

Texas Education Agency  
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# GENERATION 28

OPEN-ENROLLMENT CHARTER APPLICATION

FREQUENTLY ASKED QUESTIONS



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# INTRODUCTION

The TEA Division of Charter School Authorizing 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 Twenty-Eight Open-Enrollment Charter Application.

All references to TEC, TAC, and TGC refer to the [Texas Education Code](#) (TEC), [Texas Administrative Code](#) (TAC), [Texas Business Organizations Code](#) (TBC), and [Texas Government Code](#) (TGC), respectively.

Please note, questions presented during the Generation Twenty-Eight Application Information Sessions on July 15, July 29, and August 12, 2022 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 and presentations will be posted on the TEA Charter School website. Applicants should visit the [Mandatory Information Sessions](#) webpage to view the postings.

2. Will there be a certificate for completion or confirmation of attendance?

**Answer:** There will not be a certificate of completion or confirmation of attendance for the Mandatory Information Sessions for the Generation Twenty-Eight application cycle. The agency will confirm attendance by a board member and board president (if the applicant has already formed the sponsoring entity at the time of the session) as part of the completion and eligibility review once applications are submitted.

## ACCESSING THE APPLICATION

1. How exactly do I access the application?

**Answer:** The application is available to download from the [Application Resources Page](#). The application is an interactive PDF form, and consequently, will render a "Please

Wait..." message when opening within an internet browser (Chrome, Internet Explorer, Firefox, etc.). All applicants must download the file to a desktop, or anywhere else on their computer. After the download is complete, do **not** click on the file ribbon that pops up on the bottom. Applicants must open the file **directly from the location** to which it was saved.

## ELIGIBILITY & ENTITY FORMATION

1. Are for-profit charters allowable in Texas? What is the difference? Must a charter be a nonprofit entity?

**Answer:** Texas Education Code, Chapter 12, Subchapter D, Section 12.101 (a)(1-4) defines an "eligible entity" as (1) an institution of higher education as defined under Section [61.003](#); (2) a private or independent institution of higher education as defined under Section [61.003](#); (3) an organization that is exempt from taxation under Section 501(c)(3), Internal Revenue Code of 1986 (26 U.S.C. Section 501(c)(3)); or (4) a governmental entity.

2. 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 applicants who wish to apply as experienced operators. See [Business Organizations Code](#) § 3.001(a).

3. Is a church able to apply for a charter school?

**Answer:** A religious organization, sectarian school, or religious institution that applies must have an established separate non-sectarian entity that is exempt under 26 USC, §501(c)(3), to be considered an eligible entity. See TAC §100.1015(b)(2)(A).

4. 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 November 4, 2022, and (ii) possess and submit a final Letter of Determination from the Internal Revenue Service (IRS) by April 13, 2023, to [charterapplication@tea.texas.gov](mailto:charterapplication@tea.texas.gov).

5. 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 screenshot of the form will not fulfill this attachment requirement. If a Form 990 is not available, please provide a statement that explains why a Form 990 is not available.

6. Is a nonprofit open-enrollment charter school permitted to operate within the facility of a for-profit residential facility?

**Answer:** An open-enrollment charter school may provide educational services within a for-profit residential facility. However, a for-profit residential facility is not permitted to operate as a charter holder.

7. 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.

8. Are the board members of the 501(c)(3) and the board members of the charter LEA the same?

**Answer:** All board members listed in the organization's formation documents (Articles of Incorporation, 501(c)(3) request) and Generation 28 Application for Open-Enrollment Charter will become charter school board members if a charter is awarded.

9. Regarding a sponsoring entity that has been in existence for years, will the new founding board member's name need to be added via a certificate of amendment? Does this have to be completed by the time of the submission or afterward?

**Answer:** All certificates of amendment must be filed with the Texas Secretary of State prior to the award of a charter.

10. 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.

11. 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 application under Experienced Operator.

12. May an existing charter holder apply for a new charter school?

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

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

**Answer:** Charter schools authorized under Texas Education Code, Chapter 12, Subchapters D and E are prohibited from authorizing additional schools and/or campuses. Charter campuses authorized by a traditional Independent School District are governed by Texas Education Code, Chapter 12, Subchapter C.

