

Texas Education Agency
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GENERATION 26

OPEN-ENROLLMENT CHARTER APPLICATION

FREQUENTLY ASKED QUESTIONS

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INTRODUCTION

The TEA Division of Charter School Authorizing and Administration 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 26 application for open-enrollment charter.

All references to TEC, TAC, and TGC refer to the Texas Education Code (TEC), Texas Administrative Code (TAC), and Texas Government Code (TGC), respectively.

Please note, questions presented during the Generation 26 Application Information Sessions on October 30 and November 6, 2020 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.

APPLICATION INFORMATION SESSIONS

1. [Will the Application Information Session be recorded and made available to the public?](#)

Answer: The Application Information Session recordings will be posted on the TEA Charter School website. Applicants should visit the Mandatory Information Session tab at <https://tea.texas.gov/texas-schools/texas-schools-charter-schools/charter-school-applicants>.

2. [How is attendance confirmed for the Application Information Session? *What if multiple individuals attended via only one device?*](#)

Answer: TEA staff emailed a Confirmation of Attendance to all documented attendees on Friday November 13, 2020. Any individuals who did not receive that email are not eligible to claim attendance. However, this application requirement is met when at least one individual for each proposed school is confirmed in attendance.

3. [Who is required to review and complete the online required presentation modules?](#)

Answer: At least one board member must review and complete all required presentation modules to meet the application requirement. All other members of an applicant team are encouraged to review the presentation modules.

ELIGIBILITY & ENTITY FORMATION

1. 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 to out-of-state applicants who wish to apply as an experienced operator.

2. Must a sponsoring entity have a final 501(c)(3) tax exempt status by the application submission date?

Answer: A sponsoring entity must (i) submit proof of filing for 501(c)(3) status by January 20, 2021, and (ii) possess and submit a final Letter of Determination from the Internal Revenue Service (IRS) by April 8, 2021, to charterapplication@tea.texas.gov.

3. 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 screen shot of the form will not fulfill this attachment requirement. For an organization less than one year old, or if a Form 990 is not available, provide a statement that explains why a Form 990 is not available.

4. 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.

5. Is there a difference between board members listed in the charter school's Articles of Incorporation and those of the tax-exempt 501(c)(3) organization associated with the proposed charter?

Answer: All board members listed in the Articles of Incorporation should be reflected in the 501(c)(3) organization and will become charter school board members if a charter is awarded.

6. What is the definition of an experienced operator?

Answer: Experienced operators are eligible entities that (i) operate at least one charter school outside of Texas with multiple years of academic performance data, (ii) are affiliated with an out-of-state Network with multiple years of academic performance data, or (iii) operate a district-authorized charter campus in Texas with multiple years of academic performance data.

7. Which application does an out-of-state charter operator complete and submit?

Answer: Out-of-State operators must complete and submit the Generation 26 Experienced Operator Application. However, the operator must first incorporate a non-profit organization (Tax-Exempt 501(c)(3) status) within Texas. The Texas-based sponsoring entity will propose the out-of-state operator as the charter management organization (CMO) using their network's performance data. CMO information is provided in the CMO Addendum.

8. Is there a minimum academic accountability threshold required to qualify as an experienced operator?

Answer: There is no minimum academic accountability threshold for purposes of application submission. However, the academic performance of an experienced operator's portfolio is a scored section in the experienced operator application.

9. May an existing charter school apply for a new charter school?

Answer: The commissioner may not grant more than one charter for an open-enrollment charter school to any charter holder. See *Texas Education Code §12.101(b-3)*. As a result, the collective board and sponsoring entity of an existing charter holder are ineligible to apply for a new charter school.

10. Do experienced *individuals* or proven charter school models qualify for the Generation 26 Experienced Operator Application?

Answer: While some individuals have considerable charter school experience or will use a currently successful charter school model, eligibility for the Generation 26 Experienced Operator Application is defined by the sponsoring entity.

11. 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.

