

Generation 30

Subchapter D Open-Enrollment



FREQUENTLY ASKED QUESTIONS

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INTRODUCTION

The TEA Division of Authorizing has compiled a comprehensive list of questions and topics that span several application cycles. These questions originate from many different sources; however, they are primarily sourced from the annual Application Information Sessions. The purpose of this document is to provide a resource guide for applicants completing the Generation Thirty Open-Enrollment Charter Application.

All references to TEC, TAC, TBC, and TGC refer to the [Texas Education Code](#) (TEC), [Texas Administrative Code](#) (TAC), [Texas Business Organizations Code](#) (TBC), and [Texas Government Code](#) (TGC), respectively.

Please note, questions presented during the Generation Thirty Application Information Sessions on September 19th, 20th, and September 26, 2024 were incorporated to the extent they addressed the charter application process. All questions not specifically related to the application process were either rephrased or omitted.

ACCESSING THE APPLICATION

1. How exactly do I access the application?

Answer: The application is available to download from the [Charter School Applicants webpage](#). The application narrative document is accessible from the Charter School Applicants webpage. The document will automatically download once the narrative link is selected. The document is an interactive PDF form, and applicants will receive an automated prompt and further information to download Adobe Acrobat.

ELIGIBILITY & ENTITY FORMATION

1. Are for-profit charters allowable in Texas? What is the difference? Must a charter be a nonprofit entity?

Answer: Texas Education Code, Chapter 12, Subchapter D, Section 12.101 (a)(1-4) defines an “eligible entity” as (1) an institution of higher education as defined under Section [61.003](#); (2) a private or independent institution of higher education as defined under Section [61.003](#); (3) an organization that is exempt from taxation under Section 501(c)(3), Internal Revenue Code of 1986 (26 U.S.C. Section 501(c)(3)); or (4) a governmental entity.

2. Must applicants submitting as a tax-exempt 501(c)(3) organization be filed in Texas?

Answer: Entities who apply as a tax-exempt 501(c)(3) organization must file Articles of Incorporation with the Texas Secretary of State. This requirement also extends applicants who wish to apply as experienced operators. See [Business Organizations Code § 3.001\(a\)](#).

3. Is a church able to apply for a charter school?

Answer: A religious organization, sectarian school, or religious institution that applies must have an established separate non-sectarian entity that is exempt under 26 USC, §501(c)(3), to be considered an eligible entity.

4. Is the 501(c)(3) required to provide an IRS Form 990 or Form 990-EZ as part of the application?

Answer: All entities that apply as eligible 501(c)(3) status organizations must provide the sponsoring entity's most recently filed (IRS) Form 990, Form 990-N, or Form 990-EZ. A screenshot of the form will not fulfill this attachment requirement. If a Form 990 is not available, please provide a statement that explains why a Form 990 is not available.

5. Is a nonprofit open-enrollment charter school permitted to operate within the facility of a for-profit residential facility?

Answer: An open-enrollment charter school may provide educational services within a for-profit residential facility. However, a for-profit residential facility is not permitted to operate as a charter holder.

6. Is an applicant allowed to change the name of the proposed school or sponsoring entity during the application process?

Answer: The proposed charter school name may be changed prior to application submission. However, the name of the sponsoring entity must be the same as what was provided during registration for the Application Information Session.

7. Are the board members of the 501(c)(3) and the board members of the charter Local Education Agency the same?

Answer: All board members listed in the organization's formation documents (Articles of Incorporation, 501(c)(3) request) and Generation Thirty Application for Open-Enrollment Charter will become charter school board members if a charter is awarded.

8. Are existing charter schools permitted to authorize charter schools/campuses under their own charter?

Answer: Charter schools authorized under Texas Education Code, Chapter 12, Subchapters D and E are prohibited from authorizing additional schools and/or campuses. However, they can apply for additional campuses after authorization through the expansion amendment process. Charter campuses authorized by a traditional Independent School District are governed by Texas Education Code, Chapter 12, Subchapter C.

9. Which personnel comprise the board of an 1882 Partnership Subchapter C open-enrollment charter?

Answer: A subchapter C charter that is receiving benefits under SB 1882 is authorized by the school district. To remain eligible for SB 1882 benefits, members of the district's Board of Trustees or anyone working in the district's authorizing office (or relatives of the board members/district staff) may not serve on the board of the subchapter C charter. District staff that are not part of the authorizing office may serve on the subchapter C board, but district staff cannot make up a majority of that board.

10. Who is the sponsoring entity and subsequent charter holder if the applicant is a public college or university?

Answer: Both TEC Subchapter D and E allow for public colleges and universities to apply for an open-enrollment charter. The sponsoring entity is the educational institution that is seeking the charter. Public colleges and/or universities are not required to establish a separate or subsidiary entity for purposes of applying for and holding a charter.

11. Are private or independent institutions of higher learning eligible to apply for a Subchapter D open-enrollment charter school?

Answer: Private or independent institutions of higher education are eligible to apply for a Subchapter D open-enrollment charter school if they are: (i) organized under the Texas Nonprofit Corporation Act; (ii) exempt from taxation under Article VIII, Section 2 of the Texas Constitution and Section 501(c)(3) of the Internal Revenue Code of 1986; and (iii) accredited by (a) the Commission on Colleges of the Southern Association of Colleges and Schools; (b) the liaison Committee on Medical Education; or (c) the American Bar Association. See TEC §61.003.

12. Can the sponsoring nonprofit still operate other programs in addition to the charter school or once the charter is awarded does that become the only function of the nonprofit?

Answer: A sponsoring entity may operate other programs in addition to the charter school. However, charter school accounting must maintain complete separation of funds from other programs.

