

**This TEA Coronavirus (COVID-19) Guidance and FAQ will be updated as more information becomes available and is up to date as of March 12, 2020.**

## **General Guidance**

- Stay up to date with current and accurate information from TEA, DSHS, CDC, and your local health authority. You can find your local public health organization on the [Department of State Health Services \(DSHS\) website](#).
- Maintain an open line of communication with your local health authority and municipal government entities, including ensuring the local health officer has current contact information for the superintendent and relevant staff.
- Share good hygiene practices with staff and students. For example, washing hands with soap and water for an extended period of time.
- Practice cleaning and disinfecting procedures of commonly touched surfaces.
- Communicate regularly with students, families, staff, and your communities.
- Actively engage in contingency planning for the possibility of extended school closures.

As questions arise, please utilize the following communication channels:

- TEA's website: [tea.texas.gov/coronavirus](http://tea.texas.gov/coronavirus)
- Email: [disasterinfo@tea.texas.gov](mailto:disasterinfo@tea.texas.gov)
- Phone: If you're a superintendent, please call the Superintendent Hotline. If you need the number to the hotline, please email the address listed above.

## **Decision-Making Responsibilities**

TEA has been working on the statewide response with the regional education service centers (ESCs), school districts and state leadership, including the Office of the Governor and the Department of State Health Services (DSHS). TEA's role in these efforts is to help coordinate the flow of information from the state to districts, help districts solve problems, and provide guidance that will aid in districts' decision-making.

TEA does not have the general authority to close schools for matters related to health. This authority lies with the local health authority, DSHS, and the Governor of Texas.

Finally, a note on when to decide to close your district or schools. DSHS provides a daily update on its [website](#) of confirmed cases of coronavirus. Please consult with your local health authority when making closure decisions.

## Waivers and Funding

### Closure

In the event schools are closed, the current policy regarding missed school days still applies to LEAs at or above the 75,600 operational minute requirement (or 180 days for charter schools on a 180 day calendar). Generally, the first two missed days must be made up using bad weather make up days or by using built in or additional minutes, prior to the granting of waivers, up to the 4,200 minute waiver cap, per Section 3.8.2 of the [Student Attendance Accounting Handbook](#) (SAAH).

If an LEA has a school closure based on COVID-19 related concerns that cannot be accommodated by the above mechanism or other options available to the district, the district may seek additional minute waivers from the agency. Those waivers would be granted as long as the district commits to supporting students instructionally while at home. An attestation will be required to be submitted with the waiver (see below for more information about the attestation, and options to help support instruction at home).

In addition, if a charter LEA intends to provide online education or instruction while at home, they are not required to submit a non-expansion amendment requesting the commissioner of education to approve a request for implementation of changing the instructional program to include remote instruction as is normally required in accordance with [19 TAC §100.1033\(c\)](#).

### Absences

If an LEA is experiencing low attendance due to COVID-19 related concerns, rather than illness, the district may also use the attestation related to educational support to count students absent from campus grounds as present for Average Daily Attendance (ADA) purposes. For information on how to record this in your attendance system, see the section in this guidance related to PEIMS data reporting.

### Attestation

As noted above, there are two different attestations:

- [The 2019-2020 COVID-10 Missed School Day Waiver Attestation Statement](#)
- [Attestation of Off-Campus Programs Approved for Purposes of Average Daily Attendance \(TEC §48.007\)](#)

### 90% Rule

The agency does not anticipate providing a waiver for the 90% minimum attendance requirement under Texas Education Code (TEC), §25.092, as the statute provides options for credit for a student who is in attendance at least 75% of the time but less than 90% or, alternatively, the board-appointed attendance committee can hear petitions for class credit or final grade. If a district is impacted by minimum attendance of less than 75% due to COVID-19 related concerns, the district may contact the agency regarding additional guidance.

## **Emergency Funding**

LEAs should meticulously document funding and resources expended for COVID-19 related activities and services, as funding sources that may become available may operate on a reimbursement model or be funded based on documented costs.

## **PEIMS**

If your district has submitted a COVID-19 educational services attestation, when reporting the number of Total Days Absent **do not** include absences for a student who did not attend school due to concerns related to contracting COVID-19. A student not actually on campus at the time attendance is taken for this reason will be considered in attendance for FSP purposes if attestation is submitted. Please work with your Student Information System vendor to ensure these absences are associated to an appropriately defined absence reason code and **not** included in the Total Days Absent reported through PEIMS.

Note: If your district does not commit to providing educational services to students while at home, then these students may not be counted as present.