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

Answer: A charter holder is prohibited from serving as a charter authorizer. See *Question #9*

13. 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: private or independent colleges or universities that are (i) *organized under the Texas Non-Profit 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 (TEC §61.03(15)).

14. 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.

APPLICATION REQUIREMENTS & FORMATTING

1. What charter application assistance is available from the TEA during the drafting and preparation phase?

Answer: Agency staff are only available to offer technical assistance and are otherwise unable to advise regarding specifics of application content, due to the competitive nature of the charter application process.

2. What are acceptable venues for the public meeting(s)?

Answer: Applicants may either host (i) in-person or (ii) virtual public meetings to satisfy the application requirement. Please note, all virtual meetings are subject to application provisions that require an “in-print” public notice in a widely circulated publication. Any virtual access information (link, password, registration, etc.) must be included in the public meeting notice.

3. Must a notice of public meeting be published in the printed version of a publication? *Is the requirement met if it is in the online version?*

Answer: Widely circulated publications often have both print and online versions. Applicants must publish the public meeting notice in the printed version. There is no prohibition against an additional notice in the publication’s online version; however, the application requirement is met only with the printed version.

4. Must the public meeting notice be printed a minimum number of days before the actual meeting?

Answer: A public meeting notice must be printed no less than five (5) business days before the actual meeting.

5. [May the public meeting\(s\) occur after the application deadline?](#)

Answer: Applicants are required to host at least one public meeting prior to submitting a completed application. However, applicants may host additional public meeting(s) before and after the application submission deadline.

6. [Must public meeting\(s\) be held in each affected district in the proposed geographic boundary?](#)

Answer: Applicants are required to host at least one public meeting within the proposed geographic boundary prior to submitting a completed application. The location of the meeting(s) should be determined by the applicant based on community engagement planning.

7. [What are the requirements for notifying individual State Board members and Legislators about public meetings? How much notice is required?](#)

Answer: Applicants must notify, via their government email, all individual members of the Texas State Board of Education (SBOE) and the Texas state legislature who represent the geographic area to be served by the proposed school. Applicants must include charterapplication@tea.texas.gov in the CC line of the email.

All applicants must provide at least five (5) business days' emailed notice to each applicable SBOE member and Legislative official.

8. [What materials are sent with the Statement of Impact Form? Is the Executive Summary included?](#)

Answer: Applicants must include the (i) Statement of Impact Cover Letter, (ii) Statement of Impact Form, and the (iii) Application Coversheet—pages 9-11 of the Responses and Attachments Document.

Applicants are not required to include the Executive Summary with the Statement of Impact.

9. [When must the Statement of Impact forms be mailed?](#)

Answer: The Statement of Impact forms must be mailed no later than January 20, 2021, and copies of the Certified Mail Receipts or returned signature cards must be included in the application submission.

10. [How does an applicant prove that the Statement of Impact forms were mailed and received? What if they say they never received it?](#)

Answer: The Statement of Impact forms must be sent via certified mail to (i) each Superintendent and President of the Board of Trustees of each traditional school district from which the proposed charter school may draw students; (ii) each member of the Texas

Legislature who represents the geographic area(s) to be served by the proposed charter school; and each (iii) Texas State Board of Education member who represents the geographic area(s) to be served by the proposed charter school.

The application requirement is met by providing either the (a) green receipt card or (b) the returned signature card. *See Attachment Coversheet-Certified Mail Receipt Cards.*

11. [What is the required citation format for referencing non-original ideas?](#)

Answer: There are no strict citation guidelines for citing sources; however, a reasonable person must be able to readily identify the source, year, and author of the cited material. Returning applicants must cite all material that was used from prior application submissions.

12. [How do returning applicants cite prior submissions? What if the application team is the same?](#)

Answer: Each section of the Generation 26 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.

13. [Must prompts be restated on the Response page?](#)

Answer: Applicants are not required to restate prompts on the Response page(s).

14. [Can multiple districts be added to each line of the Geographic Boundary Table?](#)

Answer: The Geographic Boundary Table provides enough space to add multiple districts per line.