13. Are for-profit private schools permitted to apply for an open-enrollment charter school?

Answer: Private schools are ineligible to apply for a charter school as for-profit entities. However, a private school can create a nonprofit entity for purposes of eligibility. Applicants that represent a newly formed entity in close association with a private school should clearly demonstrate an understanding that the private school and sponsoring entity are two separate legal entities.

15. If we are a returning applicant and applied as an experienced operator last year but will apply outside of that organizational structure, can we apply as new operator?

Answer: A returning entity that has not operated a charter school in the state of Texas may apply as a new operator; so long as, the entity is (i) no longer affiliated with an out-of-state Charter Management Organization with multiple years of academic performance data, or (ii) does not operate a district-authorized charter campus in Texas with multiple years of academic performance data, or (3) is incorporated in the state of Texas and does not operate and/or manage at least one charter school or campus with multiple years of academic performance data outside of Texas.

APPLICATION REQUIREMENTS & FORMATTING

1. What charter application assistance is available from the TEA during the drafting and preparation phase? Do you provide one-on-one sessions?

Answer: The New Schools Team is providing Support Seminars and Office Hours for Generation Thirty applicants during the drafting and preparation phase. Please visit the [Charter School Applicants webpage](#) for dates and registration. One-on-one sessions are not provided.

2. Are example applications available?

Answer: There are no example applications available. However, all previously submitted applications, approved and not approved, are available on the Charter Schools webpage under [Portfolio](#).

3. How is the table of contents completed?

Answer: Applicants will complete the table of contents that is included in the Application Narrative and Attachments document after all responses are completed and all attachments are inserted behind each attachment coversheet. Once completed, the table of contents can be electronically modified (or handwritten) for the final submission.

4. How can an applicant avoid plagiarism? What is the required citation format for referencing non-original ideas?

Answer: A reasonable person must be able to readily identify the source, year, and author of cited material. The majority of each narrative response should be original content with citations to support specific assertions or descriptions. Acknowledgement is also required when material from any source is paraphrased or summarized in whole or in part.

5. How do returning applicants cite prior submissions? What if the application team is the same?

Answer: Each section of the Generation Thirty application that borrows from a prior application submission must be cited, regardless of overlap between applicant teams on each application submission. A returning applicant should indicate which sections are borrowed in each applicable section. A blanket citation at the beginning of the application will not be accepted.

6. Is there a way to delete the prompts to allow more space for writing? Also, can bolded words and bullets be used?

Answer: Prompts may not be deleted. The PDF format does not allow for bolded words or bullets.

7. Are graphics, tables, charts, are maps permitted in the application?

Answer: The PDF format does not allow for insertion of graphics, tables, charts, and maps.

8. Does the term "at capacity" refer to each charter campus? Or is it a collective projection?

Answer: At-capacity enrollment refers to the collective charter-level enrollment. As an example: Sunrise Charter School proposes a maximum enrollment of 1,500 students at capacity. They will operate three campuses in the Austin area. Their at-capacity projection of 1,500 students refers to the total enrollment across all three campuses.

9. Must an applicant open all campuses at the same time?

Answer: An applicant must denote what years they plan to open each campus on the geographic boundaries page of the narrative document.

- 10.

If we start off with K-5 or K-8, do we have to reapply for adding additional grades 9-12?

Answer: If the entity is approved to operate a charter serving only certain grade levels, they can later submit an expansion amendment to add additional grade levels. If approved, this expansion would become effective no sooner than the school's fourth year of operation.

11. Can more than one person in the organization open and work on different parts of the application?

Answer: The narrative document is a fillable PDF form. Multiple users will be unable to edit and save the same document collaboratively.

ADMISSION & ENROLLMENT

1. Must admission policies always be open enrollment?

Answer: Open-enrollment charter schools must admit any students who apply, as long as there is space. The following exceptions apply: (i) specific documented disciplinary history, or (ii) an audition requirement for a performing arts program. See TEC §§12.111(a)(5)(A) and (B), respectively.

2. Are students in Residential Treatment Center (RTC) Facilities considered homeless?

Answer: For purposes of student enrollment in the charter school, children who are placed in an RTC facility are considered residents of the facility.

3. What is the ideal enrollment to remain viable in Year 1 (and beyond)? Is there a minimum?

Answer: Viable enrollment will depend on the scope and costs of the proposed operations. However, an entity must commit to always serving a minimum of 100 students. This requirement applies to the charter school and not to each charter campus.

4. What is the definition of documented discipline history?

Answer: Documented discipline history indicates a student was subject to a disciplinary action that resulted from behaviors outlined in [TEC Chapter 37](#), Subchapter A.

SCHOOL DESIGN

1. May applicants propose a virtual or online charter school?

Answer: Pursuant to TAC §70.1009, an applicant may not propose a virtual charter school.

2. Would TEA still consider applicants whose vision is not directly TEKS- and STAAR-test aligned?

Answer: Texas law requires traditional ISDs and charter schools to teach the state standards, the TEKS, and administer the STAAR state assessments, aligned to the TEKS, to evaluate student learning and progress. Therefore, all curricular materials should be aligned to the TEKS. The application criteria in the School Design section explicitly state that curricular materials should be aligned the TEKS and compliant with state law.

3. How is a drop-out prevention campus judged regarding performance for expansion applications after 3 years?

Answer: Charters that operate dropout recovery campuses and wish to expand must meet the expansion requirements outlined in TAC §100.1035.

4. Can a charter school applicant apply for an all-boy or all-girl school?

Answer: Charter schools must comply with TEC 12.111(a)(5), which prohibits discrimination in admission policy on the basis of sex.

5. Will you accept applications to serve prekindergarten and kindergarten only students?

Answer: At this time, with the current administrative rule, the commissioner cannot authorize prekindergarten and kindergarten-only charters under the Subchapter D or E process. The applicant must commit to serving 50% of their students in state-tested grades by year 3 of operation.

