

COVID 19 Specific Considerations for Open-Enrollment Charter Schools

The commissioner of education is communicating daily with superintendents to support local decisions that are made in light of current circumstances. Many schools are on spring break and are prioritizing operational decision-making to protect their students, staff, and community. Please refer to the TEA website for daily updates, <https://tea.texas.gov/texas-schools/safe-and-healthy-schools/coronavirus-covid-19-support-and-guidance>.

Should a charter school decide to continue operations, close their facility, and/or establish remote learning opportunities (i.e. learning packets or online instruction), there are certain considerations to take into account. Please see the commissioner's March 12, 2020 TAA that is posted on the agency's webpage under Coronavirus (COVID 19) <https://tea.texas.gov/about-tea/news-and-multimedia/correspondence/taa-letters/tea-update-covid-19-initial-guidance-and-faqs> that provides important updates and guidance for charter holders.

All state waivers still require the governing board to convene and approve actions through resolution. Given the limitations on meetings during the COVID 19 response, the provisions of an emergency or public necessity exist within the meaning of Texas Government Code Section 551.045. Additionally, the Texas Government Code 551.125, provides for a board to convene by meeting via telephone conference call or video conference. The notice for the meeting must specify the location of the meeting where it will be held, but it may be prudent to allow for video or audio access for all. Guidance for this has been provided on the attorney general's website at <https://www.texasattorneygeneral.gov/sites/default/files/files/divisions/open-government/COVID-19-OMA-Suspension-Letter.pdf>.

Missed School Day Waiver Timeline – If a charter holder intends to submit a missed school day waiver because the charter school is closed and needs additional minutes, the charter school should notify the agency of its closure at disasterinfo@tea.texas.gov as soon as a possible. The charter holder will still need to file the waiver, resolution, and attestation through the normal waiver application process. The final deadline for the charter holder to submit this waiver and documentation is July 1, 2020.

Alternate Educational Setting Amendment – If a charter holder decides to establish remote learning opportunities for students, the provision in 19 Texas Administrative Code (TAC) §100.1033 is being waived for the time period of March 13, 2020 to July 1, 2020. **Charter schools will be excluded from the need to file an amendment reflecting a change in the charter school's educational plan.** In lieu of an amendment request, the Charter School Administration division is requiring notification of the charter holder's decision by sending an email to charteramendments@tea.texas.gov within 24 hours of the charter holder's determination to establish remote learning opportunities. Charter schools do not need to apply for the automatic waiver of provisions set forth in 19 TAC §100.1033(b) related to a change in educational programs.

Suspension of Operations Notification – If a charter holder decides to suspend operations, the provisions in 19 TAC §100.1213 limiting the closure for no longer than 21 days is being waived. **Charter schools will be excluded from the need to file the advance notification outlined in TAC §100.1213, but will still need to provide notification of the suspension of operations within 24 hours of suspending operations to both disasterinfo@tea.texas.gov and the**

Charter School Administration at charterschools@tea.texas.gov. Charter schools do not need to apply for the automatic waiver of provisions set forth in 19 TAC §100.1213.

Six Weeks' Attendance Submission and Funding – For the remainder of the 19-20 school year, charter schools will no longer need to submit six weeks attendance via the Foundation School Program (FSP) system. Charter schools will be required to report final attendance through PEIMS based on forthcoming TEA guidance. **April through August FSP payments will not be impacted.** State funding will continue to pay on the attendance that the March FSP payment was based on. There will be no interruption in cash flow during the school year. It's important to note that settle-up in September may impact the overall funding.

More information about [waivers and funding](#) may be found on the agency's webpage.