15. [Must an applicant create multiple enrollment summary tables if they propose to open multiple campuses?](#)

Answer: Applicants proposing multiple campuses in Year 1 may cite each campus within the data fields provided in the table.

As an example.

Grade Level	Projected Number of Students					At capacity
	Year 1	Year 2	Year 3	Year 4	Year 5	
EE3						
PK 4						
K	Campus 1: 50 Campus 2: 150					
1	Campus 1: 75 Campus 2: 70					

16. [Are graphics permitted in the application?](#)

Answer: Graphics may be inserted within the application.

17. How is the Table of Contents completed?

Answer: Applicants will complete the Table of Contents that is included in the Responses 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.

18. How will TEA confirm receipt of all paper application submissions?

Answer: Agency staff will confirm receipt of all paper applications within five (5) business days to the email address listed in the application, barring any mandatory agency closures which may cause a delay in response.

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.

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. Under what circumstance(s) are student enrollment auditions allowed? *What if the school offers another program in conjunction with the performing arts?*

Answer: The only circumstance where an open-enrollment charter school may require an audition is when the charter school specializes in one or more performing arts. This type of charter school may require an applicant to audition for admission to the school in addition to completing and submitting the common admission application form.

A school implementing another program in conjunction with the performing arts program may not be considered to "specialize" within the context of this statutory provision.

See Texas Education Code Section 12.1171-Admission to Open-Enrollment Charter Schools Specializing in Performing Arts.

4. Is it permissible to define a geographic boundary by a zip code/city/town etc.?

Answer: A geographic boundary is defined by a traditional school district. An applicant may specify a “primary” boundary using counties, zip codes, cities, communities or streets.

5. [What is the ideal size for a geographic boundary?](#)

Answer: Geographic boundaries should be a reasonable and realistic reflection of the proposed school’s mission, vision, and plans for any long-term growth.

However, applicants should be thoughtful and prepared to justify an overly large geographic boundary or the viability of an extremely small boundary.

6. [Do non-contiguous school districts form one collective geographic boundary or multiple geographic boundaries?](#)

Answer: Geographic boundaries are the total collection of traditional school district boundaries that define enrollment eligibility for a charter school. *These districts do not have to be contiguous.* Many charter operators have campuses in multiple cities, and consequently, possess non-contiguous traditional school districts within their geographic boundary.

7. [What is ideal enrollment in order to remain viable in Year 1 \(and beyond\)? Is there a minimum?](#)

Answer: While there is no minimum required enrollment outlined in state law, it is estimated that an enrollment projection that would support the financial viability of a charter school funded solely with state funding is approximately 250 students. 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.

See Texas Administrative Code Section §100.1015(b)(1)(D)

8. [When are newly authorized charter schools eligible to expand their geographic boundaries? What if we meet our at-capacity sooner than expected?](#)

Answer: Charter schools may apply for expansion (including geographic boundary or maximum enrollment) after their third year of operation and must meet all applicable expansion criteria .

9. [Does the term “at-capacity” refer to each district within the geographic boundary? Or is it a collective projection?](#)

Answer: At-capacity enrollment refers to a collective charter-level projected enrollment.

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.

10. [Are students who live outside of the geographic boundary eligible for enrollment and funding under specific circumstances?](#)

Answer: Charter schools may enroll students, regardless of their geographic boundary if they are: (i) a child of an employee of the school; or (ii) identified as homeless.

Enrolling any other students who reside outside of the approved geographic boundary is considered to be a violation of the charter. Consequently, those students will not generate funding and the state may recoup any prior allocated funds and/or pursue action against the charter for violation of contract terms.

See Texas Education Code Section §12.117(d) and 42 U.S. Code §11.431 (McKinney-Vento Act)

11. What is the definition of documented discipline history?

Answer: Documented discipline history indicates a student was subject to a disciplinary action that resulted from an offense which has been documented by a reason code explaining the offense and resulting in disciplinary action. These include behaviors identified in Texas Education Code Sections 37.006 and 37.007 and any disciplinary actions that are reflected on a student's PEIMS 425 Student - Disciplinary Action records.