6. My goal is to assist students over 21 and under 26 to obtain a high school diploma. Would I apply for a Subchapter D charter or through another process?

Answer: That student population would be served under the new Subchapter G, Adult High School Charter program.

7. Are there any restrictions or additional requirements needed for serving students that have dropped out between the ages of 13–18?

Answer: Applicants can still apply under the Subchapter D process and propose a credit recovery or dropout prevention model. However, there are particular criteria for an entity to be considered a dropout prevention charter according to [TEC § 12.1141\(c\)](#), including the ages of the students served.

8. Can hours of instruction include guided instruction delivered virtually?

Answer: SB15 (87th Legislature, Second Called Session, 2021) only applies to currently operated schools that offer a blended or virtual format.

9. Are applicants required to propose offering a prekindergarten program?

Answer: Applicants are not required to offer prekindergarten programs.

SPECIAL POPULATIONS

1. What certifications are acceptable for English as a Second Language (ESL) or bilingual education teachers?

Answer: An open-enrollment charter school teacher must first hold standard grade-level/content-area certification and may choose to pursue a supplemental certification for ESL or bilingual education by exam, which are required in order to offer instruction in ESL or bilingual education settings.

2. Is there a percentage of what type of SPED coding we should use on the Financial Plan Workbook or just the percentage of students we anticipate will be SPED students?

Answer: In the Financial Plan Workbook, input the population estimates based on the proposed demographics. It is important to ensure that the demographic estimates are accurate.

3. Do charter schools need to have a diagnostician on staff?

Answer: There is no requirement to have a diagnostician on staff.

4. Are there any differences for who must be assigned to ARDs from the traditional ISDs?

Answer: The requirements for who must participate in an ARD are the same for traditional ISDs and charter schools. However, considering that charter schools often have limited personnel who serve multiple roles in the school, the schools should be cautious to have designated roles in the ARD meeting clarified to be considered properly constituted.

5. Should charter schools provide special education services in-house versus contracting to provide these services? Are special education co-ops an acceptable option?

6. Answer: Charter schools may contract with a vendor or participate in a co-op to provide services; however, it is the charter school's responsibility to ensure that the contractor is following all state and federal laws. If the contractor does not follow required laws, the charter school could be cited for cause, not the contractor.

7. Is gifted and talented considered special education? Does special education include students with exceptional ability?

Answer: Gifted and talented students are not considered special education students. There are requirements for serving gifted and talented students but not under special education.

8. If a school is geared toward special populations, how can we ensure we are able to meet standards created for the traditional populations of charter schools?

Answer: The application must reflect a school design proposal that will teach all required standards and assess the learning of all student populations. Instructional materials, teaching staff, and resources must be considered in the proposal to meet this requirement.

9. If we have an extended enrollment area, do we have to provide IEP mandated transportation or is there a reasonable mileage exception?

Answer: Charter schools are obligated to comply with federal laws regarding IEP accommodations.

10. What consequences do charters have for non-compliance?

Answer: When noncompliance is identified, the LEA will engage in a Corrective Action Plan. The LEA will work with their TEA contact to correct the noncompliance and demonstrate future issues can be mitigated by providing training, developing procedures, and strong self-monitoring systems. You can find more information about all of the monitoring activities on the Office of Special Populations and Monitoring [website](#).

11. What happens if a charter school in Texas lacks the resources or qualified staff for students who qualify for full-time self-contained special education placements such as PPCD, CBI, FLS, particularly students in wheelchairs, need diaper changing, etc.?

Answer: The LEA is responsible for providing any services to accommodate special population students. If the LEA cannot provide the services, it must plan for compensatory services to be provided through a third party.

12. Do you know what percentage of EB students eventually are identified as special education students?

Answer: Recent data indicates that 10% of EB students are also identified with a disability.

13. How do we administer the home language survey if the student is nonverbal (autistic), are we automatically referencing the home language?

Answer: Home Language Survey is necessary, and if there is another language other than English the student will be administered the language test. If the student is identified as emergent bilingual, they should receive bilingual education and special education services. They are dually identified students.

14. Is the staffing determination for bilingual teachers based on the "rule of 20?"

Answer: If the charter serves 20 or more students with same home language and in the same grade the charter must provide a bilingual program.

15. Is there data about the rate of existing bilingual certifications in the state of Texas?

Answer: The number of certified and employed Bilingual/ESL certified teachers in 2021–2022 school year was 66,737. This number does not account for the full workforce, and it does not reflect the supplemental certifications in these areas.

16. Can uncertified teachers obtain ESL certification?

Answer: ESL certification is supplemental, so it must be obtained after a general content area certification is acquired.

17. For planning purposes, how long does it typically take EB students acquire the language?

Answer: Second language acquisition leading to English proficiency is a fluid and dynamic process and unique to each individual. Social language is often acquired in 5–7 years but Academic language takes up to 10 years.

18. Are there restrictions on which languages can be added or the number of languages that can be offered in a proposed school?

Answer: Charter schools are not limited to which languages, or the number of languages offered.

19. As an example, if there are 20 students in 3rd grade all speaking German, they must have a teacher that speaks German—is this considered a bilingual teacher?

Answer: That is the “rule of 20.” However, there is not currently a German bilingual certification exam. If this were the case, the charter should use their community to access German materials at least for literacy development. If this scenario is a concern for your community, please reach out to Emergent Bilingual Support Division in the Office of Special Populations and Monitoring for more support.

HIGH-QUALITY INSTRUCTIONAL MATERIALS

1. Should we include the curriculum we plan to use before we purchase it?

Answer: Applicants are not required to purchase and/or lease anything prior to an application’s final approval. However, applicants should cite and describe all curricular materials that would be purchased and/or leased if a charter is ultimately awarded.

