

Texas Education Agency
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SUBCHAPTER D and E

GENERATION 29

OPEN-ENROLLMENT CHARTER APPLICATION

FREQUENTLY ASKED QUESTIONS



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INTRODUCTION

The TEA Division of 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-Nine Open-Enrollment Charter Application.

All references to TEC, TAC, TBC, 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-Nine Application Information Sessions on July 28 and August 4, 2023 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 Applicants website](#).

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-Nine application cycle. The agency will confirm attendance upon request.

ACCESSING THE APPLICATION

1. How exactly do I access the application?

Answer: The application is available to download from the [Charter School Applicants webpage](#). The application narrative document is accessible from the Charter School Applicants webpage. The document will automatically download once the narrative link is selected. The document is an interactive PDF form, and applicants will receive an automated prompt and further information to download Adobe Acrobat.

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 12, 2024, to 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 29 Application for Open-Enrollment Charter will become charter school board members if a charter is awarded.

9. 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. However, they can apply for additional campuses after authorization through the expansion amendment process. Charter campuses authorized by a traditional Independent School District are governed by Texas Education Code, Chapter 12, Subchapter C.

10. 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.

11. 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.

12. 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.

13. 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).

14. 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.

15. If we are a returning applicant and applied as an experienced operator last year but will apply outside of that organizational structure can we apply as new operator?

Answer: A returning entity that has not operated a charter school in the state of Texas may apply as a new operator; so long as, the entity is (i) no longer affiliated with an out-of-state Charter Management Organization with multiple years of academic

performance data, or (ii) does not operate a district-authorized charter campus in Texas with multiple years of academic performance data, or (3) is incorporated in the state of Texas and does not operate and/or manage at least one charter school or campus with multiple years of academic performance data outside of Texas.

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-Nine applicants during the drafting and preparation phase. Please visit the [Charter School Applicants webpage](#) for dates and registration. One-on-one sessions are not provided.

4. Are example applications available?

Answer: There are no example 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-Nine 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 3, 2022 to fulfill Attachment E3 Public Meeting Notice.

11. 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.

12. 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.

13. 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.

14. Does the term "at capacity" refer to each charter campus? Or is it a collective projection?

Answer: At-capacity enrollment refers to the 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.

15. 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.

16. 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.

17. 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 3, 2023.

18. 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.

19. 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 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.

20. How early can we begin our community meeting?

Answer: New applicants can begin hosting community meetings as early as possible to a few days before the current application submission date. Returning applicants can use any public meetings that were hosted within 18 months of the current application submission date.

21. If we start off with K-5 or K-8, do we have to reapply for adding additional grades 9-12?

Answer: If the entity is approved to operate a charter serving only certain grade levels, they are able to later submit an expansion amendment to add additional grade levels. If approved, this expansion would become effective no sooner than the school's fourth year of operation.

22. I just saw the Generation 28 charter school applicants community meetings are posted on the TEA website. Does this count as our public meeting for applicants? Where do we submit the information to TEA to have our meeting information posted?

Answer: The Agency will update the community meetings page with Generation 29 meetings. You will carbon copy charterapplication@tea.texas.gov on all email notifications for your public meeting. We will use the information in the email to update the website with public meetings.

23. Can more than one person in the organization open and work on different parts of the application?

Answer: The narrative document is a fillable PDF form. Multiple users will be unable to edit and save the same document collaboratively.

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. What is the ideal enrollment 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 serving a minimum of 100

students. This requirement applies to the charter school and not to each charter campus. [See TAC §100.1015\(b\)\(1\)\(D\)](#).

4. 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).

5. 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.

6. Can any student in Texas be admitted to the charter?

Answer: Applicants applying for an open-enrollment charter school must accept any student regardless of educational needs or status, so long as they have proof of residence within the approved geographic boundary of the school. The potential exceptions are if the school is a performing arts program that may require a student to audition, a possible exclusion for a student with documented discipline history, or admission of a student identified as homeless.

