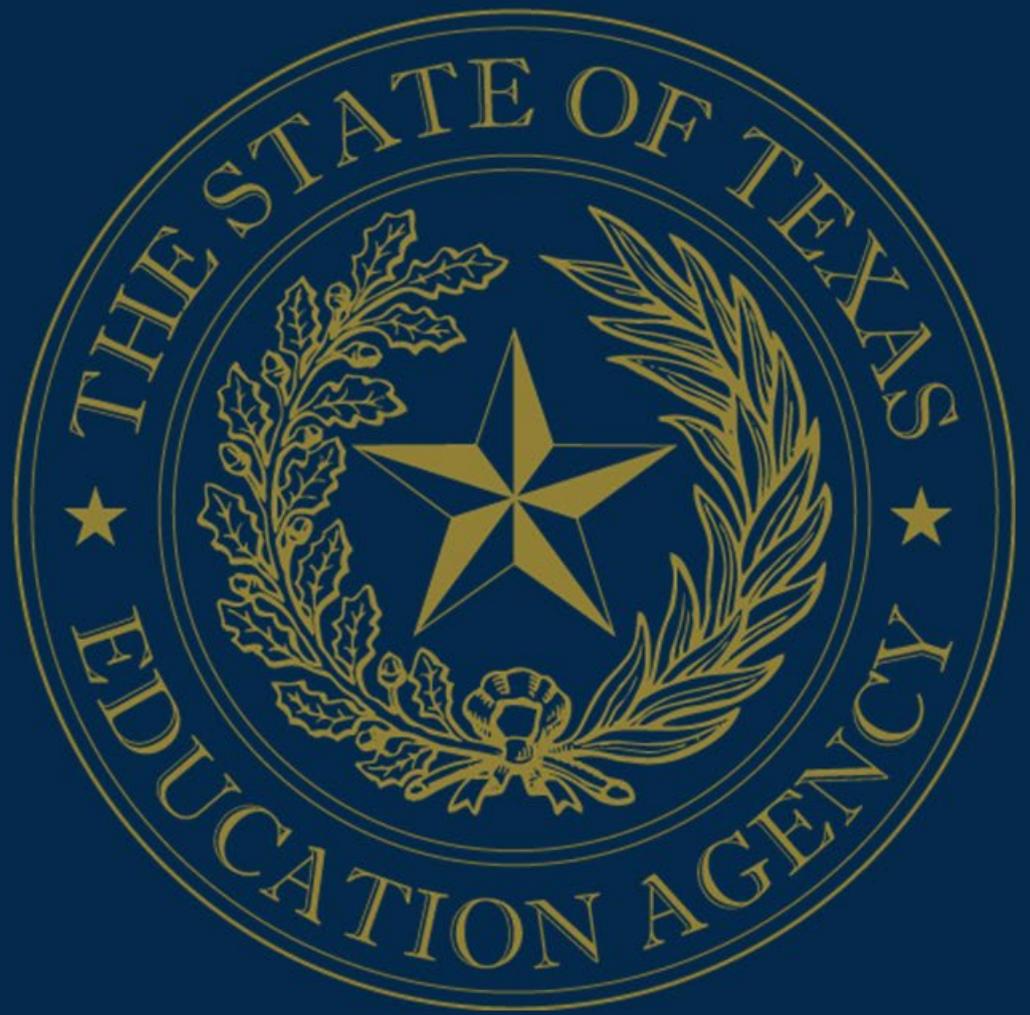


Texas Education Agency
1701 North Congress Ave.
Austin TX 78701



GENERATION 28

OPEN-ENROLLMENT CHARTER APPLICATION

INSTRUCTIONS AND GUIDANCE DOCUMENT



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INTRODUCTION

The Texas Education Agency (TEA) welcomes applications for high-quality charter schools seeking to open for the 2024–2025 school year. Applicants are strongly encouraged to read this entire document and the corresponding Charter Request for Application (RFA 701-23-101) before developing any application content.

The Commissioner of Education (the commissioner) is actively committed to attracting charter applicants who are capable of operating high-quality charter schools. The information requested through the application will inform the commissioner’s decision to propose Generation 28 charter awards.

On May 30, 1995, the Texas Legislature created the Public Charter School Program to maintain a portfolio of secular, tuition-free, public charter schools that:

- Improve student learning;
- Increase the choice of learning opportunities within the public-school system;
- Create professional opportunities that attract new teachers to the public-school system;
- Establish a new form of accountability for public schools; and
- Encourage different and innovative learning methods.