SCHOOL DESIGN

1. May applicants propose a virtual charter school?

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

2. Must the curriculum address all proposed grade levels?

Answer: New Operators must include only a sample course and sequence for one course in a state-assessed core content area that will be taught by the school's third year of operation.

3. Are there samples of successful applications with highly rated curriculum and instruction sections?

Answer: Applicants may view approved proposals on the Charter School Portfolio page at http://castro.tea.state.tx.us/charter_apps/production/applications.html.

4. For applicants using the Generation 26 Experienced Operator Application, if school performance is assessed by the state, but the authorizer is an LEA, should we submit the state assessment (Attachment 7)?

Answer: Experienced operators should submit all relevant accountability ratings/assessment data from the appropriate authorizer or regulatory entity within that specific state that reflects the academic accountability of the charter and the students served.

SPECIAL POPULATIONS

1. Who administers the English Language Proficiency (ELP) test if a student speaks a language outside of staff expertise?

Answer: For students who speak a language other than Spanish, a school would only administer the language proficiency test in English to consider if the student is fluent or not fluent.

2. 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.

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 at the time of application submission.

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 Texas Government Code.

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. Unlike the board of directors/governing board, an advisory board does not have decision-making authority and cannot issue directives that must be followed.

Rules regarding the duties of an advisory board are outlined in a sponsoring entity's Bylaws.

4. 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, should be registered as board members with the Secretary of State.

5. 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.

6. Can board members submit Financial Support Letters of any denomination if the charter application is approved?

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

7. Must all board members reside in Texas?

Answer: A majority of the governing body of an open-enrollment charter holder must be eligible to vote in Texas.

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.

8. May a board member resign and accept a position of employment 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. The board that is presented in the final application are presumed to be individuals chosen to execute the proposal with fidelity over the course of the charter school's foreseeable life cycle.

However, 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 answer "yes" in the Board Member Biographical Affidavit-Question 9.

The Agency may question the motives and sincerity of the applicant if a significant number of board members have plans to or in fact resign for employment opportunities with the charter school.

9. *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

10. *May an assistant superintendent from a Traditional ISD be on your charter board?*

Answer: An employee of an independent school district or a member of the independent school district's board of trustees may serve on a charter school governing board.

11. *What is the hiring structure of an open-enrollment school?*

Answer: The board (aka the charter school governing board) is tasked with hiring the superintendent, who in turn, will hire school staff.

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

Answer: The superintendent may not serve as a member of the charter school board.

TALENT MANAGEMENT

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

Answer: The superintendent is charged with the duties of, or acting as, a chief operating 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.

See Texas Administrative Code Texas Administrative Code, Section 100.001.

2. [May the same individual serve as both superintendent and principal?](#)

Answer: The superintendent may also serve as campus principal.

3. [What are the certification and educational requirements for superintendents and teachers?](#)

Answer: Superintendents and principals of open-enrollment charter schools are not required to meet certification standards applicable to their traditional ISD counterparts.

All teachers and principals at open-enrollment charter schools must have at least a baccalaureate degree. 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).

4. [Should experienced operators include centralized roles in the Staffing Chart-Attachment 22 and Supplemental Human Resource Forms-Attachment 23? Or are they intended to be school-based staff only?](#)

Answer: Experienced operators should provide a full representation of all roles associated with the charter school and its operations; this should include all school-based staff including central office administrators.

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 in August 2022.

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 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. Must charter schools provide storm shelters for students and staff?

Answer: The state of Texas does not regulate municipal building codes. There may be instances where municipalities pass ordinances that would necessitate specific building features. However, the applicant has the responsibility to inquire with those municipalities regarding facility requirements that may affect their proposal.

5. 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.

