

For information and resources on Instructional Continuity please visit TEA's **Instructional Continuity Planning** page of the [COVID-19](#) web page.

For information and guidance on Special Education please visit TEA's **Special Education** page on the [COVID-19](#) web page.

For information on School Safety please visit TEA's **School Safety FAQ** document on the [COVID-19](#) web page.

## Guidance for Charter Schools FAQs: Section Topics

*Click on the section topics below to go directly to that section of the FAQ*

- [Accountability](#)
- [Amendments](#)
- [Charter School Closure](#)
- [Concerns/Complaints](#)
- [Enrollment](#)
- [Funding](#)
- [Governance](#)
- [Grants](#)
- [Operations](#)
- [Renewal](#)

### Accountability

#### 1. How will this school year affect accountability for charters and charter campuses?

Please refer to the **Accountability FAQ** document on TEA's [COVID-19](#) web page.

#### 2. What is the status of the Charter School Performance Framework (CSPF)?

The CSPF is generated based on data from the previous school year. For example, the 2018 CSPF Report released in August 2019 was generated using 2017-2018 data. As such, COVID-19 will not affect the results of the upcoming 2019 CSPF Report scheduled to be released in June 2020 as it is based on 2018-2019 data. Decisions regarding the 2020 CSPF Report, which will be impacted by the absence of 2019-2020 academic data, have not been finalized.

## Amendments

Please see the agency COVID-19 website for additional information about [Charter Amendments and Funding Items](#).

### **1. Can a charter school change its educational setting without filing an amendment?**

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

Decisions regarding whether a charter holder establishes remote learning opportunities for students in the 2020-2021 school year will be dependent on several factors. Updates will be provided in a timely manner as information becomes more readily available.

Please see the agency COVID-19 website for additional information about [Instructional Continuity](#).

### **2. If a charter schools decides to change to a year-round calendar, will the charter school be required to submit a non-expansion amendment?**

Yes. 19 TAC §100.1033 lists the reasons for which a charter school would be required to file an amendment to change the terms of its open-enrollment charter, including the following: maximum enrollment, grade levels, geographic boundaries, approved campus(es), approved sites, relocation of campus, charter holder name, charter school (district) name, charter campus name, charter holder governance, articles of incorporation, corporate bylaws, management company, admission policy, or the educational program of the school. An amendment must be approved by the commissioner under this subsection. Expanding prior to receiving the commissioner's approval will have financial consequences as outlined in §100.1041(d)(1). Adopting a year-round calendar would be a change to the educational program of the school, requiring a non-expansion amendment. Charter schools considering adopting a year-round calendar for the 2020-2021 school year should make preparations to file a non-expansion amendment with the agency as soon as possible, prior to the beginning of the new school year.

### **3. If charter schools continue with remote learning or adopt hybrid learning due to COVID impact in the 2020-21 school year must amendments be submitted to reflect any curriculum and calendar changes?**

UPDATED  
6/16/2020

**Remote Learning Opportunities** – If a charter holder decides to establish or continue remote learning opportunities for students, the provision in 19 TAC §100.1033(b) related to a change in educational programs is being waived for the time period of July 1, 2020 to June 30, 2021. Charter schools will be excluded from the need to file an amendment reflecting a change in the charter school’s educational plan and will not need to apply for a waiver of provisions set forth in 19 TAC §100.1033(b). In lieu of an amendment request or waiver, the Division of Charter School Administration is requiring notification of the charter holder’s decision to establish remote learning opportunities for the July 1, 2020 to June 30, 2021 time period by sending an email to [charteramendments@tea.texas.gov](mailto:charteramendments@tea.texas.gov). The deadline for notification to the Division of Charter School Administration is August 1, 2020.

UPDATED  
6/16/2020

**4. If charter schools adopt calendar changes, what documents need to be submitted?**

**Adopting a Year-Round Calendar** – Charter schools that decide to change their existing calendar to a year-round calendar or modify their existing calendar for the time period of July 1, 2020 to June 30, 2021 will be excluded from the need to file an amendment reflecting a change in the charter school’s educational plan. All charter schools, whether they keep their existing calendar, change to a year-round calendar, or modify their calendar in another manner, will be required to submit a copy of the calendar for each campus operating under their charter to the Charter School Authorizing and Administration Division prior to August 1, 2020. Charter schools will be notified in July 2020 regarding the process for calendar submission.

**5. Do charter schools still need to submit the campus and charter school calendars to financial compliance staff?**

No; however, TAC §100.1211 (g) requires a charter holder to adopt a school year calendar with fixed beginning and ending dates. The charter school shall submit a copy of the charter school's campus calendars to the TEA division responsible for charter school administration prior to the first day of August of each year. This would not necessarily require an amendment for charter schools.