14. Which personnel comprise the board of an 1882 Partnership Subchapter C open-enrollment charter?

**Answer:** A subchapter C charter that is receiving benefits under SB 1882 is authorized by the school district. To remain eligible for SB 1882 benefits, members of the district's Board of Trustees or anyone working in the district's authorizing office (or relatives of the board members/district staff) may not serve on the board of the subchapter C charter. District staff that are not part of the authorizing office may serve on the subchapter C board, but district staff cannot make up a majority of that board.

15. 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.

16. 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: (i) organized under the Texas Nonprofit 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. See TEC §61.003.

17. Can the sponsoring nonprofit still operate other programs in addition to the charter school or once the charter is awarded does that become the only function of the nonprofit?

**Answer:** A sponsoring entity may operate other programs in addition to the charter school. However, charter school accounting must maintain complete separation of funds from other programs. See TAC §100.1047(e).

18. 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. Can we submit multiple applications if one is denied?

**Answer:** A sponsoring entity may not submit more than one application during any given application cycle. However, entities who are not awarded a charter may reapply in subsequent application cycles.

2. Can an applicant team member apply to the charter incubator and submit a Subchapter D application simultaneously?

**Answer:** The Charter School Incubator programming is designed to support applicants before they submit the subchapter D application to TEA. If you are interested in receiving support through TEA's incubator, you will apply to join a cohort in the year before you submit your charter school application. Information about the incubator program can be found at [this website](#).

3. What charter application assistance is available from the TEA during the drafting and preparation phase? Do you provide one-on-one sessions?

**Answer:** The New Schools Team is providing Support Seminars and Office Hours for Generation Twenty-Eight applicants during the drafting and preparation phase. Please visit the [Additional Supports webpage](#) for dates and registration. One-on-one sessions are not provided.

4. Are mock applications available?

**Answer:** There are no mock applications available. However, all previously submitted applications, approved and not approved, are available on the Charter Schools webpage under [Portfolio](#).

5. How is the table of contents completed?

**Answer:** Applicants will complete the table of contents that is included in the Application Narrative 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.

6. How can an applicant avoid plagiarism? What is the required citation format for referencing non-original ideas?

**Answer:** A reasonable person must be able to readily identify the source, year, and author of cited material. The majority of each narrative response should be original content with citations to support specific assertions or descriptions. Acknowledgement is also required when material from any source is paraphrased or summarized in whole or in part.

7. How do returning applicants cite prior submissions? What if the application team is the same?

**Answer:** Each section of the Generation Twenty-Eight 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.



8. Is there a way to delete the prompts to allow more space for writing? Also, can bolded words and bullets be used?

**Answer:** Prompts may not be deleted. The PDF format does not allow for bolded words or bullets.

9. Are graphics, tables, charts, are maps permitted in the application?

**Answer:** The PDF format does not allow for insertion of graphics, tables, charts, and maps.

10. What is the time period for including past events in the application?

**Answer:** Any past events can be cited and described in the application narrative. However, at least one public meeting must have taken place after May 4, 2021 to fulfill Attachment E3 Public Meeting Notice.

11. 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.

12. 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. Applicants should be thoughtful and prepared to justify an overly large geographic boundary or the viability of an extremely small boundary.

13. What if the proposed charter is within the boundary of several school districts?

**Answer:** Applicants must include all school districts from which they intend to enroll students. This may include one or more school districts.

14. How many zip codes can you include in the Enrollment Boundaries and Facilities section of the Application Profile Page?

**Answer:** Applicants should include the zip code where the proposed campus is to be located. If more than one campus is being requested for year 1, applicants should include the zip code for each proposed campus.

15. When are newly authorized charter schools eligible to expand their geographic boundaries? What if we meet our at-capacity enrollment sooner than expected?

**Answer:** Charter expansions (including geographic boundaries) are effective **no earlier** than the start of the fourth full school year at the affected charter school. See TAC §100.1033(9)(A)(i) for exceptions to this rule and when charter schools are eligible to request expansion.

16. 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 enrollment. As an 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.

17. Must an applicant open all campuses at the same time?

**Answer:** An applicant must denote what years they plan to open each campus on the geographic boundaries page of the narrative document.

18. Must an applicant create multiple enrollment summary tables if they propose to open multiple campuses?

**Answer:** The Enrollment Summary Table is intended to capture district-level projections. Consequently, applicants that propose to open multiple campuses must aggregate their campus enrollment projections on the summary table.