2. Can HQIM be utilized as part of a proposed school’s overall scope and sequence?

Answer: Applicants are advised to consult the HQIM resources during the application drafting process to determine if any of the resources presented are aligned with the proposed school's mission, vision, and needs of the proposed student population.

3. Who has vetted the HQIM materials as part of the Texas Resource Review to determine that they included scientifically based reading instruction? Is there any data about what student achievement outcomes are in schools that use them?

Answer: The HQIM resources have been vetted by a series of third-party reviewers such as TNTP, SchoolKit, and other nationally recognized organizations that have done considerable work in Texas. A vetted rubric was used during the evaluation process. Additionally, significant teacher input from the field and focus groups were solicited. HQIM resources will continue to go through continuous improvement.

4. If materials are not in the HQIM process, how can they become included? Is there a current clearinghouse to check to see if certain programs meet the high-quality standards?

Answer: There are a variety of other available resources that can meet the HQIM criteria. The application includes a definition of high-quality instructional materials in the embedded resource page to offer guidance on what counts as "high-quality." Additionally, the rubrics used as part of the HQIM designation process can be used to vet other materials if desired. The rubrics used to rate high-quality materials can be found at the [Texas Resource Review](#) website.

5. Will TEA look more favorably on charter school applicants who use these resources?

Answer: TEA does not have preference for use of the HQIM resources. Applicants are encouraged to look at the Generation Thirty application evaluation criteria and make a thoughtful analysis of how the applicant's proposed materials meet the criteria and the needs of the students that the applicant wants to serve. We do not want to discourage innovation in any way.

6. How can learning programs be verified to determine if they are TEKS-based and not common core?

Answer: It is the applicant's responsibility to verify that all materials proposed are TEKS-based and not common core. Often TEKS-aligned instructional materials will be described as such. As well, each instructional material vendor should be able to provide information on whether the resources are aligned to the TEKS.

7. Currently some ISDs are using Pearson non-consumable products and materials. Are charter schools allowed to use this vendor also?

Answer: Charters may and often do use the same vendors as ISDs. Please ensure that the selected materials meet 100% TEKS alignment and other HQIM standards.

8. Are there approved High Quality Spanish dual language curricula that are now fully aligned with TEKS?

Answer: Approved fully aligned TEKS high-quality Spanish dual language curriculum is available through the Texas Resource Review.

THE BOARD & GOVERNANCE

1. Must all available board seats be filled prior to submitting an application?

Answer: A sponsoring entity must have at least three (3) sitting board members identified in the application materials at the time of application submission. See [Business Organizations Code §22.204\(a\)](#).

2. When does the public notice requirement under the Texas Open Meeting Act (TOMA) become effective?

Answer: The board of a charter holder is subject to TOMA upon the execution of the charter contract. However, any actions taken by the board prior to the execution of the charter contract that relate to the charter school and that will continue in effect must have met all TOMA requirements or must be redone after the execution of a charter contract and readopted in compliance with TOMA. See [Chapter 551 of the TGC](#).

3. What is the difference between the board of directors and an advisory board?

Answer: An advisory board is a group formed to give advice and support to a nonprofit's board of directors/governing board. Rules regarding the duties of an advisory board are outlined in a sponsoring entity's bylaws.

4. Can board members serve on the board for more than one charter school or also be a current ISD trustee?

Answer: There are no prohibitions against individuals serving as board members on multiple charter school boards or being ISD trustees concurrently. The board member

affidavit attachment asks the applicant to provide any current or previous board service if applicable.

5. Must all board members reside in Texas?

Answer: A majority of the members of the governing body of an open-enrollment charter school or the governing body of a charter holder must be qualified voters. See TEC §12.1202. To be eligible to register to vote in Texas, a person must be: (i) a United States citizen; (ii) a resident of the Texas county in which application for registration is made; (iii) not finally convicted of a felony; and (iv) not determined by a final judgement of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote. See [Texas Election Code 13.001](#).

6. Do all board members need to be registered with the Secretary of State?

Answer: All board members of the sponsoring entity, for purposes of this application, must be registered as board members with the Secretary of State before a charter contract is awarded.

7. Can board members be paid?

Answer: Board members, including advisory members, are not eligible to receive compensation for their services. All board positions are unpaid.

8. Are board members eligible to be reimbursed for incurred expenses?

Answer: Board members are prohibited from reimbursement of personal expenses, with the exception of allowable travel expenses.

9. Can board members submit Financial Support Letters of any denomination for inclusion in the charter application?

Answer: Board members may provide support in the form of Financial Support letters. This cannot be a requirement of board membership.

10. May a board member resign and accept a position of employment, such as superintendent, with the charter school? How early in the application process is this permissible?

Answer: Any changes in the board that occur prior to submission are within the purview of the applicant.

Barring any nepotism restrictions, a member of the board may take a paid position with the school after formally stepping down from their seat on the board and applying for a position with the charter school. Any applicable board members must disclose their intention in the Board Member Biographical Affidavit.

However, founding board members are encouraged to utilize their strengths and skillsets throughout the entirety of their term if the charter is approved.

11. When must board members complete a background check? Before the application submission or if/when approved?

Answer: At the time of submission, the proposed charter holder must assure that criminal history checks will be completed in accordance with law and that no person will serve as a member of the governing body of the charter school, if the person has been convicted of a misdemeanor involving moral turpitude, a felony, an offense listed in TEC §37.007(a) or an offense listed in Article 62.001(5) Code of Criminal Procedure. See the Letter of Special Assurances Document-Criminal History Check Requirements.

12. Does the superintendent serve on the charter school governing board?

Answer: A person, including the superintendent, who receives compensation or remuneration from a nonprofit corporation holding an open-enrollment charter generally may not serve on the governing body of the charter holder. See TAC §100.1131 for limited exceptions.

13. If we applied in the previous cycle, can we use the same biographical affidavit summaries for our board members if we cite our previous application?

