



COVID-19 Related Waivers July 7, 2020

(512) 463-9000

disasterinfo@tea.texas.gov

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The following is a summary of COVID-19 related waivers and accommodations.

LEA Waiver Submission Required

[Missed School Day/Instructional Continuity Attestation While Closed](#)

[Educator/Principal/Administrator Appraisal](#)

[CPR Instruction Requirements](#)

[Instructional Materials Inventory Requirement](#)

[Armed Services Vocational Aptitude Battery \(ASVAB\) Test](#)

[Annual Financial Report Due Date](#)

[TXVSN Course Review and/or Teacher Professional Development Requirements](#)

[Alternate K and/or 7th Grade Reading Instruments Requirement](#)

[Parent Notice Requirements for Students at Risk of Failure](#)

LEA Action Required; No Waiver Submission Required

[Attestation of Off-Campus Programs Approved for Purposes of Average Daily Attendance](#)

[Screening and Treatment for Dyslexia and Related Disorders](#)

[Voluntary Summer Special Language Program Requirements](#)

No Waiver Submission Required
<u>Educator Preparation Program Coursework Requirements and Accountability</u>
<u>Educator Preparation and Certification</u>
<u>Intern and Emergency Permit Waiver</u>
<u>Federal Grant Requirements</u>
<u>Minimum Attendance</u>
<u>School Board Member Training</u>
<u>State Academic Assessment Requirements</u>
<u>FitnessGram Assessment and Reporting</u>
<u>College Preparation Assessment</u>
<u>Gifted and Talented Identification</u>
<u>2019-2020 Statewide Assessment, Accountability and Reporting Requirements (Elementary and Secondary Education Act (ESEA), as Amended by Every Student Succeeds Act (ESSA)</u>
<u>Alternate Educational Setting Amendment (Charter Schools Only)</u>
<u>Failure to Operate (Charter Schools Only)</u>
<u>Regulatory Suspensions to Facilitate Services to Dyslexia Therapy Clients</u>
<u>Regulatory Suspensions to Facilitate Services to Speech-Language Pathologist and Audiologist Clients</u>
<u>Required License to Operate a Child-Care Facility</u>

Per TEC, §7.056, the following steps are required for all waivers that require action on the part of LEAs:

- A campus- or district-level committee established under TEC, §11.251, must review the waiver and have the opportunity to provide written comments;
- The school board must approve the waiver at a public meeting.
 - The board agenda from the meeting at which the waiver request was approved must be attached to the waiver. If the waiver was not specifically approved at a meeting, the board resolution delegating COVID-19 related waiver request authority to its superintendent must be provided. For more information, see the [School Board FAQs](#).

The following table details waivers that require LEA action, the associated TEAL waiver type that must be submitted, and applicable requirements and instructions.

Waiver	TEAL Waiver Type	District-Level Committee Review (Y/N)	Board Approval (Y/N)	Required Attachments	Information Specific to the Waiver	Due Date
Missed School Day	Missed School Days	Y	Y	Board Agenda Instructional Continuity Attestation While Closed	Instructions	7/3/20
Educator/Principal/Administrator Appraisal	Other	Y	Y	Board Agenda	Instructions	7/5/20
CPR Instruction Requirements	Other	Y	Y	Board Agenda	Instructions	7/5/20
Instructional Materials Inventory Requirement	Other	Y	Y	Board Agenda	Instructions	7/5/20
Armed Services Vocational Aptitude Battery (ASVAB) test	Other	Y	Y	Board Agenda	Instructions	7/5/20
Annual Financial Report Due Date	Other	Y	Y	Board Agenda	Instructions	11/27/20
TXVSN Course Review and/or Teacher Professional Development Requirements	Other	Y	Y	Board Agenda	Instructions	9/30/20
Alternate K and/or 7th Grade Reading Instruments Requirement	Other	Y	Y	Board Agenda	Instructions	9/30/20
Parent Notice Requirements for Students at Risk of Failure	Other	Y	Y	Board Agenda	Instructions	7/5/20

