the responsibilities of the parent and the student
 - Must allow for a reduction in the disciplinary placement period
 - Must be in writing and specify terms

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Takeaways

- Truly individualized assessment
- Must provide FAPE
- Ask questions
- Think creatively
- Monitoring and documentation is critical
- Cannot be “out of sight, out of mind”



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Thank you!



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