



Texas Association of Community Schools

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TACS Talks Zoom Call

with Sara Leon & Associates

Monday, December 14, 2020

December 10, 2020 Commissioner Call

The biggest announcement of the call was that A-F accountability ratings would be paused for the 20-21 school year and that STAAR tests would not be tied to accountability. State assessments will still be administered on campus as a diagnostic tool. You can see the full To the Administrator Addressed correspondence [here](#).

TEA also released a TAA correspondence on [addendum and amendment requests to the state's Every Student Succeeds Act \(ESSA\) state plan](#).

The latest DSHS data shows a big decline in cases reported. School was out for Thanksgiving so that explains the drop. When you are up and running you should be reporting. It is ON CAMPUS cases. You report when you find out about them. The week of December 13th must be in by Monday the 20th. The following two weeks you won't report. You report again on January 4th.

This will likely be the Commissioner's last call of the 2020 year.

TEA COVID Website Updates

Public Health Guidance

They have made 2 clarifications to this document:

The guidance in this document is authorized by Executive Order GA-32, which has the effect of state law under Section 418.012 of the Texas Government Code. Executive Order GA-32 provides TEA with the legal authority to publish requirements for the operation of public school systems during the COVID-19 pandemic. TEA recommends that public school systems consult with their local public health authorities and local legal counsel before making final decisions regarding the implementation of this guidance.

The other clarification added is on page 4 regarding new close contact definitions added last week:

Taking into account all of the above, school systems may apply any of the following stay-at-home periods to those individuals who are identified as close contacts, in the absence of specific control orders issued by their local health authority regarding the identified individuals. Specifically, the stay at-home period can be:

- 10 days after the last close contact, so long as they continue to monitor themselves daily for symptoms and take appropriate precautions through day 14
- 7 days after the last close contact, after receiving a negative test result (administered at least 5 days after the last close contact), so long as they continue to monitor themselves daily for symptoms and take appropriate precautions through day 14
- For staff who are necessary to preserve school operations, school systems can choose not to require any stay-at-home period, so long as the affected staff continue to monitor themselves daily for symptoms and take appropriate precautions

*through day 14, and schools can consider the use of rapid tests for these individuals
- 14 days after the last close contact*

Instructional Continuity Card

They have reorganized the [Strong Start Resources](#) page with new webinar registrations to help districts considering split staffing and split scheduling models, which TEA is pushing for 2021. There are several happening over the next week, so be sure to take a look. You'll also find information on the [COVID Recovery Instructional Materials Support Initiative](#).

Special Ed Card

The [SY 20-21 Special Education FAQ](#) has been updated with several new questions.

Question 7: When considering requiring students being served with special education services to return to campus, how should an LEA support families who assert they have high-risk medical conditions that would prevent their student from returning to on-campus learning, but are unable to provide a medical certification?

As part of the planning of transitioning to on campus learning, a student's ARD committee must serve as the transition committee in the decision-making process. The ARD committee would make determinations to ensure FAPE is provided to the individual child. Please keep in mind that remote instruction may be required for individual students if their IEPs require it.

Question 8: If a student who receives special ed services is required to return to campus, can we deny a request for transportation?

If a student's ARD committee determines and documents in the IEP that the student requires transportation in order to receive FAPE, the LEA must provide it. Transportation as a related service includes specialized equipment, if required to provide special transportation for a student with a disability. The ARD committee is NOT required to convene when the student return to on campus learning unless it is to make a change to the IEP, which may also be accomplished through amendment by agreement.

Question 9: May LEAs provide credit recovery and/or accelerated credit programs to students served by special education to help close the learning gaps created by the pandemic or remote learning?

The ARD committee makes determinations regarding the services and supports necessary for the provision of FAPE and any compensatory services that may be necessary to address the impact of services not provided during the pandemic or remote learning. As a part of this determination, an ARD committee could choose to consider the appropriateness of credit recovery and /or accelerated credit programs as well as any modifications or accommodations that might be necessary based on the individual student's circumstances.

Texas Educators Card

TEA has added a document, [SY 20-21 Guidance on Educator Evaluation and Non-Renewal](#) with 6 brief FAQs covering waiver requests and appraisal policies etc. They have also added a helpful document on [Steps for Submitting an Educator Appraisal Waiver](#).

Waivers, Finance, and Grants Card

TEA has added just one question to the [Federal Funding and Grants FAQ](#).