Answer: Each application cycle will require affidavits from that particular cycle. Consequently, board members will have to complete the Generation Thirty affidavit form.

14. Can an employee (like a superintendent or principal) from another charter school with no previous board service experience serve on our board?

Answer: Often start-up charter board members include members with educational leadership experience.

15. Is there a mandated or standard application that appointed school board members must complete?

Answer: Charter school board members are appointed per the operating bylaws of the charter holder.

16. What are the credentials for a superintendent of a Subchapter D open-enrollment charter school?

Answer: There are various statutory provisions regarding personnel of a Subchapter D open-enrollment charter school. There are no Texas certification requirements for a charter superintendent, however, under TEC, §12.129, a person employed as a principal, or a teacher must hold a baccalaureate degree. If a superintendent does hold certification, that individual may be exempt from certain training requirements. Further, all personnel, including superintendents, must be in compliance with criminal history provisions outlined in 19 Texas Administrative Code §100.1153.

17. May a non-profit that provides other programs apply for a Subchapter D charter?

Answer: Yes, an existing 501(c)(3) may apply for a Sub D charter as long as the 501(c)(3) status was given in its own name. A religious organization that applies must have established a separate non-sectarian entity that is exempt under 501(c)(3).

TALENT MANAGEMENT

1. What are the roles/duties of the superintendent/chief executive officer? How are they different from a principal?

Answer: The superintendent is charged with the duties of, or acting as, a chief executive officer, director, or assistant director of a charter holder or charter school, including one or more of the following functions:

(i) assuming administrative responsibility and leadership for the planning, operation, supervision, or evaluation of the education programs, services, or facilities of a charter holder or charter school, or for appraising the performance of the charter holder's or charter school's staff; (ii) assuming administrative authority or responsibility for the assignment or evaluation of any of the personnel of the charter holder or charter school, including those employed by a management company; (iii) making recommendations to the governing body of the charter holder or the charter school regarding the selection of personnel of the charter holder or charter school, including those

employed by a management company; (iv) recommending the termination, non-renewal, or suspension of an employee or officer of the charter holder or charter school, including those employed by a management company; or recommending the termination, non-renewal, suspension, or other action affecting a management contract; (v) managing the day-to-day operations of the charter holder or charter school as its administrative manager; (vi) preparing or submitting a proposed budget to the governing body of the charter holder or charter school (except for developing budgets for a charter school campus, if this is a function performed by a campus administration officer under the terms of the open-enrollment charter); (vii) preparing recommendations for policies to be adopted by the governing body of the charter holder or charter school, or overseeing the implementation of adopted policies, except for legal services provided by an attorney licensed to practice law in this state or public accountancy services provided by a certified public accountant licensed to practice public accountancy services in this state; (viii) developing or causing to be developed appropriate administrative regulations to implement policies established by the governing body of the charter holder or charter school, except for legal services provided by an attorney licensed to practice law in this state or public accountancy services provided by a certified public accountant licensed to practice public accountancy services in this state; (ix) providing leadership for the attainment of student performance in a charter school operated by the charter holder, based on the indicators adopted under TEC, §39.053 and §39.054, or other indicators adopted by the charter holder in its open-enrollment charter; or (x) organizing the central administration of the charter holder or charter school.

Occasionally superintendents serve as principals especially during school start-up. However, when able, it is best practice to have a principal who will serve as the instructional leader on campus.

2. May the same individual serve as both superintendent and principal?

Answer: The superintendent may also fulfill the role of the campus principal.

3. What are the certification and educational requirements for superintendents? Do superintendents have to have a superintendent certification?

Answer: Superintendents of open-enrollment charter schools are not required to have a superintendent certification.

4. What are the certification and educational requirements for principals and teachers?

Answer: All principals and teachers at open-enrollment charter schools must have at least a baccalaureate degree. See TEC §12.129(a).

However, they are not required to hold state certifications unless they are: (i) an early childhood education, (ii) special education, or (iii) bilingual education/ESL teacher. These teachers must have the appropriate state certification (and additional qualifications for early childhood education).

OPERATIONS MANAGEMENT

1. What is Year Zero?

Answer: The term “Year Zero” refers to the start-up year preceding Year 1 (operational year). The zero year begins when a charter contract is executed and ends when the school begins serving students. For Generation Thirty, the start-up year will be 2025-2026 and the first year of operation will be 2026-2027.

2. Is a facility that will serve elementary, middle, and secondary grades considered to be one campus, or multiple campuses?

Answer: A facility that will serve multiple grade clusters in one facility is generally considered to occupy one campus and is assigned one campus number.

3. Are charter schools required to follow state procurement processes (e.g., competitive bidding)?

Answer: According to Chapter 12 of the Texas Education Code, if a purchasing procedure is written into the school’s charter, then it must be followed. Alternatively, Texas Education Code Chapter 44 Subchapter B details the competitive bidding process for public school districts, which includes charters. TEC Chapter 44 and Texas Local Government Code 271 indicate that any school purchases for public works costing \$50,000 or more are subject to competitive bidding.

4. Do transportation requirements for certain Individual Education Programs (IEP) then extend to the general student population?

Answer: Charter schools are not required to provide transportation except when documented in a student’s IEP. If transportation is required by a student’s IEP, the charter school must provide transportation for that student.

5. What PEIMS resources are available to open-enrollment charter schools?

Answer: Once awarded, the agency will provide PEIMS training and supports during the first three (3) years of operation. The Education Service Centers (ESC) are also a valuable resource tool for charter school operators, and typically offer PEIMS training. [TEC §12.104\(b-1\)](#).

6. Must an open-enrollment charter school offer 75,600 minutes? Does it include lunch and recess?

Answer: Charter schools are required to operate each campus for a minimum of 75,600 minutes per school year and provide instruction at least four (4) hours a day in order for a student to be considered full-time. See TEA's [Student Attendance Accounting Handbook](#).