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. 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.

4. Are we able to have a middle school level charter only?

Answer: An applicant can apply for a charter school that serves only middle school grades, though the applicant may want to include a strong rationale for serving only those grades.

5. Can a charter school applicant apply for an all-boy or all-girl school?

Answer: Charter schools have to comply with TEC 12.111(a)(5), which prohibits discrimination in admission policy on the basis of sex.

6. Will you accept applications to serve prekindergarten and kindergarten only students?

Answer: At this time, with the current administrative rule, the commissioner cannot authorize prekindergarten and kindergarten-only charters under the Subchapter D or E process. The applicant must commit to serving 50% of their students in state-tested grades by year 3 of operation.

7. My goal is to assist students over 21 and under 26 to obtain a high school diploma. Would I apply for a Subchapter D charter or through another process?

Answer: That student population would be served under the new Subchapter G, Adult High School Charter program. The application for that process will be released August 25, 2023.

8. Are there any restrictions or additional requirements needed for serving students that have dropped out between the ages of 13–18?

Answer: Applicants can still apply under the Subchapter D process and propose a credit recovery or dropout prevention model. However, there are particular criteria for

an entity to be considered a dropout prevention charter according to [TEC § 12.1141\(c\)](#), including the ages of the students served.

9. Can hours of instruction include guided instruction delivered virtually?

Answer: SB15 (87th Legislature, Second Called Session, 2021) only applies to currently operated schools that offer a blended or virtual format.

10. Are applicants required to propose offering a prekindergarten program?

Answer: Applicants are not required to offer prekindergarten programs.

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. 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.

5. Should charter schools provide special education services in-house versus contracting to provide these services? Are special education co-ops an acceptable option?
6. Answer: Charter schools may contract with a vendor or participate in a co-op 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.

9. If we have an extended enrollment area, do we have to provide IEP mandated transportation or is there a reasonable mileage exception?

Answer: Charter schools are obligated to comply with federal laws regarding IEP accommodations.

10. What consequences do charters have for non-compliance?

Answer: When noncompliance is identified, the LEA will engage in a Corrective Action Plan. The LEA will work with their TEA contact to correct the noncompliance and demonstrate future issues can be mitigated by providing training, developing procedures, and strong self-monitoring systems. You can find more information about all of the monitoring activities on the Office of Special Populations and Monitoring [website](#).

11. What happens if a charter school in Texas lacks the resources or qualified staff for students who qualify for full-time self-contained special education placements such as PPCD, CBI, FLS, particularly students in wheelchairs, need diaper changing, etc.?

Answer: The LEA is responsible for providing any services to accommodate special population students. If the LEA cannot provide the services, it must plan for compensatory services to be provided through a third party.

12. Do you know what percentage of EB students eventually are identified as special education students?

Answer: Recent data indicates that 10% of EB students are also identified with a disability.

13. How do we administer the home language survey if the student is nonverbal (autistic), are we automatically referencing the home language?

Answer: Home Language Survey is necessary, and if there is another language other than English the student will be administered the language test. If the student is identified as emergent bilingual, they should receive bilingual education and special education services. They are dually identified students.

14. Is the staffing determination for bilingual teachers based on the "rule of 20"?

Answer: If the charter serves 20 or more students with same home language and in the same grade the charter must provide a bilingual program.

15. Is there data about the rate of existing bilingual certifications in the state of Texas?

Answer: The number of certified and employed Bilingual/ESL certified teachers in 2021–2022 school year was 66,737. This number does not account for the full workforce, and it does not reflect the supplemental certifications in these areas.

16. Can uncertified teachers obtain ESL certification?

Answer: ESL certification is supplemental, so it must be obtained after a general content area certification is acquired.

17. For planning purposes, how long does it typically take EB students acquire the language?

Answer: Second language acquisition leading to English proficiency is a fluid and dynamic process and unique to each individual. Social language is often acquired in 5–7 years but Academic language takes up to 10 years.