**6. If a new campus was scheduled to open in the coming fall and needs to postpone, how should that be handled?**

Charter holders with previously approved expansion amendments to open a campus in the fall, that anticipate being unable to open as scheduled, should notify the Charter School Authorizing and Administration Division at [charterschools@tea.texas.gov](mailto:charterschools@tea.texas.gov) as soon as possible to request an extension of their approved expansion amendment.

**7. Would a charter school be able to establish different calendar tracks for the coming year, such as starting elementary on September 1, middle school on September 15, and high school on September 30?**

As long as there is no change to the school's admission and enrollment policy, there is no requirement for submission of an amendment to change the school calendar. Charter schools will be asked to submit their 2020-2021 school calendar(s) to the division of Charter School Authorizing and Administration by July 31 of this year. Instructions regarding submission will be sent to all charter schools in the month of June. Charter schools should keep in mind the potential effects on funding, student attendance accounting, PEIMS, child nutrition, and ESSA compliance when making any changes. In addition, each calendar track would need to meet its respective minute/instructional day requirement to be fully funded.

**8. With the COVID-19 restrictions, does the requirement to file a non-expansion amendment for a charter to remove Pre-K as an approved grade level still stand?**

Yes. The deadline for the non-expansion amendment to remove Pre-K as an approved grade level is extended to July 1, 2020; however, if in July the board decides not to remove the Pre-K grade span, the charter school must implement the [high-quality Pre-K program](#) requirements outlined in HB 3 related to full-day Pre-K as well as the associated teacher certification requirements.

## Charter School Closure

**1. What is the procedure to notify the TEA about a decision to suspend operations due to COVID-19?**

19 TAC §100.1213 requires charter schools to continuously operate during the school year unless a notification to parents has been sent and a request to the commissioner has been submitted and approved notifying them that no instruction is being offered and the school is closing down until further notice. Charter schools were excluded from the need to file the advance notification to parents outlined in TAC §100.1213, and did not have to file a dormancy amendment with the commissioner; rather, the charter school should have provided notification of the suspension of operations to both [disasterinfo@tea.texas.gov](mailto:disasterinfo@tea.texas.gov) and the Charter School Authorizing and Administration Division at [charterschools@tea.texas.gov](mailto:charterschools@tea.texas.gov). Charter schools did not need to apply for the waiver of these provisions. Please note that if a charter school suspended operations prior to meeting their minutes/instructional day requirements, funding could be impacted.

Any closure of charter school that is not Covid-19 related must still follow the notification provisions outlined in 19 TAC §100.1213.

## Concerns/Complaints

Please see the TEA Complaints website for more information about [Complaints](#).

**1. How can parents, teachers, or students express concerns related to the COVID response at a charter school?**

All complaints should still go through the steps outlined in a charter school’s process for handling complaints. If the school has a grievance process laid out in its student and parent handbook, those steps should be followed. Individuals will typically initiate the process with the principal of the campus, and if a satisfactory resolution is not reached, the complaint will continue through the levels outlined in the school’s complaint process. Specific contact information for an individual charter school can be obtained by contacting the Charter School Authorizing and Administration Division directly by phone at 512-463-9575 or via email at [CharterSchools@tea.texas.gov](mailto:CharterSchools@tea.texas.gov). Please note that the agency only has jurisdiction over certain complaints; matters of local policy are not within the jurisdiction of the agency.

To file a formal complaint to TEA about public school district or public charter school actions and/or educator misconduct, you must allege **in writing** that a school district, charter school, and/or a certified educator has violated a law or rule within the jurisdiction of TEA. Refer to the [complaint process](#) of **Division of Compliance & Inquiries** for more information, forms, and contacts.

Parents of special education students with concerns about special education rights can file their complaints directly with the TEA. Refer to the [Division of Special Populations complaint process](#) for more information, forms, and contacts for filing a special education-related complaint.

## Enrollment

Please see the agency COVID-19 website for additional information about [Enrollment and Attendance](#).

**1. If a child was expelled from a charter school right before the public schools across Texas were closed, how would the child enroll with a local ISD? Does the charter school have to take such students back until the ISD is open again?**

The local school district should have an educational continuity plan in place to facilitate enrolling students. Charter schools are not obligated to reenroll an expelled student; however, the charter school must ensure that the student was expelled for a reason outlined in the school’s student code of conduct and that all procedures for expulsion as outlined in the school’s policy manual were followed.

**2. Can we withdraw a student whom we have been unable to contact and has not been participating in my charter school’s instructional continuity plan?**

Please refer to the **Attendance and Enrollment FAQ** document on TEA’s [COVID-19](#) web page.