6. May Generation 26 charter school awardees open earlier than August 2022?

Answer: As outlined in the application, all Generation 26 charter school awardees will begin serving students during the Fall semester of 2022. There are no provisions for early openings; however, a one-year delayed opening is permissible, but must be formally requested and approved by the commissioner of education. Foreseeable delays should be calculated in an applicant’s decision to submit a Generation 26 Application for an Open-Enrollment Charter School.

7. [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 operations. The Education Service Centers (ESC) are also a valuable resource tool for charter school operators, including PEIMS training.

See Texas Education Code Section §12.104(b-1)

8. [May charter schools give student vacation days for religious holidays?](#)

Answer: Public schools in Texas may provide school holidays for secular purposes—such as a winter break, spring break, or other district holidays that may fall around traditionally religious holidays.

9. [Must an open-enrollment charter school offer 75,600 minutes? Does it include lunch and recess?](#)

Answer: Districts and charter schools are required to provide instruction of at least four (4) hours a day in order for a student to be considered full-time. Districts must operate each campus for a minimum of 75,600 minutes per school year. The change from 180 days to 75,600 minutes was made to provide districts and charter schools more flexibility when scheduling and planning. For example, they could build a longer school day—in minutes—but shift to a smaller number of total school days. Additionally, if the public school district or charter school experiences inclement weather and has to close school for any number of days, the district or charter school can extend the school day by a corresponding number of minutes for the remainder of the school year to make up for the time away.

These requirements were established with the passage of House Bill 2610 and first implemented during the 2016-2017 school year.

For more information on HB 2610 (TEC §25.081):

https://tea.texas.gov/sites/default/files/House_Bill_2610FAQv_6.pdf

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.

See Texas Administrative Code Section §§100.1001(13)(14)

FACILITIES

1. [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.

2. [In the absence of a final design for the campus, should experienced operators provide general plans from campuses in other regions as examples?](#)

Answer: Should general campus plans from within the experienced operator's network be available and if it is the intent for the affiliated entity to use such plans, they should be submitted.

3. [Must an applicant have an identified location or facility at the time of application submission?](#)

Answer: At minimum, an applicant must identify the (i) county and general location of the proposed facility on the Applicant Coversheet section; and (ii) address all narrative questions

in the Facilities-Unidentified section of the Instructions and Guidance document if a facility has not been identified.

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.

FINANCE

1. [Must a charter school show proof of financial backing as part of the application review and determination?](#)

Answer: Although financial commitments and supports are not requirements of the Generation 26 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 submitting an application. 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.

4. [Why is it important to budget with a daily attendance rate of 80%? What happens if you estimate 80% 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. A reasonable planning estimate of \$6,424 per student, which accounts for a daily attendance rate of 80%, should be used when planning and developing the budget.

Funding for newly authorized charter schools is based on these projections for their initial or first year calculations. Funding is then adjusted to reflect actual student attendance for the remainder of the school year based on attendance submission. In the event that attendance is higher than projected, the Agency would increase funding, and inversely, would decrease funding where attendance is lower than anticipated.

5. [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.

6. [Have the latest House Bill 3 \(TEC §11.184\) funding formulas been included in the Financial Plan Workbook?](#)

Answer: House Bill 3 formulas have been included in the Generation 26 Financial Plan Workbook. **Please note, an errata was issued on November 6, 2020, to include a Financial Plan Workbook that incorporates considerations of House Bill 3 formulas.** Any applicants that downloaded a Financial Plan Workbook prior to November 6, 2020, should download the updated workbook for application completion and submission.

7. [Which paid services must be included?](#)

Answer: Applicants must describe all costs anticipated during the start-up year, including all contracted services.

8. [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. This funding opportunity is not available during the start-up year.

See the 2020-21 Student Attendance Accounting Handbook (SAAH)- Subsection 3.8.3

9. [How are multiple campuses in Year 1 reflected in the Financial Plan Workbook?](#)

Answer: The budget narrative should describe that the amounts are for the number of proposed campuses and then breakdown the amounts in the narrative that apply to each campus separately. The applicant should also use the notes or descriptions for each line item in the Excel workbook to document that the total amount entered is for campus 1 and campus 2, etc.