18. Are there restrictions on which languages can be added or the amount of languages that can be offered in a proposed school?

Answer: Charter schools are not limited to which languages, or the number of languages offered.

19. As an example, if there are 20 students in 3rd grade all speaking German, they must have a teacher that speaks German—is this considered a bilingual teacher?

Answer: That is the “rule of 20.” However, there is not currently a German bilingual certification exam. If this were the case, the charter should use their community to access German materials at least for literacy development. If this scenario is a concern for your community, please reach out to Emergent Bilingual Support Division in the Office of Special Populations and Monitoring for more support.

HIGH-QUALITY INSTRUCTIONAL MATERIALS

1. Must the curriculum address all proposed grade levels?

Answer: New operators must include TEKS alignment documents for all core content areas for one grade level that will be served in the first 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 the first year.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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-Nine 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.

7. 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.

8. Currently some ISDs are using Pearson non-consumable products and materials. Are charter schools allowed to use this vendor also?

Answer: Charters may and often do use the same vendors as ISDs. Please ensure that the selected materials meet 100% TEKS alignment and other HQIM standards.

9. Can you speak on how TEA works with the SBOE to clarify the curriculum and work towards alignment, so SBOE isn't challenging applicants when they are using the TEA-recommended curriculum?

Answer: Several of the changes incorporated into the School Design section in the Generation 29 application were directly in response to SBOE feedback.

10. For the new Attachment SD1 TEKS Alignment Document requirement, if a curriculum provider provides documents that show full alignment with TEKS, but they aren't published on one of the linked sites from the Generation 29 application, would that still be considered fully aligned?

Answer: Any TEKS alignment documents can fulfill the Attachment SD1 requirement, whether that be TEA'S OER materials, locally created TEKS alignment documents or Scope and Sequences, or those provided by the publisher. To reiterate, applicants are not required to use materials vetted through the Texas Resource Review or made available for OER, but they do need to provide evidence of 100% TEKS alignment and compliance with the expectations of HQIM.

11. To clarify, the Attachment SD1 will have to include all 4 core content areas TEKS alignment for 1 grade level? Is it a curriculum map? Is it required for elective courses as well?

Answer: Attachment SD1 requests a TEKS alignment document, which may be a scope and sequence or year-at-a-glance document which shows full TEKS coverage in every unit of all 4 content areas for 1 grade level that will be served in Y1 of operation. Enrichment course materials should be identified in the HQIM table in the narrative document, but applicants do not need to submit corresponding TEKS alignment documents for the attachment requirement.

12. Are there approved High Quality Spanish dual language curricula that are now fully aligned with TEKS?

Answer: Approved fully aligned TEKS high-quality Spanish dual language curriculum is available through the Texas Resource Review.

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 or also be a current ISD trustee?

Answer: There are no prohibitions against individuals serving as board members on multiple charter school boards or being ISD trustees concurrently. The board member affidavit attachment asks the applicant to provide any current or previous board service if applicable.

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.

13. Regarding nepotism, does Texas consider someone who is NOT of consanguinity/marriage but who, for example, lives with a board member (e.g., a friend who has moved from another state and is currently living with someone) a possible nepotism problem?

Answer: No, cohabitation is not considered a prohibited relationship under nepotism laws.

14. If we applied in the previous cycle, can we use the same biographical affidavit summaries for our board members if we cite our previous application?

Answer: Each application cycle will require affidavits from that particular cycle. Consequently, board members will have to complete the Generation 29 affidavit form.

15. Is there a conflict of interest if the board members and the management group where the Charter School is located are affiliated one with the other?

Answer: TAC §100.1153 describes what is considered a “substantial interest” and may be consulted for reference.

16. Can an employee (like a superintendent or principal) from another charter school with no previous board service experience serve on our board?

Answer: Often start-up charter board members include members with educational leadership experience.

