



Texas Association of Community Schools

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TACS COVID Debrief Zoom Meeting with Sara Leon & Associates

Friday, October 16, 2020

11:00 AM

October 15, 2020 Commissioner Call

The Commissioner went over some COVID school numbers. There have been 9,719 cumulative positive student cases and 6,454 cumulative positive staff cases. About 2.137 million students are in classes right now – which puts us at about 41%. He thanked superintendents for their hard work and tremendous job they are doing mitigating the spread of COVID and reminded them to remain diligent.

Changes to Public Health Card

Governor Abbott, the TEA, and the Texas Division of Emergency Management (TDEM) announced the creation of a COVID-19 Rapid Testing Pilot Program for Texas school systems. This program will help schools conduct rapid tests of district employees and students, with the written permission of their parents. Through this pilot program, TDEM will provide participating school systems with COVID-19 rapid antigen tests that will be administered to students, teachers, and staff who choose to participate. The program starts with eight districts and other districts will be able to apply for participation through TEA no later than October 28. Read the full press release [here](#).

A new Project Restore mental health video was posted this week: [“Developing a Positive Classroom Culture.”](#)

Operation Connectivity

Final details on the reimbursement program are not ready just yet. There will be a webinar invite sent to you possibly in November when they are ready. Superintendents and chief technology officers should have received a survey link last week about internet service providers. The commissioner talked about how nearly all districts now have fiber optics, but now they need for all students to have home access to fiber as well. They would love your participation because they are trying to help solve the problem of broadband connectivity. **Please return surveys by the close of business tomorrow** (if you didn't receive a link, contact operationconnectivity@tea.texas.gov).

Changes to Special Populations Card

TEA has added a [SY 20-21 Gifted/Talented Education](#) guidance document. One of the most important reminders in the document is that any testing that had been started during the 2019-2020 school year needs to be completed and decisions made about the testing that had already been done. I would encourage you to review your processes and procedures and address how you handled last year's referrals and placements. As far as the document goes, it is 23 pages and it has several flow charts and scenarios to assist your district personnel as they make decisions about testing, placement, and assistance with providing services. Additionally, there are learning resources and toolkits you can download directly from the PDF. You may want to pass this information on to your GT Coordinator or teacher(s).

Changes to Special Education Card

Only one question was added to the [SY 20-21 Special Education FAQ](#).

Question 6: If my school system chooses not to offer remote instruction to the general student population, how should my school system address COVID-19-related remote instruction needs for a special education student or a student subject to Section 504?

Generally, the school does not have to offer remote instruction for an individual student, such as a special education student, unless, after a request by the parent/guardian or another member of the special education student's admission, review and dismissal (ARD) committee, the committee determines as part of the student's individualized education program (IEP) that remote instruction is required to receive a free and appropriate public education (FAPE). The same general considerations apply for 504 students.

Changes to Instructional Continuity Card

TEA has updated the list of asynchronous letters of intent it has received. You can see the new list here: [Letters of Intent Submission Received Through 10/14/20](#).

Texas Home Learning

The TEA – specifically Lily Laux - spent a lot of the call reviewing Texas Home Learning curriculum (which is optional for districts). She talked about the layout improvement of the website which now allows searches by [grade level](#) and by subject. They have linked all webinar recordings and the slides to date.

They went over [Texas College Prep resource](#) that can be found through Texas College Bridge. Lily gave several reminders that it is free for all seniors this year. They have approximately 17 colleges and universities who have signed an MOU – such as UNT, TWU, South Plains, and Amarillo College. There are added supports for students and teachers on the website.

Lily also modeled some of the digital speech therapy resources from [Amplio Speech](#).

Crystal shared some of her personal thoughts on the Texas Home Learning curriculum - the number of districts using the curriculum, some of the concerns that have been shared by member districts, and the importance of sharing how decisions made at the state level impact YOUR district with your legislators.

Changes to Waivers, Finance, and Grants Card

There were a couple questions added to the [SY 20-21 Attendance & Enrollment FAQ](#).

Question 19: Is my school system required to offer remote instruction?

No. Please note, however, that remote instruction may be required for individual students, if a particular student's individualized education program (IEP) or Americans with Disabilities Act accommodation requires remote instruction. As indicated in the guidance provided within this FAQ, any parent may request that their student be offered virtual instruction from any school system that offers such instruction. If a parent requests virtual instruction and the school does not offer it, the **parent may enroll in another school system** that does offer it for transfer students.

Question 20: Are there specific requirements LEAs must follow to discontinue providing remote instruction as an instructional model?

Yes. If an LEA decides to discontinue providing remote instruction, they must give a 14-day notice to parents and notify parents of the option to transfer to another district for remote instruction. Those school systems that have discontinued remote instruction prior to the date of this clarification, even if remote instruction were discontinued without adequate advance notice, must still ensure parents are aware of their options to continue remote instruction by transferring to another school system.

Question 21: Can my LEA provide remote instruction to certain categories of students or only under certain circumstances?