10. How are Pre-K students counted in the Financial Plan Workbook 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 who qualify under any of these sub-populations should be counted as 1 in the Financial Plan Workbook.

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 26 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. 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.

4. If our sponsoring entity is awarded a Generation 26 charter and receives the CSP Start-Up Grant, how much time do we have to use that grant award?

Answer: The Texas Education Agency (TEA) anticipates a grant project period of October 1, 2021 through September 30, 2023, for the Generation 26 CSP Start-Up Grant.

5. Is it possible to be awarded a charter but not receive the CSP Start-Up Grant?

Answer: It is possible for a charter school to be authorized via the Generation 26 charter application process and not receive a CSP Start-Up Grant award. 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).

Pursuant to Section 4310 of the Every Student Succeeds Act (ESSA), the term *charter school* means "a public school that —

(A) in accordance with a specific State statute authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the flexible operation and

management of public schools, but not from any rules relating to the other requirements of this paragraph;

(B) is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

(C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;

(D) provides a program of elementary or secondary education, or both;

(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

(F) does not charge tuition;

(G) complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly referred to as the "Family Educational Rights and Privacy Act of 1974"), and part B of the Individuals with Disabilities Education Act;

(H) is a school to which parents choose to send their children, and that

(i) admits students on the basis of a lottery, consistent with section 4303(c)(3)(A), if more students apply for admission than can be accommodated; or

(ii) in the case of a school that has an affiliated charter school (such as a school that is part of the same network of schools), automatically enrolls students who are enrolled in the immediate prior grade level of the affiliated charter school and, for any additional student openings or student openings created through regular attrition in student enrollment in the affiliated charter school and the enrolling school, admits students on the basis of a lottery as described in clause (i);

(I) agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such State audit requirements are waived by the State;

(J) meets all applicable Federal, State, and local health and safety requirements;

(K) operates in accordance with State law;

(L) has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any

other assessments mutually agreeable to the authorized public chartering agency and the charter school; and

(M) may serve students in early childhood education programs or postsecondary students.”

6. [What are allowable expenses for start-up costs under the CSP Start-Up Grant?](#)

Federal CSP funds can be used for post-award planning and design of the educational program and initial implementation of a charter school.

Planning activities may include refinement of the desired educational results and the methods for measuring progress toward achieving those results and professional development of teachers and other staff who will work in the charter school.

Initial implementation activities may include: (i) informing the community about the school; (ii) acquiring necessary equipment and educational materials and supplies; (iii) acquiring or developing curriculum materials; and (iv) other initial operational costs that cannot be met from State or local sources.

Allowable activities and use of funds for this grant may include but are not limited to the following:

[Out-of-State Travel](#)

Out-of-state travel costs may be funded under this grant program. Out-of-state travel costs should be minimal. Travel costs are allowable as long as the expenses for transportation, lodging, subsistence, and related items are only incurred by employees on official business of the grantee and follow the grantee’s regular business operations and written travel policy.

Out-of-State travel will require a written justification form to be maintained locally and made available to TEA upon request. To access the Out-of-State Travel Justification form, refer to the [Administering a Grant](#) page.

Travel Costs for Officials such as Executive Director, Superintendent, or Board Members.

Travel costs for officials such as the executive director, superintendent, or board members may be funded under the grant program. Only travel costs to attend professional development or training associated with the initial planning and design of the educational program, including curriculum planning and development, are allowable for these positions.