7. Are charter applicants allowed to propose a four-day school week charter as many school districts are shifting to it, so long as the academic minutes of core content areas are met? Does a shortened week with early release every Friday still count as a full five-day week?

Answer: Charter schools must meet the state requirement of 75,600 instructional minutes. If those minutes are met, then a 4-day weekly schedule may be acceptable. A 5-day week with an early release day one day of the week is also permissible.

8. How should rent/lease projections be calculated in the Financial Plan Workbook if no facility has been chosen yet?

Answer: Charter schools must secure a facility during the start-up year before any students are served. If a facility has not been identified by the time of the application deadline, the applicant must provide projections for what they expect to pay after the facility has been secured.

CHARTER MANAGEMENT ORGANIZATIONS (CMOs)

1. What is a charter management company? What services are they able to provide?

Answer: A management company is a natural person or a corporation, partnership, sole proprietor, association, agency, or other legal entity that provides any management services to a charter holder or charter school.

A management company may offer the following services: (i) planning, operating, supervising, or evaluating a charter school's educational programs, services, or

facilities; (ii) making recommendations to the governing body of a charter holder or charter school relating to the selection of school personnel; (iii) managing a charter school's day-to-day operations as its administrative manager; (iv) preparing a proposed budget or submitting it to the governing body of a charter holder or charter school; (v) recommending policies to be adopted by the governing body of a charter holder or charter school, except that legal services provided by an attorney licensed to practice law in this state, and public accountancy services provided by a certified public accountant licensed to practice public accountancy services in this state, are not management services, notwithstanding that such services may include recommending policies to be adopted by the governing body of a charter holder or charter school; (vi) developing procedures or practices to implement policies adopted by the governing body of a charter holder or charter school, except that legal services by an attorney licensed to practice law in this state, and public accountancy services provided by a certified public accountant licensed to practice public accountancy services in this state, are not management services, notwithstanding that such services may include developing procedures or practices to implement policies adopted by the governing body of a charter holder or charter school; (vii) overseeing the implementation of policies adopted by the governing body of a charter holder or charter school; or (viii) providing leadership for the attainment of student performance at a charter school based on the indicators adopted under TEC, §39.053 and §39.054, or adopted by the governing body of a charter holder or charter school.

2. For a nonprofit organization to complete a charter application, is the nonprofit considered a CMO?

Answer: For purposes of the charter application, a nonprofit organization is considered to be the sponsoring entity (the applicant). A CMO is a contracted entity that provides management services to a charter holder or charter school. Applicants are not required to contract with a CMO.

FACILITIES

1. Are there any regulations as to where a charter school can be located? Such as religious institutions or certain types of buildings?

Answer: School facilities must comply with all applicable municipal ordinances as well as receive a Certificate of Occupancy or other appropriate certificate with an E rating for education. A charter school may locate in a religious institution so long as the school adheres to all state and federal laws regarding religious iconography.

2. If we do not have capacity in our current facility even though our maximum enrollment is larger, do we have to take any student that applies to our charter?

Answer: A charter school may only turn away eligible students if maximum grade level capacities or maximum facility capacity have been reached. Applicants who have already identified a facility should review the current certificate of occupancy before finalizing enrollment projections.

3. Must an applicant have an identified location or facility at the time of application submission?

Answer: Applicants must identify the address for each campus (if known) or anticipated zip code for each campus in Year 1 on the Applicant Profile page.

4. May charter schools rent a facility that is owned by a member of the governing board?

Answer: Related-party transactions must not be in excess of fair market value or must benefit the open-enrollment charter school. Otherwise, pursuant to TEC §12.1163(d), the commissioner could reclassify any related-party leases. If a charter holder intends to enter into a related-party transaction, then under TEC §§12.1166(c) and 12.1168, the charter holder must include related-party transactions in its annual audit. Furthermore, under TEC §12.1167, the charter holder must get an appraisal from a certified appraiser and provide it to TEA when entering into transactions with related parties.

Additionally, if a local public official has a substantial interest in a business entity or in real property, the official must file, before a vote, decision, or other action on any matter involving the business entity or the real property, an affidavit stating the nature and extent of the interest and must abstain from further participation in the matter under specific circumstances.

FINANCE

1. Must a charter school show proof of financial backing or other capital as part of the application review and determination?

Answer: Although financial commitments and supports are not requirements of the Generation Thirty application, an application is assessed and scored on the strength of its budget as reflected in the financial plan.

2. Is the sponsoring entity required to have cash on hand prior to submitting an application?

Answer: A sponsoring entity is not required to have cash on hand prior to applying. However, an application is assessed and scored on the strength of its budget, including the sponsoring entity's current fund balance.

3. What is per-pupil funding?

Answer: Charter schools receive funding based on Average Daily Attendance (ADA). This weighted calculation is determined by the number and type of students attending school on an average day. See TEC §12.106.

4. What are Foundation School Program (FSP) funds?

Answer: The Foundation School Program (FSP) is the primary source of funding for charter schools. The number of students attending as well as their program participation determine the amount of funding for each charter. See TEC §12.106.

5. Why is it important to budget with a daily attendance rate of 85%? What happens if you estimate 85% and 100% attend?

Answer: Charter schools often have lower than anticipated attendance rates in the first five years of operation. Budgeting conservatively allows new operators some flexibility to the enrollment projections without being detrimental to fiscal operations.

6. Are state funds provided during the start-up year?

Answer: Newly approved charter operators receive state funding during their first year of serving students, referenced as Year 1. There are no state funding opportunities for the start-up year.