17. Is there a mandated or standard application that appointed school board members must complete?

Answer: Charter school board members are appointed per the operating bylaws of the charter holder.

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 best practice 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 role 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. 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 2025–2026 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](#).

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-Nine, the start-up year will be 2024–2025 and the first year of operation will be 2025–2026.

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, and typically offer PEIMS training. [TEC §12.104\(b-1\)](#).

6. 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](#).

7. Are charter applicants allowed to propose a four-day school week charter as many school districts are shifting to it, so long as the academic minutes of core content areas are met? Does a shortened week with early release every Friday still count as a full five-day week?

Answer: Charter schools must meet the state requirement of 75,600 instructional minutes. If those minutes are met, then a 4-day weekly schedule may be acceptable. A 5-day week with an early release day one day of the week is also permissible.

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.

9. If a school can't open in Aug of 2025 for some reason (like not being able to locate a building), how does that impact launching and that mandatory date?

Answer: Newly authorized charters have the ability to defer opening for one year. See [19 TAC 100.1002\(q\)](#).

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.

3. If we are working with CMO, does that CMO need to be approved ahead of time?

Answer: No. In the experienced operator application there are questions asked about the level of engagement with the 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.

5. What's the operation size for the building?

Answer: Charter "size" is particular to enrollment. Public schools in Texas, including charters, have facility requirements, including the new safety and security

requirements passed under HB 3 in the recent legislative session. School facility requirements are stated in [Texas Administrative Code Chapter 61](#), which addresses square footage requirements. However, please note that these square footage requirements do not apply to charters unless the board elects to adopt them.

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-Nine 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 applying. 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 \$7,105 per student in grades K–12 and \$3,552 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. 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.

13. 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.

14. Do charter schools still qualify for state and federal nonprofit grants?

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.

15. 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](#).

16. What influences the amount that each charter can be awarded? Does enrollment matter or is it all based on purchases and justified needs?

Answer: The Foundation School Program (FSP) is a state aid entitlement. In general, the number of students attending, and student program participation determine the total FSP funding the charter school will receive. In the following document: [Charter School Funding](#), the Texas Education Agency provides a detailed breakout of FSP state aid funding to charter schools and includes statutory references. Enrollment is a factor; however, the student attendance rate (participation) is more important in calculating FSP state aid.

17. Prekindergarten is only half-day funded, but there are districts where pre-k students attend all day. Is there an exception to the rule? Are charter districts allowed to charge the remainder of the day for pre-k? For instance, if students attend a half day and parents want them to attend the remainder of the day, can a charter school charge a fee?

Answer: If a school district or charter has 15 or more eligible 4-year-old children, it must offer a free full day of prekindergarten to those children.

A school district or charter may charge tuition to provide:

- half-day and full-day prekindergarten classes to children who are ineligible for free prekindergarten classes; and
- an additional half day of prekindergarten classes to those 3-year-old children who are eligible for free prekindergarten classes.

18. The FPW includes the increase to the school safety allotment on the SOF tab (cell D55). Does it also include the \$15,000 per campus under HB 3?

Answer: House Bill 3 increases school safety funding from \$9.72 to \$10.00 per ADA. The safety funding of \$15,000 per campus is not incorporated into the Financial Workbook.

19. If an applicant does not yet have grants from a business or in-kind donations can we state in the application that we are seeking the donations?

Answer: Applicants can state in the narrative document that they are seeking other business and in-kind donations as a part of a contingency plan. However, applicants cannot include prospective funds in the financial plan workbook.

20. Do letters from community members and organizations have to specify the amount of financial support that they will be provided with in their letter?

Answer: If applicant specifies an amount of financial support from community members and organizations in the financial plan workbook, letters of financial intent or support must be submitted with the application specifying the amount.

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-Nine 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-Nine 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. 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.

5. 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. After a submitted expenditure is approved, reimbursement takes approximately 3–5 days.

