



Comments on Proposed Commissioner's Rule in 19 TAC Chapter 102 relating to the Blended Learning Grant Program

January 11, 2021

The **Association of Texas Professional Educators (ATPE)** offers the following public comments regarding the proposed new rule in 19 TAC Chapter 102, Educational Programs, §102.1501, Blended Learning Grant Program. The commissioner's proposed rule implements the Blended Learning Grant Program in Texas Education Code (TEC) §29.924, as added by House Bill 3 passed in 2019 by the 86th Texas Legislature. ATPE seeks additional clarity in the definitions presented in the rule for the following reasons:

1. The proposed rule language presents definitions of “blended learning” and “classroom” that differ from existing statutory definitions and common understanding of those terms. This will confuse educators in the field and could lead to the funding of blended learning programs that are lower in quality.

The authorizing statute for the proposed new rule is TEC §29.924, which defines blended learning as “an instructional delivery method that combines classroom and online instruction.” In defining blended learning as a combination of classroom and online instruction, the Legislature clearly demonstrated that classroom and online instruction are separate and distinct from one another, while both are required to achieve the benefits of blended learning. The statutory definition is supported by the education field's common understanding of blended learning as a combination of teacher-led, face-to-face instruction and student-paced online learning, all with some component of a physical, in-school setting that allows for robust student interaction and the benefits of other school resources and services. This aspect is particularly important for the success of blended learning among at-risk and disadvantaged students.

In contrast to the statute, TEA's proposed rule section §102.1501(a)(2) defines blended learning as “an instructional delivery method that combines classroom instruction, which includes teacher-led in-person or remote instruction and online instruction that is facilitated by instructional software.” In doing so, the agency appears to define classroom instruction as “teacher-led in-person or remote instruction.” While this definition may be intended to accommodate temporary changes to instructional settings caused by the COVID-19 pandemic, ATPE believes that including remote instruction as a form of classroom instruction is problematic because it muddies the universally accepted definition of blended learning by attempting to redefine what a classroom is.

Although the TEC does not define “classroom,” it does define a classroom teacher as “an educator who is employed by a school district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technology instructional setting...” It is therefore reasonable to assume that a classroom is “an academic instructional setting or a career and technology instructional setting,” in which a classroom teacher teaches. This definition also comports with the commonly understood meaning of “classroom” as a physical space in which a teacher and students come together for the purpose of teaching and learning. The physical space is the key to facilitating spontaneous, open discussion, immediate

teacher intervention and support, and crucial student interaction and group work. Even during the pandemic, the most effective virtual classrooms have been those that emulate a physical space by relying heavily on strategies to increase student participation and communication, both with other students and with the teacher.

As with the word classroom, the TEC also does not define “online.” However, it has a well-understood common meaning. The Oxford English Dictionary defines “online” as “controlled by or connected to another computer or to a network.” Teacher-led remote instruction that is delivered virtually through interconnected computer systems or networks is surely, by definition, “online” instruction.

Proposing a definition of “classroom instruction that allows a classroom to be a remote, virtual, setting to the exclusion of a physical, in-person setting is to define “classroom instruction” and “online instruction” as potentially synonymous. This would allow for scenarios where blended learning could be 100% online. Such a definition would frustrate the plain meaning of TEC §29.924, which clearly requires both classroom instruction and online instruction to be present for blended learning to occur. As a result, this rule would pave the way to funding programs that could be a combination of lower-quality, isolated remote learning and an online tool, which would not be an efficient use of funds to improve education, especially for at-risk and educationally disadvantaged students.

2. The proposed rule language interacts with other statutory provisions in ways that could negatively affect district funding.

The blended learning grant authorized by TEC §29.924 does not exist in a statutory vacuum. TEC §30A.001(4) defines an “electronic course” as one in which instruction and content are delivered primarily over the Internet; a student and teacher are in different locations for a majority of the student's instructional period; most instructional activities take place in an online environment; the online instructional activities are integral to the academic program; extensive communication between a student and a teacher and among students is emphasized; and a student is not required to be located on the physical premises of a school district or open-enrollment charter school. TEC §30A.153 specifies that a district may not receive funding under the Foundation School Program (FSP) for a student’s enrollment in more than three electronic courses per school year. A blended course offered under the remote setting option of TEA’s proposed new definition of blended learning almost certainly falls under the TEC §30A.001(4) definition of an electronic course. Under the current statutory framework, such a program could be eligible for the limited funding under the Blended Learning Grant but would also only be eligible for half-day FSP funding. Should the proposed rule undergo no change, districts should be made aware of the FSP funding restrictions that an entirely remote blended learning program would entail.

ATPE urges TEA to clarify the proposed rule to avoid confusion within the education community regarding what blended learning is, what a classroom is, and how the rule interacts with other statutes that could negatively affect school funding. Specifically, ATPE believes that the inclusion of teacher-led remote instruction within the definition of blended learning should be removed.

ATPE appreciates the opportunity to provide feedback to the commissioner during this process and invites TEA staff to contact ATPE Governmental Relations at (800) 777-2873 or government@atpe.org for any additional information.