19. 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.

20. Do we need to hold the public meeting before the application is submitted? May the public meeting(s) occur after the application deadline?

**Answer:** All applicants must host at least one public meeting prior to the application deadline. There are no prohibitions against hosting additional meetings after the

application deadline; however, please note that applicants are not permitted to submit additional information after the application is submitted on November 4, 2022.

21. What are the deadlines for certified mail notifications?

**Answer:** Deadlines for certified mail receipts are found on Attachment E4.

22. Must public meetings 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.

23. 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](mailto: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.

24. 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 Profile page—pages 1 of the Narrative and Attachments Document. Applicants are **not** required to include the Executive Summary with the Statement of Impact documents.

25. 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. See the coversheet for Attachment E4 Statement of Impact Notifications.

## 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. See TEC §§12.111(a)(5)(A) and (B), respectively.

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? Can performing arts charters still require auditions for acceptance?

**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 TEC §12.1171 Admission to Open-Enrollment Charter Schools Specializing in Performing Arts.](#)

4. What is ideal enrollment in order to remain viable in Year 1 (and beyond)? Is there a minimum?

**Answer:** Viable enrollment will depend on the scope and costs of the proposed operations. However, an entity must commit to always serve a minimum of 100 students. This requirement applies to the charter school and not each charter campus. [See TAC §100.1015\(b\)\(1\)\(D\).](#)

5. 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. [See TEC §12.117\(d\)](#) and 42 U.S. Code §11.431 (McKinney-Vento Act).

6. What is the definition of documented discipline history?

**Answer:** Documented discipline history indicates a student was subject to a disciplinary action that resulted from behaviors outlined in [TEC Chapter 37](#), Subchapter A.

## SCHOOL DESIGN

1. May applicants propose a virtual or online charter school?

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

2. Would TEA still consider applicants whose vision is not directly TEKS- and STAAR-test aligned?

**Answer:** Texas law requires traditional ISDs and charter schools to teach the state standards, the TEKS, and administer the STAAR state assessments, aligned to the TEKS, to evaluate student learning and progress. Therefore, all curricular materials should be aligned to the TEKS. The application criteria in the School Design section explicitly state that curricular materials should be aligned the TEKS and compliant with state law.

3. Should we include the curriculum we plan to use before we purchase it?

**Answer:** Applicants are not required to purchase and/or lease anything prior to an application's final approval. However, applicants should cite and describe all curricular materials that would be purchased and/or leased if a charter is ultimately awarded.

4. How is a drop-out prevention campus judged regarding performance for expansion applications after 3 years?

**Answer:** Charters that operate dropout recovery campuses and wish to expand must meet the expansion requirements outlined in TAC §100.1033.

## SPECIAL POPULATIONS

1. 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.

2. Is there a percentage of what type of SPED coding we should use on the Financial Plan Workbook or just the percentage of students we anticipate will be SPED students?

**Answer:** In the Financial Plan Workbook, input the population estimates based on the demographics of the proposed geographic boundaries. It is important to ensure that the demographic estimates are accurate.

3. Do charter schools need to have a diagnostician on staff?

**Answer:** There is no requirement to have a diagnostician on staff.

4. Do 504 students count in the numbers for Special Education?

**Answer:** Applicants should **not** include 504 students in Special Education projections in the Financial Plan Workbook.

5. Are there any differences for who must be assigned to ARDs from the traditional ISDs?

**Answer:** The requirements for who must participate in an ARD are the same for traditional ISDs and charter schools. However, considering that charter schools often have limited personnel who serve multiple roles in the school, the schools should be cautious to have designated roles in the ARD meeting clarified to be considered properly constituted.

6. Should charter schools provide special education services in-house versus contracting to provide these services?

**Answer:** Charter schools may contract with a vendor to provide services; however, it is the charter school's responsibility to ensure that the contractor is following all state and federal laws. If the contractor does not follow required laws, the charter school could be cited for cause, not the contractor.

7. Is gifted and talented considered special education? Does special education include students with exceptional ability?

**Answer:** Gifted and talented students are not considered special education students. There are requirements for serving gifted and talented students but not under special education.

8. If a school is geared toward special populations, how can we ensure we are able to meet standards created for the traditional populations of charter schools?