**3. Can a charter school modify its enrollment policy due to COVID-19 considerations?**

Minimal modifications as a result of COVID-19 restrictions are allowable, such as allowing parents to complete the application and enrollment process for their child online rather than in-person. Any substantive changes to a school's enrollment policy, such as changing the dates of the open-enrollment period, must first be approved by TEA through a non-expansion amendment.

## Funding

- 1. Will funding be adjusted during "Settle Up" if the yearly ADA from the summer PEIMS submission does not match the average ADA for the first four weeks?**

Please refer to the **General State Funding FAQ** document on TEA's [COVID-19](#) web page.

- 2. How do charters handle six-weeks' attendance submission and the funding associated with it?**

Please refer to the **Charter Amendments and Funding Items** Guidance document on TEA's [COVID-19](#) web page.

- 3. How will the agency calculate my Foundation School Program ADA funding for the 2019-20 school year given we won't have daily attendance information for many school days this year?**

Please refer to the **General State Funding FAQ** document on TEA's [COVID-19](#) web page.

- 4. Will FSP cash-flows be affected by low attendance, or school closures, as reported through FSP submissions for the second part of the year?**

Please refer to the **General State Funding FAQ** document on TEA's [COVID-19](#) web page.

Additionally, please see the **Enrollment and Attendance FAQ** for an explanation on how all LEAs should report the 4th, 5th, and 6th six-weeks periods in PEIMS on TEA's [COVID-19](#) web page.

- 5. What types of financial data must charter schools submit in PEIMS? Are there any changes to the types of data submitted due to Covid-19?**

The submission requirements for financial data have not changed for charters due to Covid-19. Charters still must submit both budget financial data and actual financial data through TSDS PEIMS. The [TEDS Data Standards document](#) provides a brief overview of the PEIMS actuals reported to TEA. Also, the [TSDS/PEIMS system](#) has a specific [reporting calendar](#) that outlines dates for required submissions.

- 6. How can a public charter school donate items such as Personal Protective Equipment (PPE) and related materials without it being an impermissible gift of public funds?**

Section 51, Article III, of the Texas Constitution permits the allocation of public funds (and thus property) to public and private entities in times of calamity. As the COVID-19 pandemic was declared a statewide disaster, a charter school may donate such items to medical facilities and first responders. A charter board may adopt a resolution finding that this donation serves a public purpose, that controls exist to ensure that this purpose is carried out, and that the charter and its students are receiving a return benefit from the donation (which can be service to the community the students live in). Please see Op. Atty. Gen. No. GA-0076, 2003 for more information.

**7. Are we able to apply for the additional days plan grant if we fail to meet the 180 days requirement as referenced on the HB 3 video on TEA website and instead fulfill the 75,600 minutes requirement?**

The additional days grant referred to in the HB 3 in 30 video is the Incentive for Additional Instructional Days (TEC 48.0051). Refer to Section 3.8.3 in the [PROPOSED VERSION 2 2019-2020 SAAH](#) for more information regarding schools that do not offer 180 days but still wish to offer additional instructional days as outlined in HB 3.

For more information on HB 3's **Additional Days School Year** please visit TEA's [HB 3 in 30 video series page](#).

## Governance

**1. Do charter school governing boards need to meet during this crisis period?**

Please refer to the **Charter Amendments and Funding Items** Guidance document on TEA's COVID-19 web page.

**2. How can a charter school board of directors hold a meeting during mandatory isolation?**

Given the limitations on meetings during the COVID 19 response, the provisions of an emergency or public necessity exist within the meaning of Texas Government Code §551.045. Additionally, Texas Government Code §551.125, provides for a board to convene a meeting via telephone conference call or video conference. The notice for the meeting must specify the location of the meeting where it will be held, but it may be prudent to allow for video or audio access for all. [Guidance](#) for this has been provided on the Texas Attorney General website.

For more information, please see the School Board FAQ document on TEA's [COVID-19](#) web page .

**3. How can a charter school board of directors replace a board member who has stepped down?**

The process for replacing a board member should be addressed in the charter holder's bylaws. The board member should be replaced in the manner set forth in those bylaws, considering the adjustments needed for the meeting to fulfill distancing guidelines. As a reminder, a charter board must consist of at least three members; thus, if the board only has three members, the resigning member should remain until their replacement is replaced in accordance with the charter holder's bylaws. All other requirements for the board of directors remain in effect, including consanguinity and affinity requirements.

#### **4. Can charter school boards of directors use e-signatures to sign a board resolution?**

Yes, an electronic signature is a legally valid method of executing a document. However, the resolution must reflect an action taken at a board meeting, regardless of how the meeting was held.