7. How do applicants qualify for additional summer funding? Does it start during the summer preceding Year 1?

Answer: Charter schools that operate on a schedule of 180 days and 75,600 minutes are eligible to receive 30 days of Additional Instructional Days Incentive funding to serve students. See the TEA [Additional Days School Year](#) website.

8. How are prekindergarten (pre-k) students input into the Financial Plan Workbook? What if they will be classified as bilingual, compensatory education, or other special populations? Do they count as 0.5 enrollment or 1?

Answer: Pre-k students, regardless of classification, should be entered as 1 student in the Financial Plan Workbook. However, applicants should enter half the anticipated amount of pre-k students served in order to reflect half-day funding.

9. What is the beginning and ending date of the charter school fiscal year?

Answer: Applicants must designate either June 1 to July 30 or September 1 to August 31 as the charter school's fiscal year start/end dates.

10. Do charter schools still qualify for state and federal nonprofit grants?

Answer: Applicants are permitted to seek other sources of funding, including but not limited to, grants and philanthropic funds. Please note, an applicant may not advertise themselves as a "charter school" until a charter contract is awarded.

11. If an applicant does not yet have grants from a business or in-kind donations can we state in the application that we are seeking the donations?

Answer: Applicants can state in the narrative document that they are seeking other business and in-kind donations as a part of a contingency plan. However, applicants cannot include prospective funds in the financial plan workbook.

12. Do letters from community members and organizations have to specify the amount of financial support that they will be provided with in their letter?

Answer: If applicant specifies an amount of financial support from community members and organizations in the financial plan workbook, letters of financial intent or support must be submitted with the application specifying the amount.

CHARTER SCHOOL PROGRAM START-UP GRANT (CSP)

1. When do we apply for the Charter School Program (CSP) Start-Up Grant?

Answer: An applicant will apply for the CSP Start-Up Grant via the completed Generation Thirty application for charter.

2. What is the maximum grant award associated with the CSP Start-Up Grant?

Answer: Applicants should budget a maximum of \$900,000 for planning and implementation activities associated with the CSP Start-Up Grant.

3. How long would reimbursement take to be returned?

Answer: Once funds are expended, the expenses can be submitted in the expenditure reporting system and will be reimbursed, if approved. After a submitted expenditure is approved, reimbursement takes approximately 3–5 days.

4. When would the planning year begin for Generation Thirty?

Answer: The planning year for Generation Thirty would begin sometime in the fall of 2025 after all contingencies are cleared and contracts are signed.

5. Is there a timeframe by which the CSP grant funds must be used?

Answer: Approved Generation Thirty charter schools can anticipate receiving CSP grant funds in the fall of 2025 after contingencies are cleared and contracts are signed. All CSP grant funds must be expended before the grant end date. Grant periods are typically 24 months.

6. How much time is allowed for planning activities prior to opening a charter school to students?

Answer: The planning phase is the period from the grant start date to the day the campus starts serving students. This period cannot exceed 18 months. Planning activities are related to the planning and program design of the charter school.

7. Can the CSP grant be modified, once granted, if proposed enrollment drastically increased beyond what was proposed?

Answer: CSP grant awards, once approved, may not be increased beyond the initial amount approved. The grant activities and budget can be amended if needed to achieve the grant goals.

8. How are amendment requests for changes utilizing the CSP funds handled?

Answer: After a CSP grant recipient receives a Notice of Grant Award for an approved application, the grantee may realize a need to make modifications to planned allowable activities or estimated budget costs. Some changes are within the grantee's power to make without seeking TEA approval. Other changes, however, require the grantee to amend the approved grant application and receive approval of the changes.

Instructions on how to submit an amendment can be found in the CSP Grant application documents that you will complete.

9. Should an applicant include the projected CSP Start-Up Grant funds in the financial plan workbook?

Answer: Applicants are expected to include the projected CSP Start-Up Grant funds in the financial plan workbook.

10. It is possible for a charter school to be authorized via the Generation Thirty charter application process and not receive a CSP Start-Up Grant award?

Answer: TEA must ensure that the authorized charter school meets the federal definition of a charter school and all other federal requirements before awarding any federal funds to the school. Additionally, TEA must ensure, prior to awarding CSP Start-Up Grant funds, that the authorized charter school is not affiliated with a Charter Management Organization (CMO) that has received or will receive CSP funds for this charter school directly from the United States Department of Education (USDE).

11. What are allowable expenses for start-up costs under the CSP Start-Up Grant?

Answer: A complete list of allowable and unallowable activities is provided in the program guidelines on the [TEA Grant Opportunities](#) page.

12. Can CSP funds be used to pay staff in the start-up year?

Answer: Payment of staff salaries for allowable positions (see above) is limited to during the planning phase and up to the first 30 days of the initial implementation phase, provided that these expenses are associated with planning or initial implementation activities as outlined above under General Allowable Activities and Use of Funds.

13. What is the allowable amount for a school bus or van for transportation?

Answer: There is no set allowable amount for a school bus or van for transporting students. However, the applicant should ensure that any amount expended meets the criteria of being reasonable (i.e., Would a prudent person pay that amount for that item?).

14. If a passenger van for student transportation is allowable, what about a van for maintenance or facility usage?

Answer: Maintenance or facility usage would be considered ongoing expenses which are unallowable under the CSP grant.

15. Can the CSP grant be used for computer software?

Answer: One-time start-up equipment purchases necessary to implement a charter school, which may include computers and equipment related to technology, are allowable. However, subscriptions or fees related to license renewal are unallowable.

16. Would repurposing a building fall under allowable activities?

Answer: CSP funds may only be used for carrying out necessary renovations and minor facilities repairs as outlined above under General Allowable Activities and Use of Funds. However, the CSP grant is a non-construction grant. CSP funds cannot be used to add permanent value to an existing building through renovation or remodeling.

17. Can CSP grant funds be used to purchase furniture for classrooms and libraries? How about educational software such as student performance tracking or library systems?

