



COVID-19 Related Waivers

April 9, 2020

(512) 463-9000

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tea.texas.gov/coronavirus

The following is a summary of COVID-19 related waivers and accommodations. Scroll further for more information.

Requires LEA Action

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

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

[Educator/Principal/Administrator Appraisal](#)

No LEA Action Needed

[Educator Preparation Program Coursework Requirements and Accountability](#)

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[FitnessGram Assessment and Reporting](#)

[2019-2020 Statewide Assessment, Accountability and Reporting Requirements \(Elementary and Secondary Education Act \(ESEA\), as Amended by Every Student Succeeds Act \(ESSA\)\)](#)

[Alternate Educational Setting Amendment \(Charter Schools Only\)](#)

[Failure to Operate \(Charter Schools Only\)](#)

Missed School Day Waiver/Instructional Continuity While Closed Attestation

Statute: Texas Education Code, §25.081

LEA Action Required: YES-Instructional Continuity While Closed Attestation

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 “Waivers and Funding” section of the agency’s COVID-19 webpage for:
 - Missed school day waiver guidance
 - School Finance FAQ
 - Instructional Continuity While Closed Attestation



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

Statute: Texas Education Code, §48.007

LEA Action Required: YES

Requirements:

- Signed attestation

Resources/Guidance:

- See the "[Waivers and Funding](#)" section of the agency's COVID-19 webpage for:
 - Instructional Continuity While Open Attestation

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

LEA Action 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 “Staff and Educators Issues” section of the agency’s COVID-19 webpage for:
 - Instructions for Submitting an Educator Appraisal Waiver
 - Guidance on Educator and Staff Issues and Educator Evaluation and Non-Renewal

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

LEA Action Required: NO
Requirements:

- None

Resources/Guidance:

- See the [“Staff and Educators Issues”](#) section of the agency’s COVID-19 webpage for:
 - Educator Preparation FAQ



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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)

LEA Action Required: NOT AT THIS TIME

Requirements:

- Public Comment Period Submission to USDE

Resources/Guidance:

- See the "[Waivers and Funding](#)" section of the agency's COVID-19 webpage for:
 - TEA ESSA Waiver Request to USDE re Federal Funds



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Minimum Attendance

Statute: Texas Education Code, §25.092

LEA Action Required: **NO**

Requirements:

- None

Resources/Guidance:

- See the "[Waivers and Funding](#)" section of the agency's COVID-19 webpage for:
 - 90% Rule Guidance

School Board Member Training

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

LEA Action Required: **NO**

Requirements:

- None

Resources/Guidance:

- See the "[School Board Issues](#)" section of the agency's COVID-19 webpage for:
 - Covid-19 FAQ: School Boards

State Academic Assessment Requirements

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

LEA Action Required: NO

Requirements:

- None

Resources/Guidance:

- See the "Assessment" section of the agency's COVID-19 webpage for:
 - STAAR Cancellation TAA
 - Governor Abbot Waives STAAR Testing Requirements

FitnessGram Assessment and Reporting

Statute: Texas Education Code, §§38.101 and 38.103

LEA Action Required: **NO**

Requirements:

- None

Resources/Guidance:

- See the "Assessment" section of the agency's COVID-19 webpage for:
 - FitnessGram Assessment and Reporting Guidance

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)

LEA Action Required: **NO**

Requirements:

- None

Resources/Guidance:

- See the "[Assessment](#)" section of the agency's COVID-19 webpage for:
 - USDE Approval of Texas ESSA Waiver Request on Assessment and Accountability



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Alternate Educational Setting Amendment (Charter Schools Only)

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

LEA Action Required: NO

Requirements:

- None

Resources/Guidance:

- See the "[Waivers and Funding](#)" section of the agency's COVID-19 webpage for:
 - Charter Amendments & Funding Items

Failure to Operate (Charter Schools Only)

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

LEA Action Required: **NO**

Requirements:

- None

Resources/Guidance:

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