[General Allowable Activities and Use of Funds](#)

- Teacher, school leader, and specialized instructional support personnel (specialized instructional support personnel can be charter campus based or new charter management organization staff dedicated to providing instructional supports) 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 initial implementation activities (i.e., as opposed to ongoing operations), such as (i) informing the community about the campus; (ii) acquiring necessary equipment and educational materials and supplies; (iii) acquiring or developing curriculum materials; and (iv) teacher and staff recruiting (Note: If personnel split their time between ongoing operational activities and initial implementation activities, only that portion of the time associated with initial implementation of the charter school campus is allowable as an initial operational cost. The charter school campus must maintain accurate time and effort records to document the amount of time each employee works on tasks related to the initial implementation of the charter school campus. ESSA defines the term “specialized instructional support personnel” as “school counselors, school social workers, and school psychologists; and other qualified professional personnel, such as school nurses, speech language pathologists, and school librarians, involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services, including related services as that term is defined in section 602 of the Individuals with Disabilities Education Act [20 U.S.C. 1401] as part of a comprehensive program to meet student needs.”)
- Teacher, school leader, and specialized instructional support personnel salaries (specialized instructional support personnel can be charter campus based or new charter management organization staff dedicated to providing instructional supports), 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 activities (i.e., as opposed to ongoing operations), such as refinement of the desired educational results and the methods for measuring progress toward achieving those results and professional development of teachers and other staff who will work in the charter school campus, that occur by the 30th day of operation (Note: If personnel split their time between ongoing operational activities and planning activities, only that portion of the time associated with conducting the planning activities is allowable as an initial operational cost. The charter school campus must maintain accurate time and effort records to document the amount of time each employee works on tasks related to the planning activities associated with the charter school campus. ESSA defines the term ‘specialized instructional support personnel’ as “school counselors, school social workers, and school psychologists; and other qualified professional personnel, such as school nurses, speech language pathologists, and school librarians, involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services, including related services as that term is defined in section 602 of the Individuals with Disabilities Education Act [20 U.S.C. 1401] as part of a comprehensive program to meet student needs.”)

- 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 technology, physical education and art, and playground equipment
- Costs associated with the installation of computers, data systems, networks, and telephones
- Rental or occupancy costs for the school facility, up to the first 30 days of the initial implementation phase, in preparation for the opening of the charter school campus
- Costs associated with carrying out necessary renovations and minor facilities repairs (excluding construction) to ensure that a new school building complies with applicable statutes and regulations [Examples of minor facilities repairs may include repairing a leak in the roof, replacing a broken window, and repairing a furnace or air conditioning unit. In essence, minor facilities repairs neither add to the permanent value of the property nor appreciably prolong its intended life, but rather, keep it in efficient operating condition (2 CFR 200.452).]
- One-time, startup costs associated with providing transportation to students to and from the charter school campus
- Special education support
- Financial management software and training
- Professional development/training for teachers and staff, including travel and registration fees
- Implementing PEIMS
- Property insurance to cover equipment purchased with grant funds
- Other operating costs expended on allowable activities that cannot be supported from other state or local sources

7. [What are unallowable expenses for start-up costs under the CSP Start-Up Grant?](#)

Answer: In general, refer to the Budgeting Cost Guidance Handbook on the Administering a Grant page for unallowable costs.

- Field Trips
- Advisory Councils
- Memberships in civic or community organizations
- Hosting or sponsoring conferences
- In addition, unallowable activities and use of funds for this grant may include but are not limited to the following:
 - Debt service (lease-purchase)
 - Food

- Salaries or contracted personnel beyond the first 30 days of the initial implementation phase of the charter school campus, which starts the day the campus begins to serve students
- Rental or occupancy costs for the school facility beyond the first 30 days of the initial implementation phase, which starts the day the campus begins to serve students
- Lease/rental of equipment
- Purchase or lease of land or real estate
- Construction
- Consumable instructional or other supplies and materials
- Accounting/bookkeeping services except for the purchase of accounting software to comply with Federal Acquisition Regulation (FAR)
- Ongoing costs associated with transportation for students to and from the charter school campus during the regular school day
- Annual audit services
- Ongoing food service
- Other property and liability insurance
- Interest on loans
- Deposits of any kind, such as security deposits or service deposits
- Religious instruction, materials, or insignia
- Extra-curricular activities such as University Interscholastic League (UIL), competitions, athletic programs that are not part of the state-required physical education program, and clubs (e.g., chess club)

8. [Must applicants be affiliated with a Charter Management Organization \(CMO\) to be eligible for the CSP Start-Up Grant?](#)

Answer: An applicant does not have to be affiliated with a CMO to be eligible to apply for a charter or to receive CSP Start-Up Grant funds. An applicant affiliated with a CMO will have to disclose if the CMO currently receives or will receive CSP funding directly from the USDE.