Answer: Allowable costs include one-time start-up equipment purchases necessary to implement a charter school, which may include, but are not necessarily limited to, desks, chairs, computers, equipment related to physical education, science, and art, and playground equipment. Educational software, as described above, is allowable, provided that it falls under a one-time start-up cost.

18. Can grant funds be used for wall art/office décor?

Answer: As stated above, CSP Start-Up Grant funds may be used for one-time start-up equipment purchases necessary to implement a charter school, which may include, but are not necessarily limited to, desks, chairs, computers, equipment related to physical education, science, and art, and playground equipment. Grant funds may also be used for specific start-up costs that provide direct services to students. In the program area's estimation, wall art and office décor do not provide direct services to students. As such, grant funds cannot be used for this purpose.

19. Can CSP Start-Up Grant funds be used to pay for small stipends to top employee candidates traveling to the new charter school to interview for a vacant position, as a cost defrayment to them?

Answer: While CSP Start-Up Grant funds can be used for teacher, school leader, and specialized instructional support personnel salaries, limited during the planning phase and up to the first 30 days of the initial implementation phase, which starts the day the charter school campus begins to serve students, provided that these expenses are

associated with planning and/or implementation activities, because the employee candidates are not employed by the charter school, such a use of federal funds could be construed as a gift of public funds, which is not allowable.

20. If we are already using the building for operation of a private/homeschool program, can we still use the CSP funds for rent while planning the opening (transition) to a charter?

Answer: CSP funds would not become available until after the newly awarded charter school has cleared contingencies and been issued a contract. There are no funds available for pre-award costs. CSP funds may be used for rent during the planning phase and up to the first 30 days after the school starts serving students. However, CSP funds may not be used for rent during time that the private/homeschool program is operating out of the building.

21. Are CSP funds available to pay contracted accountants?

Answer: Grantees may purchase financial management software and receive training associated with the software. Costs for accounting/bookkeeping services outside of the purchase of accounting software are not allowed under the CSP grant.

22. For transportation costs, does this only apply to purchase of vehicles or does it cover insurance fees and other costs associated with transportation?

Answer: Federal CSP funds can be used for one-time, start-up costs associated with opening the charter school. A charter school may use CSP Start-Up Grant funds to purchase a vehicle (or vehicles) to provide transportation services to students to and from the charter school campus, provided that the vehicle meets all applicable state and federal specifications. CSP Start-Up Grant funds may also be used for vehicle insurance fees up to the first 30 days of the initial implementation phase (when the charter school begins to serve students). After the charter school begins to serve students and receive state funding, insurance would qualify as an ongoing cost that could no longer be funded with CSP Start-Up Grant funds. Costs for fuel, maintenance, or drivers are not allowed under the CSP grant.

34. If furniture is allowable, does this include school fixtures and/or major appliances (AC, heater, commercial fridge)?

Answer: Equipment and furniture purchased with CSP funds must align to the academic model and/or the education program that was designed and planned. All purchases

should support the purpose of the CSP grant which is to provide financial assistance for the planning, program design, and initial implementation of charter schools to support the growth of high-quality charter schools in Texas, especially those focused on improving academic outcomes for educationally disadvantaged students. Additionally, any equipment that is purchased and installed should not add permanent value to the property.

35. Can a certain percentage of the CSP be allocated to teachers and leaders in the planning phase?

Answer: Teachers, school leaders, and specialized instructional support personnel salaries may be paid using CSP funds during the planning phase provided that these expenses are associated with planning activities.

36. For clarification, if awarded we will not receive any funds prior to the first day, we must purchase furniture, technology, equipment, textbooks, rental property, and trainings at our own expense?

Answer: Grantees will receive their NOGA when the grant documents have been submitted and negotiations have been completed. Once the NOGA has been received, grantees can begin entering expenditures for reimbursement.

37. Does paying start-up salaries work the same way as buying equipment? Is it also through reimbursement?

Answer: Yes, all costs through the CSP grant will be paid via reimbursement.

ASSEMBLY & SUBMISSION

1. Can applications be submitted before the submission date?

Answer: The agency will accept early submissions; however, all applications that are received will be considered final and no subsequent submissions will be accepted.

REVIEW & SCORING

1. How are points awarded in the scoring process?

Answer: Each evaluation criterion is scored on a 0–2 point scale.

2. How is the number of approved applications determined? Is there a specific number of new charters that are slotted and funded?

Answer: There is no limit to the number of charter proposals that are approved during any given application cycle. However, TEC §12.101(b-2) establishes a total charter school cap at 305. This means that the State of Texas cannot have a charter school portfolio greater than 305 schools at any given time.

3. What is the specific legal role of the SBOE when it comes to allowing charters to proceed?

Answer: Texas Education Code, Chapter 12, Subchapter D, Section 101 (b-0) states that the commissioner shall notify the State Board of Education of each charter the commissioner proposes to grant under this subchapter. Unless, before the 90th day after the date on which the board receives the notice from the commissioner, a majority of the members of the board present and voting vote against the grant of that charter, the commissioner's proposal to grant the charter takes effect. The board may not deliberate or vote on any grant of a charter that is not proposed by the commissioner.

9. When (by what date) can applicants expect notification of invitation to capacity interview?

Answer: Typically, notifications will be sent in mid-April once the full external review window is completed. These approximate dates are included in the Instructions & Guidance document.

10. What appeal process exists in the case of SBOE veto?

Answer: There are no appeals in the charter authorization process in Texas. Applicants are always welcome to reapply in the next cycle.

11. Are certain areas of the application weighted more than others in the min 85% score?

Answer: The sections each have a certain number of possible points, one for each of the evaluation criteria identified. While there are no formal weights on any area, certain sections do have a higher possible point value and thus may factor into the final score more significantly.