Missed School Day Waiver/Instructional Continuity Attestation While Closed

Statute: Texas Education Code, §25.081

Waiver Submission Required: YES

Requirements:

- Submission of “Missed School Day” waiver in TEAL Waivers application;
- TEC §11.251, (district-level planning), committee review or comments;
- Board approval; and
- Signed attestation

Resources/Guidance:

- See the “Attendance and Enrollment” section of the agency’s COVID-19 Support: District Waivers, Finance & Grants webpage for:
 - Attendance and Enrollment FAQ
 - Instructions for Submitting a Missed School Day Waiver
 - Instructional Continuity Attestation While Closed



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Educator/Principal/Administrator Appraisal Waiver

Statute: Texas Education Code, §§21.351, 21.352, 21.354, 21.3541, and applicable rules in 19 Texas Administrative Code, Chapter 150

Waiver Submission Required: YES

Requirements:

- Submission of “Other” waiver in TEAL Waivers application;
- TEC §11.251, (district-level planning), committee review or comments; and
- Board approval

Resources/Guidance:

- See the “Current Educator Evaluation and Support” section of the agency’s COVID-19 Support: Texas Educators webpage for:
 - Guidance for Current Educators and Staff - Educator Evaluations and Non-renewal
 - Instructions for Submitting an Educator Appraisal Waiver



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CPR Instruction Requirements Waiver

Statute: Texas Education Code, §28.0023 and applicable rules in 19 Texas Administrative Code, §74.38

Waiver Submission Required: YES

Requirements:

- Submission of “Other” waiver in TEAL Waivers application;
- TEC §11.251, (district-level planning), committee review or comments; and
- Board approval

Resources/Guidance:

- See the “Graduation 2020” section of the agency’s COVID-19 Support: Academics webpage for:
 - 2020 Seniors Guidance and Graduation FAQ
 - Steps for Submitting a CPR Waiver

Instructional Materials Inventory Requirement Waiver

Statute: Texas Education Code, §31.003 and 19 Texas Administrative Code, §66.107(a)

Waiver Submission Required: YES

Requirements:

- Submission of “Other” waiver in TEAL Waivers application;
- TEC §11.251, (district-level planning), committee review or comments; and
- Board approval

Resources/Guidance:

- See the “Instructional Materials” section of the agency’s COVID-19 Support: Academics webpage for:
 - Instructional Materials FAQ
 - Steps for Submitting an Instructional Materials Inventory Waiver

Armed Services Vocational Aptitude Battery (ASVAB) Test Waiver

Statute: Texas Education Code, §29.9015

Waiver Submission Required: YES

Requirements:

- Submission of “Other” waiver in TEAL Waivers application;
- TEC §11.251, (district-level planning), committee review or comments; and
- Board approval

Resources/Guidance:

- See the “Other Assessments” section of the agency’s COVID-19 Support: Student Assessment webpage for:
 - ASVAB FAQ
 - Instructions for submitting an ASVAB Waiver

Annual Financial Report November 27th Due Date Requirement Waiver

Statute: Texas Education Code, §44.008, and applicable rules in 19 Texas Administrative Code, §109.23 and the Financial Accountability System Resource Guide

Waiver Submission Required: YES

Requirements:

- Submission of “Other” waiver in TEAL Waivers application;
- TEC §11.251 (district-level planning), committee review or comments; and
- Board approval

Resources/Guidance:

- See the “State Funding” section of the agency’s COVID-19 Support: District Waivers, Finance & Grants webpage for:
 - Instructions for Submitting an Annual Finance Report Due Date Extension Waiver

TXVSN Course Review and/or Teacher Professional Development Requirements Waiver

Statute: Texas Education Code, §30A.105(a)(2) and/or §30A.111(a)(2), and 19 Texas Administrative Code, §70.1027(a)(1)

Waiver Submission Required: YES

Requirements:

- Submission of “Other” waiver in TEAL Waivers application;
- TEC §11.251 (district-level planning), committee review or comments; and
- Board approval

Resources/Guidance:

- See the “Virtual School Network” section of the agency’s COVID-19 Support: Academics webpage for:
 - Texas Virtual School Network FAQ

Alternate K and/or 7th Grade Reading Instruments Requirement

Statute: Texas Education Code, §28.006(c-1) and/or §28.006(c-2)

Waiver Submission Required: YES

Requirements:

- Submission of “Other” waiver in TEAL Waivers application;
- TEC, §11.251 (district-level planning), committee review or comments; and
- Board approval

Resources/Guidance:

- See the “Other Assessments” section of the agency’s COVID-19 Support: Student Assessment webpage for:
 - Reading Diagnostic Instruments Guidance

Parent Notice Requirements for Students at Risk of Failure

Statute: Texas Education Code, §28.0211(d)(3) and 19 Texas Administrative Code, §101.2009(b)

Waiver Submission Required: YES

Requirements:

- Submission of “Other” waiver in TEAL Waivers application;
- TEC, §11.251, (district-level planning), committee review or comments; and
- Board approval; and
- Send parental notice of students at risk of failure when the 2020-21 school year begins

Resources/Guidance:

- See the “STAAR Assessment” section of the agency’s COVID-19 Support: Student Assessment webpage for:
 - Instructions for Submitting a Parent Notification for Students at Risk of Failure Waiver

Attestation of Off-Campus Programs Approved for Purposes of Average Daily Attendance

Statute: Texas Education Code, §48.007

Waiver Submission Required: **NO**

Requirements:

- Signed attestation;
- Submit to schooaudits@tea.texas.gov

Resources/Guidance:

- See the “Attendance and Enrollment” section of the agency’s COVID-19 Support: District Waivers, Finance & Grants webpage for:
 - Attendance and Enrollment FAQ
 - Instructional Continuity Attestation While Open
- See the “State Funding” section of the agency’s COVID-19 Support: District Waivers, Finance & Grants webpage for:
 - General State Funding FAQs

Screening and Treatment for Dyslexia and Related Disorders

Statute: Texas Education Code, §38.003

Waiver Submission Required: **NO**

Requirements:

- Must comply with emergency rules issued by Commissioner (see below)

Resources/Guidance:

- See the “Resources and Information for Students with Disabilities” section of the agency’s [COVID-19 Support: Special Education](#) webpage for:
 - COVID19 Special Education Q&A
- See the “[Early Childhood](#)” section of the agency’s [COVID-19 Support: Academics](#) webpage for:
 - Reading Diagnostic Instruments Guidance
- See the [Emergency Commissioner of Education Rules regarding Dyslexia Screening Requirements for 2019-2020 and 2020-2021 School Years](#)

Voluntary Summer Special Language Program Requirements

Statute: Texas Education Code, §29.006(a)(1) and §29.006(a)(2)

Waiver Submission Required: **NO**

Requirements:

- Must comply with requirements - please see guidance below

Resources/Guidance:

- See the “English Learners” section of the agency’s COVID-19 Support: Special Populations webpage for:
 - 2019-2020 English Learner Summer School Guidance and FAQ

Educator Preparation Program Coursework Requirements and Accountability

Statute: Texas Education Code, §21.051,
19 Texas Administrative Code, §§ 228.35(e)(2)(A)(i)(I); 228.35(e)(8);
228.35(e)(6); 228.35(e)(8)(A); 228.35(e)(1)(A); 228.35(e)(1)(B); 228.35(g);
228.35(h); 229.3

Waiver Submission Required: NO

Requirements:

- None

Resources/Guidance:

- See the "[Educator Certification and Preparation](#)" section of the agency's [COVID-19 Support: Texas Educators](#) webpage for:
 - Educator Certification and Preparation Guidance FAQ

Educator Preparation and Certification

Statute: 19 Texas Administrative Code, §§ 228.2(28), 230.1(19), 230.37(c)(1) and (c)(2), 230.37(d)(2), 230.37(e)(2)(B) and (e)(3)