6. When would the planning year begin for Generation Twenty-Nine?

Answer: The planning year for Generation Twenty-Nine would begin sometime in the fall of 2024 after all contingencies are cleared and contracts are signed.

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

Answer: Approved Generation Twenty-Nine charter schools can anticipate receiving CSP grant funds in the fall of 2024 after contingencies are cleared and contracts are signed. All CSP grant funds must be expended before the grant end date. Grant periods are typically 24 months.

8. How much time is allowed for planning activities prior to opening a charter school to students?

Answer: The planning phase is the period from the grant start date to the day the campus starts serving students. This period cannot exceed 18 months. Planning activities are related to the planning and program design of the charter school.

9. 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. The grant activities and budget can be amended if needed to achieve the grant goals.

10. 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.

Instructions on how to submit an amendment can be found in the CSP Grant application documents that you will complete.

11. 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.

12. It is possible for a charter school to be authorized via the Generation Twenty-Nine 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.”

13. 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.”)
- 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

You can find the complete list of allowable and unallowable activities in the program guidelines on the TEA Grant Opportunities page.

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

Answer: Payment of staff salaries for allowable positions (see above) 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 planning or initial implementation activities as outlined above under General Allowable Activities and Use of Funds.

15. 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?).

16. If a passenger van for student transportation is allowable, what about a van for maintenance or facility usage?

Answer: Maintenance or facility usage would be considered ongoing expenses which are unallowable under the CSP grant.

17. 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. However, subscriptions or fees related to license renewal are unallowable.

18. 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 add permanent value to an existing building through renovation or remodeling.

19. 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.

20. 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.

21. 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.

22. 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. CSP funds may be used for rent during the planning phase and up to the first 30 days after the school starts serving students. However, CSP funds may not be used for rent during time that the private/homeschool program is operating out of the building.

23. 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
- Salaries for personnel other than teachers, school leaders, and instructional support personnel
- 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
- Cosmetic upgrades to a building that are not required by state, federal, or local regulations
- 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)

24. 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.

25. Are CSP funds available to pay contracted accountants?

Answer: Grantees may purchase financial management software and receive training associated with the software. Costs for accounting/bookkeeping services outside of the purchase of accounting software are not allowed under the CSP grant.

26. 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. Costs for fuel, maintenance, or drivers are not allowed under the CSP grant.

27. 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 physically located within the boundary of a Qualified Opportunity Zone (QOZ) to be eligible to receive any priority points associated with this initiative.

28. Are the opportunity zones open per city/zip codes or they are available based on some need-based data? Is there a list identifying them?

Answer: They are census tracts that have been designated as QOZs by the United States Treasury Secretary. There is a QOZ locator on the [Charter School Applicants webpage](#).

29. Clarifying question, priority points for a school in a QOZ are awarded for the CSP. Are they also awarded for the charter application towards the 85% min score for moving forward?

Answer: Priority points are only awarded once, if an applicant proposes to locate in a QOZ, as verified by agency staff. Those points are included in the total points that result in a percentage score.

30. So, bringing a building up to code is allowable. If we need to add a secondary staircase or an elevator to meet regulations, is that allowable?

Answer: CSP funds may only be used for minor facilities repairs to keep the building in efficient operating condition. Minor repairs do not add permanent value nor appreciably prolong its intended life. Building a secondary staircase or an elevator would be considered adding permanent value and therefore is unallowable under this grant.

31. When you mentioned that it can't add permanent value or cover construction, would this apply to temporary wall installation to meet the classroom square footage requirement?

Answer: Classroom items, such as room dividers or partitions that can be removed, could be purchased using grant funds provided they are deemed necessary to implementing the educational program and achieving the grant goals.

32. Can the school building be located outside the opportunity zone, but service the feeder pattern of an opportunity zone?

Answer: For an applicant to receive priority points as part of the CSP grant application, the school building must be physically located in a QOZ.