The commissioner has vested authority to award Subchapter D Open-Enrollment charters and Subchapter E College/University charters (Texas Education Code §§12.101 and 12.152, respectively). Pursuant to statute, the commissioner must adopt an open-enrollment charter application form, procedures, and evaluation criteria to be used in determining whether to award a charter. Collectively, the (1) Instructions and Guidance; (2) Application; and (3) Evaluation Criteria fulfill this requirement.

TYPES OF APPLICANTS

Generation 28 applicants are identified as a Subchapter D (1) New Operator; or (2) Experienced Operator.

A Subchapter D **New Operator** is an eligible entity that has not operated a charter before and is seeking a state-authorized charter under TEC Chapter 12, Subchapter D.

A Subchapter D **Experienced Operator** is an eligible entity that (1) is affiliated with an out-of-state Charter Management Organization with multiple years of academic performance data, or (2) operates a district-authorized charter campus in Texas with multiple years of academic performance data, or (3) is incorporated in the state of Texas but operates and/or manages at least one charter school or campus with multiple years of academic performance data outside of Texas.

For purposes of this application, a **Charter Management Organization (CMO)** constitutes any third-party entity, whether nonprofit or for-profit, that provides comprehensive and contractual education management services to educational providers.

SPONSORING ENTITY AND CHARTER HOLDER

During the application process, the eligible entity applying for a charter shall be referred to as the “sponsoring entity” or “applicant” or “charter applicant.” The term “charter holder” is exclusively reserved for applicants who are awarded a charter after the application process. The charter holder is the entity to which public education funds are paid if the application is approved by the commissioner and a contract is signed.

Prior to the submission of an application, TEA staff members are limited to fielding general inquiries that are associated with timelines and the overall application process. TEA staff members may not speak to application content.

The commissioner will assign priority points to applications that propose to operate an open-enrollment charter school within the boundaries of the attendance zone of a campus assigned an unacceptable performance rating for the past two years, pursuant to [TEC §39.054](#). The application scoring process will also allow for the award of additional priority points for applicants committed to operating within a Qualified Opportunity Zone.

ELIGIBILITY

Operators of open-enrollment charter schools within the state of Texas must qualify as an eligible entity as defined in [TEC §12.101](#). The state may grant open-enrollment charters to the following entities:

- An institution of higher education as defined under [TEC, §61.003\(8\)](#);
- A private or independent institution of higher education as defined under

[TEC §61.003\(15\)](#);

- An organization that is exempt from taxation under [Section 501\(c\)\(3\)](#), Internal Revenue Code of 1986 [26 U.S.C.S. Section 501(c)(3)]; or
- A governmental entity.

Important: All applicants who apply as a 501(c)(3) tax-exempt organization must provide a Letter of Determination from the Internal Revenue Service (IRS) no later than **April 13, 2023**. Applicants are highly encouraged to file all relevant documents with the IRS as soon as possible.

Churches and other faith-based organizations exempt from taxation under [Section 501\(c\)\(3\)](#) of the Internal Revenue Code are **not** considered eligible entities.

The commissioner may not award a charter to an entity that has, within the preceding 10 years, had a charter surrendered under a settlement agreement, revoked, denied renewal, or returned. The commissioner will not consider an application submitted by an entity that is substantially related to or affiliated with an individual that, within the preceding 10 years, was also affiliated with an entity that had a charter surrendered under a settlement agreement, revoked, denied renewal, or returned.

The TEA will make determinations on eligibility during the completion check process. Applications that are deemed to be ineligible will be removed from any further consideration during the Generation 28 application cycle.

GENERATION 28 TIMELINE

Key dates from the Generation 28 application timeline are listed in the table below. More detail about the application process is provided in the sections that follow the table.