Question 63 (found on page 33): For migrant families reaching their third year of eligibility and who were not able to travel this summer because of COVID, is TEA considering an expiration waiver?

Guidance from USDE Office of Migrant Education is as follows, “regarding the possibility of a MEPeligibility expiration waiver for migratory children who will not move due to the pandemic and therefore will reach the end of their MEP eligibility, this is not allowable. The 36-month period of eligibility is established by Federal statute, as part of the definition of migratory child in ESEA section 1309(3).”

There have also been updates to the [CARES Act Funding and Expense Reimbursement FAQ](#).

New information under “Operation Connectivity Prior Purchase Reimbursement Program (PPRP):”

Question 9: Our LEA is not going to apply for PPRP. Do we need to notify TEA?

While you are not required to notify TEA that you will not apply, even if you requested an original application, we do appreciate the notice and it will prevent you from being contacted multiple times requesting you to apply. You may notify TEA by either of two options.

1. Email customerservice@teabulkorder.com and give the LEA name and state that you will not apply for PPRP.
2. Notify your regional ESC staff who will compile a list and notify TEA on your behalf.

Question 10: Question 4 above references coding options when the LEA selects activity 2, reconciliation on the SEFA. Does a charter school recode to Fund 199 or would charter schools use Fund 240 instead?

If the original expenditures were paid from the Foundation School Program or other state aid, as described in FASRG Module 3: Special Supplement - Nonprofit Charter School Chart of Accounts, the charter school uses Fund 420 rather than Fund 199 as described above.

Question 11: Will the December 11th and December 30th deadlines be extended for LEAs?

No, the December 30th deadline is in federal statute and drives the December 11th deadline.

Question 12: Will I hear from TEA to negotiate our LEA PPRP application?

Maybe. If everything is correct the application will move through the review and approval process without hearing from TEA. If something needs clarification someone will contact you. Note that TEA staff will be reviewing the applications through the holidays and will contact the emergency/holiday person indicated in the application as needed.

Question 13: Will I hear from TEA when our LEA reimbursement payment is paid to the LEA?

TEA is focused on reviewing and approving reimbursement payments before the December 30, 2020, deadline. We will not be notifying LEAs that their payment has been sent since the LEA will see the payment in their designated bank account coded to Fund 277. TEA will notify ESCs after each payment batch is processed.

Question 14: Are "white glove" service or extended warranties allowable with the purchase of devices to generate PPRP funding?

No, only the devices and fees required to make the device functional are allowed. See Question 2 above.

Question 15: Apple will not provide an invoice until the devices actually ship, unlike other vendors. We have a confirmation email with all the same information as an actual invoice, can we upload the confirmation email?

If your LEA is in this situation, contact either customerservice@teabulkorder.com or TEA staff for a work around so that you can submit your application.

Question 16: How come I sent the email requesting the PPRP application but still have not received the email sending me the link to our LEA PPRP application?

Always check your Spam folder in your email. The application link is sent to whomever is listed in the system as the contact person for Operation Connectivity, not necessarily to the person who submitted the original email request for the application. The contact person is often someone in the IT department who placed the original bulk order.

Also know that sending the application out to the LEA is a manual process as the application has to be created and the preprinted information uploaded into the application before the link can be sent. Emails are processed in the order received.

Question 17: Are batteries and power cords for eligible devices allowable costs to generate PPRP reimbursement funds?

Batteries and power cords that come with the original device are allowable under PPRP because they are required for the device to be functional. Additional batteries or power cords purchased are not allowable costs for PPRP.

Question 18: Is expedited shipping (additional cost) to ensure the devices are received by the December 30 deadline allowed for generating reimbursement funding?

No. While the LEA may pay expedited shipping costs, those costs are not eligible for reimbursement.

Question 19: Are extended warranties allowable to generate funding for PPRP reimbursement?

No.

Question 20: Are laptop storage carts eligible expenses to generate PPRP reimbursement?

No.

Question 21: Must the requested reimbursement amount in the application match the total of the invoices uploaded?

It may, but it is not required. It is required for the total eligible expenses on the uploaded invoices to equal or exceed the total requested reimbursement amount in the application.

Question 22: Is imaging, deployment or asset tagging of devices allowable costs to generate PPRP reimbursement?

No. These are all considered "white glove" services and not allowable.

There are also updates to the [SY 20-21 Attendance and Enrollment FAQ](#).