**Answer:** The application must reflect a school design proposal that will teach all required standards and assess the learning of all student populations. Instructional materials, teaching staff, and resources must be considered in the proposal to meet this requirement.

## HIGH-QUALITY INSTRUCTIONAL MATERIALS

1. Must the curriculum address all proposed grade levels?

**Answer:** New operators must include 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. Applicants must also complete the High-Quality Instructional Materials chart in the School Design section with materials that will be used in year 1.

2. Can HQIM be utilized as part of a proposed school's overall scope and sequence?

**Answer:** Applicants are advised to consult the HQIM resources during the application drafting process to determine if any of the resources presented are aligned with the proposed school's mission, vision, and needs of the proposed student population.

3. Who has vetted the HQIM materials as part of the Texas Resource Review to determine that they included scientifically based reading instruction? Is there any data about what student achievement outcomes are in schools that use them?

**Answer:** The HQIM resources have been vetted by a series of third-party reviewers such as TNTP, SchoolKit, and other nationally recognized organizations that have done considerable work in Texas. A vetted rubric was used during the evaluation process. Additionally, significant teacher input from the field and focus groups were solicited. HQIM resources will continue to go through continuous improvement.

4. If materials are not in the HQIM process, how can they become included? Is there a current clearinghouse to check to see if certain programs meet the high-quality standards?

**Answer:** There are a variety of other available resources that can meet the HQIM criteria. The application includes a definition of high-quality instructional materials in the embedded resource page to offer guidance on what counts as “high-quality.” Additionally, the rubrics used as part of the HQIM designation process can be used to vet other materials if desired. The rubrics used to rate high-quality materials can be found at the [Texas Resource Review](#) website.

5. Will TEA look more favorably on charter school applicants who use these resources?

**Answer:** TEA does not have preference for use of the HQIM resources. Applicants are encouraged to look at the Generation Twenty-Eight application evaluation criteria and make a thoughtful analysis of how the applicant’s proposed materials meet the criteria and the needs of the students that the applicant wants to serve. We do **not** want to discourage innovation in any way.

6. How can learning programs be verified to determine if they are TEKS-based and not common core?

**Answer:** It is the applicant’s responsibility to verify that all materials proposed are TEKS-based and not common core. Often TEKS-aligned instructional materials will be described as such. As well, each instructional material vendor should be able to provide information on whether the resources are aligned to the TEKS.

7. Many of the HQIM resources require registration and a school name. Any suggestions as to how to access free content for review?

**Answer:** With the assistance of the HQIM Team, the Charter Schools Division has provided all Mandatory Information Session attendees with an access document. Applicants may email the division directly for a copy of the document if needed. Please reach out to the New Schools Team at [charterapplication@tea.texas.gov](mailto:charterapplication@tea.texas.gov).



# 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 identified in the application materials at the time of application submission. See [Business Organizations Code §22.204\(a\)](#).

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 TGC](#).

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

4. Can board members serve on the board for more than one charter school?

**Answer:** There are no prohibitions against individuals serving as board members on multiple charter school boards.

5. Must all board members reside in Texas?

**Answer:** A majority of the members of the governing body of an open-enrollment charter school or the governing body of a charter holder must be qualified voters. See TEC §12.1202. 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. See [Texas Election Code 13.001](#).

6. 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, must be registered as board members with the Secretary of State before a charter contract is awarded.

7. 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. See TAC §100.1131(b).

8. Are board members eligible to be reimbursed for incurred expenses?

**Answer:** Board members are prohibited from reimbursement of personal expenses, with the exception of allowable travel expenses. See TAC §100.1131(b)(2).

9. Can board members submit Financial Support Letters of any denomination for inclusion in the charter application?

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

10. May a board member resign and accept a position of employment, such as superintendent, 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.

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** disclose their intention in the Board Member Biographical Affidavit.

However, founding board members are encouraged to utilize their strengths and skillsets throughout the entirety of their term if the charter is approved.

11. 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.

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

**Answer:** A person, including the superintendent, who receives compensation or remuneration from a nonprofit corporation holding an open-enrollment charter generally may not serve on the governing body of the charter holder. See TAC §100.1131(f) for limited exceptions.

## TALENT MANAGEMENT

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

**Answer:** The superintendent is charged with the duties of, or acting as, a chief executive 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 TAC §100.1001.