Waiver Submission Required: **NO (eligible teacher and non-teacher candidates must submit an application for a probationary certificate, however)**

Requirements: This waiver applies only to those candidates who meet the following criteria:

- Teacher candidates who completed clinical teaching during Fall 2019 and/or Spring 2020 and are designated as having completed all preparation requirements by their educator preparation program;
- Teacher candidates who completed an internship during Spring 2020 and are designated as having completed all preparation requirements by their educator preparation program; or
- Non-teacher candidates who completed a practicum during Fall 2019 and/or Spring 2020 and are designated as completing all requirements of their educator preparation program.

Resources/Guidance:

- See the "[Educator Certification and Preparation](#)" section of the agency's [COVID-19 Support: Texas Educators](#) webpage for:
 - Educator Certification and Preparation Guidance FAQ
 - EPP Instructions to Issue a Probationary Certificate Authorized by Emergency Waivers
 - Candidate Instructions for Applying for a Probationary Certification



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Intern and Emergency Permit Waiver

Statute: Texas Education Code, §21.051(b), and 19 Texas Administrative Code, §§228.2(21), 230.36(d), 230.71(b), 230.73(d), 230.73(f), 230.81(2), 230.83(c), 228.35(e)(6), 228.35(e)(8)(A), 228.35(g)(1), 228.35(e)(1)(A), 228.35(e)(1)(B), and 230.36

Waiver Submission Required: NO

Candidate Requirements: YES (Please refer to resources below.)

Educator Preparation Program Requirements: YES (Please refer to resources below.)

Resources/Guidance:

- See the "[Educator Certification and Preparation](#)" section of the agency's [COVID-19 Support: Texas Educators](#) webpage for:
 - Intern and Emergency Certification Waiver FAQ

Federal Grant Requirements

Statute: Every Student Succeeds Act, §§1127(a), 4109(b),
General Education Provisions Act, §421(b),
34 Code of Federal Regulations, §§76.709, 76.703,
Education Department General Administrative Regulations (misc. sections)

Waiver Submission Required: NO

Requirements:

- Public Comment Period Submission to USDE

Resources/Guidance:

- See the “Federal Funding” section of the agency’s COVID-19 Support: District Waivers, Finance & Grants webpage for:
 - Federal Funding and Grants FAQ
 - TAA: Expedited COVID Federal Grant Fiscal Waiver Request to USDE



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Minimum Attendance

Statute: Texas Education Code, §25.092

Waiver Submission Required: **NO**

Requirements:

- None

Resources/Guidance:

- See the “Waivers” section of the agency’s COVID-19 Support: District Waivers, Finance & Grants webpage for:
 - 90% Rule Guidance Updated



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School Board Member Training

Statute: Texas Education Code, §11.159 and 19 Texas Administrative Code, §61.1

Waiver Submission Required: **NO**

Requirements:

- None

Resources/Guidance:

- See the "[School Boards](#)" section of the agency's [COVID-19 Support: General Support](#) webpage for:
 - [School Board FAQs](#)

State Academic Assessment Requirements

Statute: Texas Education Code, §§28.0211,
28.025(c),
39.023(a)/(b)/(c)/(l),
39.025

Waiver Submission Required: NO

Requirements:

- None

Resources/Guidance:

- See the “[STAAR Assessment](#)” section of the agency’s [COVID-19 Support: Student Assessment](#) webpage for:
 - Governor Abbot Waives STAAR Testing Requirements
 - TAA: STAAR Cancellation



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FitnessGram Assessment and Reporting

Statute: Texas Education Code, §§38.101 and 38.103

Waiver Submission Required: NO

Requirements:

- None

Resources/Guidance:

- See the "[FitnessGram](#)" section of the agency's [COVID-19 Support: Student Assessment](#) webpage for:
 - [FitnessGram Assessment and Reporting Guidance](#)