New info under "Remote Attendance Requirements:"

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 unless the LEA determines that the student's attendance and/or academic performance in one or more classes puts them at significant risk of severe learning loss, as outlined in the criteria below. In these cases, the LEA must provide notice to the student's parents, provide opportunity for appeal for medical or other reasons, and hold a meeting (which can be virtual) if required by the appeal. If an LEA follows these steps fully, they may ultimately discontinue remote learning as an option for a student while continuing it for other students.

1. If an LEA wishes to discontinue remote instruction for individual students (as opposed to for all students, or for particular grade spans of students), the LEA must submit an attestation to TEA.
2. An LEA can identify students to be discontinued for remote instruction if one or both of the following are true in any class:
 - Student has a class average of 70 or below (or the equivalent)
 - Student has 3 or more unexcused absences in a grading period LEAs can decide on criteria that include one or both of the above, and may make the thresholds more lenient (e.g., only identify students who have a class average of 65 or below, or only those who have 4 or more unexcused absences). However, the LEA must apply the criteria consistently for all students in a particular grade.
3. LEAs must notify parents at least 2 weeks prior to requiring the student to come on campus, with language consistent with that provided by the TEA sample.
4. Parents may agree to change their child’s learning environment to on-campus, or may appeal in one of two ways:
 - Submitting a medical exemption. LEAs must provide an opportunity for parents to email this exemption request to the district or campus, along with medical authorization.
 - Requesting a transition meeting. If the parent requests a transition meeting, the LEA must schedule the meeting with no less than 3 days notice, and must allow the student to continue to learn remotely until the meeting has been held. The transition meeting for a student who receives special education and related services must include the members of the student’s ARD committee. For more information about considerations for students receiving special services, please see the SY 20-21 Special Education FAQ on the TEA COVID-19 Support and Guidance site.
5. If the parent does not appeal or if, at the conclusion of the transition meeting, the LEA does not conclude with the parent that the student can be successful learning from home, the LEA may require the student to transition to on-campus learning.

As a reminder, 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 before making any remote instruction setting change. 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).

New info under “Calendars and Minutes Requirements:”

Question 11: Can my district change a regular school day to be asynchronous instruction during the spring in order to provide additional planned professional development, teacher preparation days, or to focus on teacher planning and student engagement?

An LEA with an approved asynchronous plan may request a waiver to schedule periodic (nonconsecutive) asynchronous instructional days during the spring of 2020-2021 for a maximum of 2,100 minutes. For example, a school with 420-minute operation day could have one asynchronous day per month. During these days, LEAs are still required to allow all students to access on-campus instruction who come from households without internet access or appropriate remote learning devices. Districts requesting to waive ADA requirements in TEC, Sec. 48.005, to permit them to utilize additional asynchronous instruction days approved by the Commissioner will need to apply by selecting the 'Other' waiver type using the TEAL waiver application that is currently used to apply for state waivers, which requires board approval.

Texas Home Learning

The [ST Math online adaptive math program](#) for Grades K-5 is now available.

Other Reminders

This is a reminder to submit the attendance projections for the biennium (school years 2021 – 2022 and 2022 – 2023). The collection will close by midnight on December 14, 2020. [TEA correspondence](#) on this topic containing more details was released on October 1.

TEA's projections do not reflect any potential impact that COVID-19 could have on future enrollment and/or attendance. Because of this, districts are strongly urged to consider adjusting their own enrollment forecasts for the upcoming biennium if they believe that COVID-19 could have an impact beyond the 2020-2021 school year. Failure to submit the required attendance projections data by December 14 will result in TEA using its own average daily attendance (ADA) and full-time equivalent (FTE), i.e., student counts, estimates as part of the appropriations process for the state aid calculations.

Upcoming Events

-TACS Book Club

Our 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. Register [here](#).

-Our partners at The Scholastic Network will be holding a FREE webinar on January 21, 2021 at 11:00 AM called "Building Culture and Community Through Communication." Learn more and pre-register [here](#).

-Starting in January 2021, we will be hosting a Lunch & Learn series the second Thursday of each month at noon with Sara Leon & Associates on a different school law topic. The first topic on January 14, 2021 will cover Election Law – Redistricting & Preparing for May Elections. Look for that registration link in Tuesday's communique and in subsequent newsletters/emails! These sessions will be FREE for employees of member districts and \$50 for non-members.

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Disclaimer: This information is accurate as of December 11, 2020. It is intended for informational and educational purposes only, and is not a substitute for legal advice.