An LEA may offer remote instruction to all of their students, or may target remote instruction to only certain students under the following circumstances:

- **Only for students who are sick or quarantining.** A LEA may provide remote instruction to students who are self-isolating or staying at home because of a positive COVID-19 test, COVID-19 diagnosis, COVID-19 symptoms, or close contact with a positive COVID-19 individual. LEAS can also during this school year provide remote instruction to students who are sick with other illnesses but still able to participate in instruction.
- **Only for specific grade bands.** A LEA may provide remote instruction to certain grade bands, i.e.
 - All grade 3 students
 - All grades 5 and 6 students
 - All middle school students
 - Etc.
- **On a case by case basis for certain special education students and students with Section 504 accommodations.** Please see the SY 20-21 Special Education FAQ on the TEA COVID-19 Support and Guidance site for more information.
- Additionally, certain non-core courses in secondary may only be offered in an on-campus setting, limiting student access to some remote instruction courses. For more information, see the Electives and Extracurricular section of this document.

Question 22: If a student receiving remote instruction is struggling academically, with attendance, or in any other way, can a district require the individual student to come on campus?

- Given certain parent concerns about the health and safety of their family during the COVID-19 crisis, LEAs who choose to offer remote instruction consistent with the requirements and exceptions of this document, including the exceptions listed in the preceding question, must ensure those families have access to remote instruction. As a result, discontinuing remote instruction in a way that only targets struggling students is not permitted.
- While a transition to on campus for targeted students can't be required, parents can choose for their students to transition to on campus instruction at any time (subject to a local restriction, if implemented, to align with grading periods, as described elsewhere in this document). When students are struggling academically in the remote setting, teachers and principals should talk to families about their options.
- Certainly, health and safety of the student and their family should remain the primary consideration. Assuming those considerations are addressed, there are a few issues that should be considered when discussing with families the educational benefit for a student to return to campus. First, with a few exceptions, TEC, §25.092, requires students to attend at least 90% of the course in order to obtain credit. This applies to individual course subjects at the secondary level, and to all grade levels at the primary level. Students who cannot meet this requirement while enrolled in public school may be required to repeat the grade and/or subject the following year. Second, truancy laws still apply to students enrolled in public school but who are not attending (either remotely or in person), although school systems have flexibility in their approach to truancy enforcement. Third, course grades may still be an issue. Semester grades are issued based on local policy, but in the event local policy supports it, students who ultimately fail to earn a passing grade for a course (or an entire grade level) could be required to repeat the course (or grade level).

Question 23: Can my LEA require students that are currently receiving remote instruction to come on campus periodically for some academic purpose?

- Yes. LEAs can require students to come on campus to complete a required assignment, project, or exam for an elective course if the course requires assignments or exams that cannot be reasonably completed remotely. This is discussed in more detail in the Electives and Extracurriculars section of this document.
- For other courses, LEAs can require students to come on campus to complete a required assessment that plays a significant role in determining class rank or is required for graduation/grade level promotion and cannot be reasonably or equitably administered remotely.
- In any case a student is required to come on campus, effort should be made to ensure the student is given an opportunity to make the visit with a maximum of social distancing and in compliance with other public health mitigation steps in place, including any mask requirements consistent with Executive Order GA-29.

Just one question was added the [CARES Act Funding and Expense Reimbursement FAQ](#).

Question 40: Is there any flexibility or best practices on choosing a date to use for the Title I comparability of services report due to the impact of COVID-19 on attendance?

As of today, TEA has not received any guidance on this. If an LEA requires assistance in reviewing the different tests available to meet the compliance standard, please contact the Federal Fiscal Compliance and Reporting Division via email at compliance@tea.texas.gov, or by telephone at (512) 463-9127.

The [CARES Act Equitable Services Act FAQ](#) had some updates that can be found [here](#) for those of you working with your private, non-profits and Equitable Services. Typically, the districts on our calls have not had issues with this area.

Questions for the Commissioner

The commissioner was asked if he saw any changes for the PEIMS snapshot date. He said he did not.

Upcoming Events

-TACS is planning a series of Legislative Calls where we will be joined by legislators to talk about education in the 87th session. Calls are plans for October 23, November 13rd, and Dec 4th all at 11:00 AM. More info to come next week!

-TACS Conference at Region 17 ESC: November 4, 2020

-Walsh Gallegos Legal Webinar: "The A's of Leave: ADA, FMLA & FFCRA"

November 10, 2020 at 10:00-11:30 AM

Free for paid TACS member districts only. Email info@wabsa.com to get signed up.

-TACS Book Club

First meeting will be covering the book "Thrive Through the Five" by Jill Siler of Gunter ISD. We will meet over Zoom on January 12 at 9:00 AM. We will send out an invite via Constant Contact email soon!

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Disclaimer: This information is accurate as of October 16, 2020. It is intended for informational and educational purposes only, and is not a substitute for legal advice.