Occasionally superintendents serve as principals especially during school start-up. However, when able, it is a good idea to have a principal who will serve as the instructional leader on campus.

2. May the same individual serve as both superintendent and principal?

**Answer:** The superintendent may also fulfill the roles of the campus principal.

3. What are the certification and educational requirements for superintendents? Do superintendents have to have a superintendent certification?

**Answer:** Superintendents of open-enrollment charter schools are **not** required to have a superintendent certification.

4. What are the certification and educational requirements for principals and teachers?

**Answer:** All principals and teachers at open-enrollment charter schools must have at least a baccalaureate degree. See TEC §12.129(a).

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). See TAC §102.1003, §89.1131, and TAC §89.1245 respectively.

5. What amount do start-up charters typically pay employees for various positions?

**Answer:** Start-up charters are encouraged to offer their employees a salary that is competitive and comparable to the surrounding school districts. This point of comparison is requested on the Attachment OP3 Staff Profile Forms. Public school districts typically post their salary scales on their school websites where they can be located for comparison.

6. When do employees begin receiving TRS service credit? Once the charter is awarded or when the 2024–2025 school year begins?

**Answer:** Employees are not eligible for TRS until after the charter is awarded, and they meet the criteria established by TRS, available at [this website](#).

7. Should an experienced operator include centralized roles in the Attachment OP2 Staffing Chart and Attachment OP3 Staff Profile Forms? 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. For Generation Twenty-Eight, the start-up year will be 2023–2024 and the first year of operation will be 2024–2025.

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 is 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. 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.

5. 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 operation. The Education Service Centers (ESC) are also a valuable resource tool for charter school operators, including PEIMS training. [TEC §12.104\(b-1\)](#).

6. May charter schools give student vacation days for religious holidays?

**Answer:** The Establishment Clause of the United States Constitution states that "Congress shall make no law respecting an establishment of religion." Consequently, public schools in Texas may locally adopt school holidays for secular purposes—such as a winter break, spring break, or other district holidays that may fall around traditionally religious holidays.

7. Must an open-enrollment charter school offer 75,600 minutes? Does it include lunch and recess?

**Answer:** Charter schools are required to operate each campus for a minimum of 75,600 minutes per school year **and** provide instruction at least four (4) hours a day in order for a student to be considered full-time. See TEA's [Student Attendance Accounting Handbook 2021–2022](#).

8. How should rent/lease projections be calculated in the Financial Plan Workbook if no facility has been chosen yet?

**Answer:** Charter schools must secure a facility during the start-up year before any students are served. If a facility has not been identified by the time of the application deadline, the applicant must provide projections for what they **expect to pay** after the facility has been secured.

# 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 TAC Section §§100.1001\(13\)\(14\).](#)

2. In order for a nonprofit organization to complete a charter application, is the nonprofit considered a CMO?

**Answer:** For purposes of the charter application, a nonprofit organization is considered to be the sponsoring entity (the applicant). A CMO is a contracted entity that provides management services to a charter holder or charter school. **Applicants are not required to contract with a CMO.**

## FACILITIES

1. Are there any regulations as to where a charter school can be located? Such as religious institutions or certain types of buildings?

**Answer:** School facilities must comply with all applicable municipal ordinances as well as receive a Certificate of Occupancy or other appropriate certificate with an E rating for education. A charter school may locate in a religious institution so long as the school adheres to all state and federal laws regarding religious iconography.

2. 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.

3. Must an applicant have an identified location or facility at the time of application submission?

**Answer:** Applicants must identify the address for each campus (if known) or anticipated zip code for each campus in Year 1 on the Applicant Profile page and address all narrative questions in the Facilities section.

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.

Additionally, if a local public official has a substantial interest in a business entity or in real property, the official must file, before a vote, decision, or other action on any matter involving the business entity or the real property, an affidavit stating the nature and extent of the interest and must abstain from further participation in the matter under specific circumstances. See TAC §100.1133(a) for further information.



## FINANCE

1. Must a charter school show proof of financial backing or other capital as part of the application review and determination?

**Answer:** Although financial commitments and supports are not requirements of the Generation Twenty-Eight 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. See TEC §12.106.

4. What are Foundation School Program (FSP) funds?

**Answer:** The Foundation School Program (FSP) is the primary source of funding for charter schools. The number of students attending as well as their program participation determine the amount of funding for each charter. See TEC §12.106.