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College Preparation Assessment

Statute: Texas Education Code, §39.0261(a)(3)

Waiver Submission Required: **NO**

Requirements:

- None

Resources/Guidance:

- See the "CCMP" section of the agency's COVID-19 Support: Academics webpage for:
 - SAT, ACT, TSIA, AP/IB FAQ



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Gifted and Talented Identification

Statute: Texas Education Code, §29.122(a) and 19 Texas Administrative Code §89.1(1)

Waiver Submission Required: **NO**

Requirements:

- None

Resources/Guidance:

- See the "[Gifted and Talented](#)" section of the agency's [COVID-19 Support: Special Populations](#) webpage for:
 - G/T

2019-20 Statewide Assessment, Accountability and Reporting Requirements (Elementary and Secondary Education Act (ESEA), as Amended by the Every Student Succeeds Act (ESSA))

Statute:

- Assessment requirements in section 1111(b)(2) for the school year 2019-2020,
- Accountability and school identification requirements in sections §§1111(c)(4) and 1111(d)(2)(C)-(D) that are based on data from the 2019-2020 school year,
- Report card provisions related to assessments and accountability in section 1111(h) based on data from the 2019-2020 school year. These include:
 - §1111(h)(1)(C)(i);
 - §1111(h)(1)(C)(ii);
 - §1111(h)(1)(C)(iii)(I);
 - §1111(h)(1)(C)(iv);
 - §1111(h)(1)(C)(v);
 - §1111(h)(1)(C)(vi);
 - §1111(h)(1)(C)(vii);
 - §1111(h)(1)(C)(xi); and
 - §1111(h)(2)(C) with respect to all waived requirements in § 1111(h)(1)(C) as well as 1111(h)(2)(C)(i)-(ii)

Waiver Submission Required: **NO**

Requirements:

- None

Resources/Guidance:

- See the “[STAAR Assessment](#)” section of the agency’s [COVID-19 Support: Student Assessment](#) webpage for:
 - USDE Approval of Texas ESSA Waiver Request on Assessment and Accountability

Alternate Educational Setting Amendment (Charter Schools Only)

Statute: 19 Texas Administrative Code, §100.1033(b)

Waiver Submission Required: **NO**

Requirements:

- None

Resources/Guidance:

- See the “Charters” section of the agency’s COVID-19 Support: General Support webpage for:
 - Charter Amendments & Funding Items

Failure to Operate (Charter Schools Only)

Statute: 19 Texas Administrative Code, §100.1213(b)

Waiver Submission Required: **NO**

Requirements:

- None

Resources/Guidance:

- See the “Charters” section of the agency’s [COVID-19 Support: General Support](#) webpage for:
 - Charter Amendments & Funding Items

Regulatory Suspensions to Facilitate Services to Dyslexia Therapy Clients

Statute: 16 Texas Administrative Code, §120.90(b)(18)

Waiver Submission Required: **NO**

Requirements:

- None

Resources/Guidance:

- See the COVID-19 webpage of the [Texas Department of Licensing & Regulation](#)
 - NOTE: Questions related to this waiver should be addressed to the TDLR

Regulatory Suspensions to Facilitate Services to Speech-Language Pathologist and Audiologist Clients

Statute: 16 Texas Administrative Code, §§111.210(7)-(12), 111.213(d), 111.216(c), 111.231(9)-(12) and 111.232(b), (d) and (i)

Waiver Submission Required: **NO**

Requirements:

- None

Resources/Guidance:

- See the COVID-19 webpage of the [Texas Department of Licensing & Regulation](#)
 - NOTE: Questions related to this waiver should be addressed to the TDLR

Required License to Operate a Child-care Facility

Statute: Human Resources Code, §42.041

Waiver Submission Required: **NO**

Requirements:

- None

Resources/Guidance:

- See the "[Emergency Child Care Guidance](#)" section of the agency's [COVID-19 Support: General Support](#) webpage for:
 - [Emergency Child Care Guide for Schools](#)