Activity	Dates
Request for Application Published	July 15, 2022
Information Sessions	July 22 and July 29, 2022
Application Submission Deadline	November 4, 2022
Completion Check	November 7–November 29, 2022
Remedy Period	December 2–December 9, 2022
Determination Notifications sent to Applicants: Removal or Advancement to External Review	December 14, 2022*
External Review of Complete Applications	January 13–April 10, 2023

Additional Read Window (automatic)	April 10–April 14, 2023
Determination Notifications sent to Applicants: Determination of Advancement to Capacity Interview	April 17, 2023*
Capacity interviews with Representatives from the Texas Education Agency and the State Board of Education	May 8–12, 2023
Commissioner Proposes Awards	May 30, 2023
State Board of Education Meeting	June 2023
* On or around date listed	

KEY DATES FOR APPLICANTS

REQUEST FOR APPLICATION (RFA) PUBLISHED... July 15, 2022

Notification of the RFA publication is posted in the Texas Register, on the TEA Charter School Division website, and subscribers are notified via the TEA GovDelivery System.

APPLICANT INFORMATION SESSION... July 22 and July 29, 2022

Two information sessions will be held via Zoom, an online platform for video conferences and webinars. These sessions are held to provide additional information to applicants about procedures and general considerations for the application process. The attendance of at least one member of the applicant team is required. In addition, the board president must also attend if the applicant has already formed the sponsoring entity at the time of the session.

Applicants must register online for at least one of the Applicant Information Sessions at https://us02web.zoom.us/webinar/register/WN_m0LvQnF8QwyZ2-AnuPAITQ.

APPLICATION SUBMISSION DEADLINE... November 4, 2022

Applications must be submitted electronically. Electronic copies must be submitted to <https://tea.sharefile.com/r-rc19835e4142c4b0b88363f0ad55035d9> by 5:00 p.m. Central Standard Time.

Please note, any application documents submitted after 5:00 p.m. Central Standard Time **may render the entire application incomplete**. Applicants must ensure sufficient time to upload all documents prior to the submission deadline.

Important: 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 from the time the application is submitted until 90 days after the commissioner proposes the Generation 28 open-enrollment charter(s) for award.

Applications that are removed from consideration (for lack of eligibility, lack of completion, failure to make the required cut score, plagiarism etc.) are still subject to the no-contact provision.

COMPLETION CHECK... November 7–November 29, 2022

TEA staff members conduct the initial application review, checking for statutory eligibility, completeness, and plagiarism violations. Applications that pass the completion check will proceed to the external review stage.

For an application to be deemed complete, applicants must:

- ✓ Submit a completed Application Package electronically by the application deadline;
- ✓ Respond to all applicable narratives and special assurances;
- ✓ Include all applicable attachments and their coversheets;
- ✓ Ensure that prohibited materials are not included pursuant to the Public Disclosure Policy;
- ✓ Prepare the Application Package in compliance with all instructions provided; and
- ✓ Ensure completeness in both form and assembly.

EXTERNAL REVIEW PERIOD... January 13–April 10, 2023

All eligible applications that have successfully passed the completion check are assigned to five independent parties for external review and scoring. Each application will be reviewed on its own merits and scored in accordance with the Evaluation Criteria published by the TEA.

Evaluation criteria can be accessed by clicking on the button titled “View Terminology, Resources, and Evaluation Criteria” for each narrative section. External reviewers will score each applicable criterion. The average of all five reviews must be equal to or greater than 85% for the applicant to advance to the capacity interview.

ADDITIONAL REVIEW PERIOD... April 10, 2023–April 14, 2023

Applications that fall within five percentage points of the 85% threshold to advance (i.e., between 80 and 84.9%) will receive one additional external review during the additional review period. If the final adjusted score (incorporating the score from the sixth review) exceeds 85%, the application will advance to the capacity interview stage.

CAPACITY INTERVIEWS... May 8, 2023–May 12, 2023

Qualifying applicants (i.e., those meeting the 85% threshold to advance) will be invited to participate in a formal interview with TEA staff and State Board of Education (SBOE) members. During the interview, applicants will have the opportunity to field questions and demonstrate their capacity to open and operate a high-quality charter school.

Important: Interview days and times are provided by TEA staff and are not subject to negotiation. Applicants should reserve the week of May 8, 2023 for a potential interview.

All applicants that hold 501(c)(3) Nonprofit Corporation status **must** have both: (1) the president of the governing board of the sponsoring entity; and (2) the superintendent (if identified) in attendance at the capacity interview. Applicants that qualify as Institutions of Higher Education **must** have: (1) at least one member who currently holds a position on the governing board of the institution of higher education/governmental entity; and (2) the superintendent (if identified) of the proposed charter school in attendance at the capacity interview.