5. 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 **\$6,533** per student in grades K-12 and **\$3,266** per student in prekindergarten, 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.

6. 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.

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. See the TEA [Additional Days School Year](#) website.

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 prekindergarten (pre-k) students input into the Financial Plan Workbook? What 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, regardless of classification, should be entered as 1 student in the Financial Plan Workbook. However, applicants should enter half the anticipated amount of pre-k students served in order to reflect half-day funding.

11. Does the sheet allow salaries to automatically escalate by a certain percentage each year?

**Answer:** The Personnel Tab in the Financial Plan Workbook requires all applicants to manually input annual salary raise percentages, if any, in columns P–S. These columns will automatically calculate the new salary for each paid position.

12. For transportation, under enrollment, are we entering the number of students or that amount we have allotted?

**Answer:** The Enrollment Tab in the Financial Plan Workbook requires all applicants to identify the number of students eligible for each transportation allotment in rows 78–80.

13. Should all projections be conservative or just the enrollment expectations?

**Answer:** Applicants should have conservative enrollment expectations that will drive appropriate budgetary planning in the Revenue and Expense Assumptions tab of the Financial Plan Workbook. As a reminder, applicants are encouraged to budget for the entire \$900,000 in Charter School Program start-up grant funds and be thoughtful in the use of those dollars.

14. What is the beginning and ending date of the charter school fiscal year?

**Answer:** Applicants must designate either June 1 to July 30 or September 1 to August 31 as the charter school's fiscal year start/end dates.

15. Do charter schools still qualify for state and federal nonprofit grants such as Texas Commission on the Arts, etc.?

**Answer:** Applicants are permitted to seek other sources of funding, including but not limited to, grants and philanthropic funds. Please note, an applicant may not advertise themselves as a "charter school" until a charter contract is awarded.

16. Are charter schools typically able to stay financially solvent with just grants and outside funds?

**Answer:** Charter schools are entitled to state funding, based on the number of students attending as well as their program participation. See TEC §12.106.

17. How is special education IDEA-B funding considered in the first year?

**Answer:** IDEA-B funding is calculated during the early fall of the first year of operation.

18. Is there a sample budget?

**Answer:** The Texas Education Agency does not provide sample application material because each budget is different based on the proposed school design and programs to be offered. However, applicants may access successful proposals on the Charter Schools [Portfolio webpage](#).

## 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 Twenty-Eight 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. Do state funds and CSP grant awards come from the same funding source? If they are from separate funding sources, is there a method for determining who gets state funding (versus) a CSP grant award? Is it possible to get both state funds and a grant award?

**Answer:** It is possible to receive both state funds and a CSP start-up grant. State funding and CSP grant awards are from separate funding sources. All charter schools receive State funding once they become operational. It is based on student average daily attendance (ADA). The CSP Grant is a federally funded program. All approved applicants of a Generation Twenty-Eight charter school will be awarded CSP funds based on their completed Financial Plan Workbook and any approved contingencies, provided they meet the federal definition of a charter school and are not receiving a charter management organization (CMO) grant from the United States Department of Education (USDE) for the same charter school. CSP funds are awarded during the start-up year.

4. Are startup funds provided during the planning year?

**Answer:** The CSP grant award is considered start-up funding and is provided during the planning year to approved applicants after all contingencies are cleared and contracts are signed.

5. Do we need to spend the entire \$900,000 before reimbursement?

**Answer:** A CSP grant recipient may draw down funds any time after the funds have been expended as long as the expenses were incurred during the grant period. It is recommended that funds be drawn down as they are expended, rather than wait until the end of the grant.

6. How long would reimbursement take to be returned?

**Answer:** Once funds are expended, the expenses can be submitted in the expenditure reporting system and will be reimbursed, if approved. As a note, on the grant start date, recipients may begin accessing up to 20% of the total award. The remaining 80% of the funds will be released upon successful completion of the grant negotiation process.

7. When would the planning year begin for Generation Twenty-Eight?

**Answer:** The planning year for Generation Twenty-Eight would begin sometime in the fall of 2023 after all contingencies are cleared and contracts are signed.

8. Is there a timeframe by which the CSP grant funds must be used?

**Answer:** Approved Generation Twenty-Eight charter schools can anticipate receiving CSP grant funds in the fall of 2023 after contingencies are cleared and contracts are signed. The grant will be available to Generation Twenty-Eight charter schools until approximately May 2026 or about 32 months.