#### **5. Are charter board members and charter officials (superintendents, school and charter administrators, and business officials) still held to the training requirements set forth under 19 Texas Administrative Code (TAC) §100.1102-1105 during this time?**

The training requirements under TAC §100.1102-1105 remain in effect. Unlike ISDs, however, there are no training reporting requirements for charter board members or other charter officials that need to be waived as the Commissioner has done for ISDs. The reporting of required training for charter board members and charter officials is made through disclosure on the annual Governance Reporting Form which must be submitted to the division of Charter School Authorizing and Administration by December 1<sup>st</sup> of each year. Because of the challenges that some board members and charter officials may experience this year in accessing training, it is anticipated that charter board members and school officials will have the option on the Governance Reporting Form due December 1, 2020 to report that they were unable to complete their required training requirements due to COVID-19 considerations. That said, charter boards and individuals are encouraged to explore options for online training that may be provided by [TEA registered and authorized providers of charter school training](#).

## Grants

The TEA Grant Opportunities webpage is a central resource for all State and Federal grants administered by TEA. Any questions about grants or grant funding may be directed to [grants@tea.texas.gov](mailto:grants@tea.texas.gov). TEA's Grants Administration Division should be updating LEAs soon with information pertaining to this particular grant.

For further information and future updates, please also refer to the **Federal Funding and Grants FAQ** document on TEA's [COVID-19](#) web page.

## Operations

**9. Is a charter school subject to local health board orders related to opening or closing?**

Yes. Local decisions related to isolation and quarantine must be followed.

**10. Are electronic signatures valid for signing school documents?**

Yes. Texas law recognizes electronic signatures as having the same validity as physical signatures and are valid for all legal transactions.

**11. If a charter school were to suspend operations, would the teachers and staff be paid for that time?**

Payment of staff is largely a local charter operator decision. Note that from April through August 2020, FSP payments will not be impacted. State funding will continue to pay on the attendance that the March FSP payment was based on. TEA will take the average daily attendance (ADA) as calculated through the end of the fourth six-weeks, and then adjust the resulting ADA to account for historical differences in rates of attendance from the first four six-week periods and the last two six-week periods. There will be no interruption in cash flow during the school year. It's important to note that settle-up in September may impact the overall funding.

Please note that the Fair Labor Standards Act (FLSA) still applies.

**12. If a charter school suspended operation due to COVID-19, would it be funded for the suspended days?**

A charter school will be funded for suspended days if the school offered instructional continuity for all students. If a charter holder intends to submit a missed school day waiver because the charter school was closed and needs additional minutes, the charter school should have notified the agency of its closure at [CharterSchools@tea.texas.gov](mailto:CharterSchools@tea.texas.gov) as soon as possible. The charter holder will still need to file the waiver, resolution, and attestation through the normal waiver application process. Schools will need to be offering instructional support to obtain a missed school day waiver and have these days count towards their minute/instructional day requirement. The final deadline for the charter holder to submit this waiver and documentation is June 18, 2020.

**13. If a charter school is lending devices to facilitate online learning, can it require a student to sign a contract to check out the device? Can this contract include a requirement that the student replace the device if it is lost or damaged?**

Schools may establish reasonable expectations for the use and care of school-owned equipment, and these can be spelled out in an agreement that the student or parent is required to sign when the equipment is checked out to the student. Under the Texas Education Code (TEC) Section 11.158 (3), schools may charge a fee in the form of a security deposit for the return of materials, supplies, or equipment. TEC Section 11.158 (b)(1)(f) requires that schools adopt reasonable procedures for waiving a deposit or fee if a student or the student's parent or guardian is unable

to pay it. This policy shall be posted in a central location in each school facility, in the school policy manual, and in the student handbook.

**14. Does a charter school have to refund prepaid fees or costs associated with items or services it is not providing (i.e. afterschool care)?**

Local policy will dictate refund policies regarding optional programs such as afterschool care.

## Renewal

**1. What data points will be used for accountability purposes for schools slated for renewal in the 2021 renewal cycle?**

2019-2020 academic accountability ratings will not be available for expedited and discretionary renewal considerations for schools in the 2021 renewal cycle. However, 19 TAC §100.1031 (h)(1) addresses this circumstance for expedited and discretionary renewal considerations: If a rating is not issued during one or more of the preceding school years, then the term "three preceding school years" (expedited renewals) means the most recent three school years during which a rating was issued, and the term "three of the five preceding school years" (discretionary renewals) means three out of the most recent five school years during which a rating was issued. This means that the academic accountability data rating year window for expedited renewals is 2018-19, 2017-2018, and 2016-2017. The renewal window for discretionary renewals will include the years listed for expedited renewals as well as 2015-2016 and 2014-2015. Financial accountability will include Charter FIRST ratings issued for 2019-2020, 2018-2019, and 2017-2018 (window for expedited renewals) as well as two additional years (2015-2016 and 2016-2017) of Charter FIRST ratings to be considered for discretionary renewals.