PROPOSED CHARTER AWARDS ... May 30, 2023

The commissioner reviews all relevant application information and proposes awards. In order to be proposed for award, an applicant must attain a score of 85% or better on the application **and** demonstrate sufficient capability during the capacity interview.

SBOE ACTION ON PROPOSED CHARTERS ... June 2023

The SBOE may veto any Subchapter D charter proposed within 90 days of the commissioner's proposal. Charter applicants proposed for award are required to attend the June 2023 SBOE meeting on the assigned days.

A charter applicant will proceed to the contingency period if the SBOE does not veto the commissioner's proposed award. All determinations of the commissioner related to charter awards are final and carry no right of appeal. Applicants that are not awarded a charter during the Generation 28 cycle are welcome to reapply during future application cycles.

CONTINGENCY PERIOD... Within two months of receipt

Following SBOE's action (or inaction) on the commissioner's proposed charter awards, the proposed charter applicants must work with TEA staff to resolve any issues that were identified during the application review or capacity interview process. All contingencies must be satisfactorily addressed within two months of receipt of agency required contingencies. A charter will not be awarded—and a contract will not be drafted—unless all issues are resolved by this date. After all contingencies are addressed, contracts will be issued with county-district numbers.

OPEN-ENROLLMENT CHARTER SCHOOL CONTRACT

A contract for an open-enrollment charter school between the charter holder and the commissioner of education must incorporate the following:

- ✓ All applicable state and federal laws, rules, and regulations;
- ✓ The charter holder's completed application response to RFA 701-23-101;
- ✓ Any condition, amendment, modification, revision, or other change to the charter adopted or ratified by the commissioner; and
- ✓ All statements, assurances, commitments, and representations (written or oral) made by the charter holder during the generation application cycle.

The execution of a charter contract constitutes an assurance by the charter applicant that no false information was submitted to the TEA or the commissioner by the charter applicant, its agents, or employees in support of the proposed open-enrollment charter. Any actions that are inconsistent with the terms and requirements of the charter shall constitute a material violation of the charter contract.

The initial term of the charter is five years. After a contract is executed, the charter holder must establish a depository contract, as defined in [TEC §45.201](#), with a bank that:

- ✓ Uses the EIN/FEI assigned by the IRS to the charter holder; and
- ✓ Holds an account in the name of the charter holder.

After a depository contract is established, the applicant must file a form with TEA's Division of Financial Compliance.

The commissioner will periodically evaluate each open-enrollment charter school. The commissioner may revise, revoke, modify the governance of, or deny renewal of the charter if the commissioner determines that the charter holder has failed to satisfy any of the

student, financial, compliance, and/or health and safety performance standards set out in [19 Texas Administrative Code \(TAC\) §§100.1021–100.1035](#). The procedures for commissioner action and intervention are outlined in [TEC §12.116](#) and [19 TAC §§100.1021–100.1035](#). In addition to the adverse actions described above, a charter school is also subject to the sanctions and interventions authorized by [TEC Chapters 39](#) and 39A.

APPROVAL AND AWARD PROCESS

EFFECTIVE SCHOOLS FRAMEWORK

The [Effective Schools Framework](#) (ESF) provides a clear vision of best practices that were developed in conjunction with school and district leaders about what makes high-performing schools excellent. Applicants are strongly encouraged to review and consider the ESF as a primary resource for effective strategies to support powerful teaching and learning.

CRITERIA

At the conclusion of all applicant interviews, the commissioner will formally propose awards for open-enrollment charters to applicants who have demonstrated the capacity to open and operate high-quality charter schools. In addition to the overall quality, completeness of the Application Package, and presentation during the interview, the commissioner will consider demonstrations of the following:

- ✓ Strength of the proposed board and leadership teams;
- ✓ Strength of the national portfolio, if applicable;
- ✓ Demonstrated improvement in student performance across comparative groups, if applicable;
- ✓ Displays of innovative thought and practice;
- ✓ Recruitment strategies that will likely achieve the projected enrollment for the first years of operation;
- ✓ Impact statements from any school district whose enrollment is likely to be affected by the proposed charter school, including information relating to any financial difficulty that a loss in enrollment may have on a district;
- ✓ Evidence of parental and community support for the proposed charter school;
- ✓ Qualifications and backgrounds of all individuals who will be involved in the management and educational leadership of the proposed charter school;
- ✓ History of the charter applicant, if applicable;

- ✓ Evidence that the proposed governance structure will establish and maintain sound fiscal management and administrative practices;
- ✓ Strength of the proposed financial plan;
- ✓ Plans to ensure services will begin on the date proposed in the application; and
- ✓ Indications that the proposed charter school will expand the variety of charter schools in the following ways:
 - Instructional settings,
 - Diverse student populations and programs,
 - Diverse geographic regions, and
 - Representation in urban, suburban, and rural communities.