9. How much time is allowed to fall under the planning activities timeline prior to opening a charter school to students?

**Answer:** Planning activities need to be concluded by the 30th day of operation.

10. If we open a campus in year one and another in year three, how would that work with CSP?

**Answer:** The CSP grant award is a one-time award to the charter school, not the charter campus.

11. Can the CSP grant be modified, once granted, if proposed enrollment drastically increased beyond what was proposed?

**Answer:** CSP grant awards, once approved, may not be increased beyond the initial amount approved.

12. How are amendment requests for changes utilizing the CSP funds handled?

**Answer:** After a CSP grant recipient receives a Notice of Grant Award for an approved application, the grantee may realize a need to make modifications to planned allowable activities or estimated budget costs. Some changes are within the grantee's power to make without seeking TEA approval. Other changes, however, require the grantee to amend the approved grant application and receive approval of the changes.

13. 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.

14. It is possible for a charter school to be authorized via the Generation Twenty-Eight charter application process and not receive a CSP Start-Up Grant award?

**Answer:** 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."

15. What are allowable expenses for start-up costs under the CSP Start-Up Grant?

**Answer:** 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 webpage](#).

#### **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, start-up 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

16. Can CSP funds be used to pay staff in the start-up year?

**Answer:** Payment of staff salaries is limited to during the planning phase and up to the first 30 days of the initial implementation phase, provided that these expenses are associated

with initial implementation activities as outlined above under General Allowable Activities and Use of Funds.

17. What is the allowable amount for a school bus or van for transportation?

**Answer:** There is no set allowable amount for a school bus or van for transporting students. However, the applicant should ensure that any amount expended meets the criteria of being reasonable (i.e., Would a prudent person pay that amount for that item?).

18. Can the CSP grant be used for computer software?

**Answer:** One-time start-up equipment purchases necessary to implement a charter school, which may include computers and equipment related to technology, are allowable.

19. Would repurposing a building fall under allowable activities?

**Answer:** CSP funds may only be used for carrying out necessary renovations and minor facilities repairs as outlined above under General Allowable Activities and Use of Funds. However, the CSP grant is a non-construction grant. CSP funds cannot be used to build a facility.

20. 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.

21. 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.

22. 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.

23. If we are already using the building for operation of a private/homeschool program, can we still use the CSP funds for rent while planning the opening (transition) to a charter?

**Answer:** CSP funds would not become available until after the newly awarded charter school has cleared contingencies and been issued a contract. There are no funds available for pre-award costs.

24. 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)

25. If we purchase equipment and the equipment could include extended service warranties for a slightly higher price, would this extra cost be allowable under CSP?

**Answer:** Extended warranties would be considered ongoing costs and would not be allowed under the CSP grant. They would have to be paid through another funding source.

26. Are CSP funds available to pay contracted accountants?

**Answer:** CSP funds are not allowed for paying contracted accountants.

27. 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.

28. 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.

29. Are the opportunity zones open per city/zip codes or they are available based on some need-based data?

**Answer:** They are census tracts that have been designated as QOZs by the United States Treasury Secretary.

30. For the QOZ, if you plan to open multiple campuses but the first one is not in the QOZ but the 2nd is can that still get the priority point?

**Answer:** Applicants will receive the QOZ points if any of the proposed campuses are located within a QOZ.

## 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. 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 Twenty-Eight open-enrollment charter(s) for award.

## REVIEW & SCORING

1. 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 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.

2. 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.

3. How are points awarded in the scoring process?

**Answer:** Each evaluation criterion is scored on a 0–2 point scale.

4. 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.

5. 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 advancement during the application process:

- (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.

6. What is the specific legal role of the SBOE when it comes to allowing charters to proceed?

**Answer:** Texas Education Code, Chapter 12, Subchapter D, Section 101 (b-0) states that the commissioner shall notify the State Board of Education of each charter the commissioner proposes to grant under this subchapter. Unless, before the 90th day after the date on which the board receives the notice from the commissioner, a majority of the members of the board present and voting vote against the grant of that charter, the commissioner's proposal to grant the charter takes effect. The board may not deliberate or vote on any grant of a charter that is not proposed by the commissioner.