9. [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.

10. [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.

11. [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.

12. [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.

13. [Must the school facility be within the Qualified Opportunity Zone to be eligible for a priority point? Or does it just have to enroll students who reside within the QOZ?](#)

Answer: The charter school facility must be located within the boundary of a Qualified Opportunity Zone (QOZ) to be eligible to receive any priority points associated with this initiative.

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.

2. Can an application be modified (and resubmitted) if it is submitted before the official deadline?

Answer: An application is received in its final form and not eligible for subsequent modification and resubmission.

3. Is there a file size limit on the digital uploads?

Answer: There are no foreseeable file size limitations. Sharefile is equipped to handle all digital uploads of the application, including attachments and addendums.

4. What is the No-Contact Provision?

Answer: Applicants may contact TEA staff for clarifications regarding required fields in the application, and for assembly procedures; however, an applicant must not initiate contact with any TEA staff or SBOE member regarding the content of the application submitted until 90 days after the commissioner proposes the Generation 26 open-enrollment charter(s) for award.

REVIEW & SCORING

1. What training is required of external evaluators? How do you ensure their personal biases do not affect their scores?

Answer: External reviewers are chosen by a selective and rigorous application process. Readers are expressly instructed to refrain from personal biases throughout their duties. However, external reviewers bring extensive experience with charter school administration and thus are expected to incorporate that experience during their review.

2. What are the specific qualifications of those selected as external reviewers?

Answer: Reviewers are chosen from a Request for Qualification. All prospective reviewers are required to be highly qualified individuals with demonstrated charter school experience including: full-time employment as a charter leader (district, campus, or board), current or former employment as a charter school instructor, employment as a regional education service center employee with direct support of charter schools, employment with a charter school authorizer, and/or employment with a charter school support organization. Awarded contractors must be individuals with the knowledge and skills associated with one or more of the following:

- Curriculum and instruction,
- Education service and delivery,
- Charter school organization and management,
- Facilities use and management,
- Pedagogy,
- Innovative education programs or technologies,
- Assessments, diverse learning populations, school leadership, human resources, school finance, and/or
- Charter school governance and policy.

3. *How are applications assigned to external evaluators? Are returning applications assigned to the same external reviewers?*

Answer: Applications are randomly assigned to external reviewers.

4. *Who is required to participate in the capacity interview? Who may participate?*

Answer: All applicants that hold *501(c)(3) Nonprofit Corporation* status MUST have both: (i) the president of the governing board of the sponsoring entity; and (ii) the superintendent (if identified) in attendance at the capacity interview. Other members of the governing board and application team may be allowed to attend.

Applicants that qualify as *Institutions of Higher Education* MUST have: (i) at least one faculty member who currently supervises the college or university's program; and (ii) the superintendent (if identified) of the proposed charter school in attendance at the capacity interview.

5. *How are points awarded in the scoring process?*

Answer: The scoring rubric for each application is available through the *Application Documents* tab on each application page (<https://tea.texas.gov/texas-schools/texas-schools-charter-schools/charter-school-applicants>). Each criterion is scored on either a 0-1 point scale, or a 0-2 point scale.

6. *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.

7. *What are common mistakes that hinder an applicant's status?*

Answer: The following are some of the most common issues that may hinder an applicant's status:

- (i) Under planning for special populations

- (ii) Overestimating enrollment
- (iii) Making financial assumptions that cannot be proven
- (iv) Failing to include all/correct geographic boundaries
- (v) Not sending emailed notifications for public meetings
- (vi) Failing to send impact statements to all required individuals
- (vii) Not assembling the application correctly
- (viii) Breaking the no-contact provision
- (ix) Failing to note copyrighted material; and
- (x) Waiting until the last minute to upload and mail