33. Would a playground constitute a build or an installation cost? If the playground is not used for whatever reason, will there be a penalty? Does this apply for other items that are bought and not used?

Answer: All items purchased with CSP funds must be received and utilized during the grant period. CSP funds may be used to purchase the playground equipment, however installation costs involving construction or capital improvements to the property may not be covered using CSP funds.

34. If furniture is allowable, does this include school fixtures and/or major appliances (AC, heater, commercial fridge)?

Answer: Equipment and furniture purchased with CSP funds must align to the academic model and/or the education program that was designed and planned. All purchases should support the purpose of the CSP grant which is to provide financial assistance for the planning, program design, and initial implementation of charter schools to support the growth of high-quality charter schools in Texas, especially those focused on improving academic outcomes for educationally disadvantaged students. Additionally, any equipment that is purchased and installed should not add permanent value to the property.

35. Can a certain percentage of the CSP be allocated to teachers and leaders in the planning phase?

Answer: Teachers, school leaders, and specialized instructional support personnel salaries may be paid using CSP funds during the planning phase provided that these expenses are associated with planning activities.

36. For clarification, if awarded we will not receive any funds prior to the first day, we must purchase furniture, technology, equipment, textbooks, rental property, and trainings at our own expense?

Answer: Grantees will receive their NOGA when the grant documents have been submitted and negotiations have been completed. Once the NOGA has been received, grantees can begin entering expenditures for reimbursement.

37. Considering the planning and activity phase descriptions provided, during which phase, planning or implementation, would we be allowed to use CSP grant funds to make one-time purchases of start-up equipment?

Answer: Equipment is considered an implementation activity and should be budgeted in the implementation costs. However, equipment may be purchased before school starts even though it is considered an implementation expense because the type of activity determines how a cost is budgeted, not when the purchase takes place.

38. Does paying start-up salaries work the same way as buying equipment? Is it also through reimbursement?

Answer: Yes, all costs through the CSP grant will be paid via reimbursement.

38. Will direct deposit be an option for faster payments?

Answer: Direct deposit is the only option for payment. The LEA will set up accounts in the Expenditure Reporting system. When expenses are entered a voucher is issued through the Uniform Statewide Accounting System. For questions specifically related to Expenditure Reporting please contact TEAExpenditures@tea.texas.gov.

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 happens if a key portion of the application is missing, like the executive summary, and it is not caught during the curing process? Should the applicant submit the curing documents that must be attached or say nothing?

Answer: The individual narrative responses are not checked for completion, only the attachments, required submissions, and notifications. If parts of the narrative are missing but the rest of the application is deemed complete, it will go to external review and the incomplete narrative responses will be scored accordingly. However, if the narrative is substantially incomplete (with many omissions) or disordered then it may be removed from consideration.

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.

7. Are external reviewers trained for calibration purposes or are they given an evaluation rubric?

Answer: As part of external reviewer training there are several calibration activities and explanation of the criteria. Reviewers also use a rubric that includes all evaluation criteria to evaluate narrative responses. These criteria are the same as those identified in the Resource pages of the application.

8. How likely is it for the commissioner to veto an approved recommended charter?

Answer: The commissioner's role is not to veto. The commissioner makes recommendations or proposals for charters to be awarded. The State Board of Education has the authority to take no action on the proposals or to veto them.

9. When (by what date) can applicants expect notification of invitation to capacity interview?

Answer: Typically, notifications will be sent in mid-April once the full external review window is completed. These approximate dates are included in the Instructions & Guidance document.

10. What appeal process exists in the case of SBOE veto?

Answer: There are no appeals in the charter authorization process in Texas. Applicants are always welcome to reapply in the next cycle.

11. Are certain areas of the application weighted more than others in the min 85% score?

Answer: The sections each have a certain number of possible points, one for each of the evaluation criteria identified. While there are no formal weights on any area, certain sections do have a higher possible point value and thus may factor into the final score more significantly.