APPLICATION PACKAGE

APPLICATION PACKAGE COMPONENTS

Applicants must complete and submit the following, collectively referred to as the Application Package:

- Application narrative document
- Letter of Special Assurances
- Application attachments

APPLICATION PACKAGE REQUIREMENTS

Application page count

- Limit the narrative document to 100 pages (this **does not include** the Table of Contents, Application Checklist, Applicant Profile Page, Resource Pages, Experienced Operator narratives, and the Letter of Special Assurances). The narrative document will automatically paginate and does not count the Resource Pages towards the page indicated in the lower right corner.
- Limit the Experienced Operator narrative section to 20 additional pages, if applicable.
- There is **no page limit** on the Attachments Submission Document.

Attachment section

- All attachment directions and coversheets are hyperlinked on the narrative checklist page and each relevant section of the narrative document.

- All attachments must be combined and submitted as one **Attachments Submission Document**. This does not include the Financial Plan Workbook or Portfolio Overview Workbook. These documents are submitted as separate Excel documents.
- Submit all attachment coversheets for each attachment. If an attachment is not applicable, please indicate “no responsive documents” on the coversheet. This does not include Experienced Operator–related attachments. If not applicable, applicants are not required to submit Experienced Operator attachment coversheets.

Disclosure

Where requested in this application, and to the extent permitted by law, all applicants must provide full and complete disclosure. Applications found to omit any required disclosure, in full or in part, will be removed from the application cycle with no further review. This decision cannot be appealed.

Plagiarism

If, at any time during the evaluation process, TEA staff find that an application contains plagiarized content, it will be removed from the application process and excluded from further review during the Generation 28 application cycle. This decision cannot be appealed.

The TEA defines plagiarism as the representation of the words or ideas of another as one’s own in an application. The TEA is cognizant that to discuss an existing curriculum, instructional framework, or educational model (e.g., Montessori, project-based learning, blended learning, etc.), key concepts must be mentioned. However, it is not acceptable to copy and paste a description from another source. An applicant team with the capacity to execute a plan must be able to thoughtfully explain how they intend to educate children in their own words. The majority of each narrative response should be original writing and thinking with citations to support specific assertions or descriptions. To avoid plagiarism, every direct quotation must be identified by quotation marks or by appropriate indentation and must be cited properly. Acknowledgement is also required when material from any source is paraphrased or summarized in whole or in part.

Style Guidance

Narrative responses should be brief and specific whenever possible. It is most helpful if descriptions of vision, processes, and design are clear and concise rather than abstract or general. Do not repeat content discussed in other sections of the application. If needed, applicants may refer to or cite other responses in the narrative or attachment sections.

SUBMISSION

Charter application files are generally too large to send from standard email service providers. For this reason, applicants are requested to submit the charter application via Sharefile. This service is a web-based interface that allows for the sharing of large files in a secure environment.

- Click <https://tea.sharefile.com/r-rc19835e4142c4b0b88363f0ad55035d9>
- The first screen will require the following:
 - Email: use the email that was provided for the applicant's main contact;
 - First/Last Name: use the main contact that was listed in the applicant's proposal;
 - Company: use the name of the sponsoring entity
- The submission should include **three** (up to four) files. The first file will be the completed Narrative Document. The second file will be the Attachments Submission Document. The third file will be the completed Excel version of the Financial Plan Workbook. If an applicant is an experienced operator; the fourth file will be the Excel version of the Portfolio Overview Workbook.
- Click the **upload button** in the lower left corner.
- Once the submission has been made, the application is considered electronically delivered and final. Applicants will not be able to make additional submissions or revisions to the original.

All submissions have timestamps and will constitute the official date and time of submission. File size and transmission issues could cause severe delays between submission and receipt of the application package. For this reason, the time stamp included in the submission email (received by the Charter School Authorizing Division) will be considered the official date and time of submission.