## **Instructional Continuity Planning**

Many districts have requested additional guidance regarding the feasibility of instructional continuity in the event of an extended school closure. While districts and charters have the option to provide online learning as part of its instructional continuity plan, it is important to note that districts can also provide “low-tech” solutions as well, including workbooks and worksheets. That said, TEA has developed an [instructional continuity resource](#) document to support districts. This [instructional continuity resource](#) document will continue to be updated as more information becomes available. Should a district transition to an online distance model, please ensure the below conditions are considered. These include, but are not limited to:

- Ensuring **all** students in the school or district will have equal access to the learning with the required materials, including technology.
- Ensuring the online learning system can effectively support the district’s different learning and teaching needs, including the ability to provide differentiated instruction as well as one-on-one support for students who need it. Regardless of where the learning is taking place, supports identified on a student’s Individualized Education Program (IEP) must be provided if the district is operating.
- Ensuring the requirements of full-day kindergarten are met.
- Ensuring students can access the assessments associated with dual credit coursework.
- Providing training to staff, students, and parents and guardians on how the system works and what expectations the district has.
- The ability to track the attendance of both students and staff.
- Ensuring the systems in use are secure and will not allow for the release of protected student or staff information.
- The ability to provide school meals.

Taking a traditional school environment online is not a simple task – nor is it one that should be attempted without serious consideration of the practicality and availability to all students.

Additionally, LEAs are strongly urged to consider the effects of significant absences on student achievement and establish plans in advance that not only ensure health and safety, but also maintain a continuity of learning.

Consider the following and plan accordingly:

- Are distribution plans in place to ensure student access to resources in the event of sudden absences or school dismissal?
- Are contact information records for students, parents, guardians, and all staff (e-mail addresses, physical addresses, phone numbers, including mobile, etc.) on file, and do teachers have access to that information to check in with absent students regarding academic progress?
- Are policies regarding privacy and sharing of personal information in place and clear to all parties?
- How can schools and districts leverage distance learning resources from other sources, including current vendors, community colleges and universities, and online sources of open content?
- Are policies in place for awarding credit for courses in the event of sustained distance learning (e.g., credit without seat time, etc.)
- Are defined staffing plans in place to support distance learning in the event of small or large student or faculty absences?
- Will staff be permitted to return to school to use school-based equipment and resources?
- Are adequate resources or agreements in place to support copying and distributing learning packets and materials for students to use at home for up to 12 weeks if necessary?

### School Boards

The Texas Open Meetings Handbook address public meetings being held via telephone or video conference beginning on page 21:

[https://www.texasattorneygeneral.gov/sites/default/files/2018-06/OMA\\_handbook\\_2018.pdf](https://www.texasattorneygeneral.gov/sites/default/files/2018-06/OMA_handbook_2018.pdf)

Public Comments: School boards are required to offer public comment before or during board discussion at public meetings. Whether a board is holding a virtual meeting or not, they will be required to accommodate public comments for the meeting. Here is a [resource](#) provided by TASB on public comments.

Further Guidance: School Boards are not required to meet monthly. In the case of a situations deemed to not be in the public's best interest to gather for a public meeting, the board can be proactive and consider policies that, on approval by the board, give the superintendent for limited time the authority to take specific actions on behalf of the board in such situations. These actions could include: the authority to expend funds over the amount usually requiring board approval or human resource practices such as acting on contracts during this time.

## Assessment and Accountability

### **Testing occurring on a day the school is closed**

The first state testing day is April 7, 2020. The agency is reviewing logistical options. Generally, there is far more flexibility when testing online than on paper. At this point, districts and charters who anticipate the possibility of being closed on a testing date should begin planning for the possibility of scaling up online assessment in the event alternative testing dates might be required.

## Special Populations

Schools are required to provide a free and appropriate public education (FAPE) to all students in the district or school who receive special education and related services.

Schools that close campuses and establish virtual learning environments or other alternative educational delivery methods, must ensure that planning addresses the provision of all services required in each student's Individualized Education Program (IEP), including both instructional and related services.

TEA will provide further guidance as it becomes available.

## The National School Lunch Program

TEA recognizes that this is an issue districts are facing, and we are currently communicating with the Texas Department of Agriculture (TDA). Expect guidance by next week. For up-to-date information from TDA, please see [SquareMeals.org/coronavirus](https://SquareMeals.org/coronavirus).

## FREQUENTLY ASKED QUESTIONS

### **1. *Can districts refuse to let someone (student/staff) on the campus that are suspected to have the virus?***

School districts have the right to control and restrict access to campuses. School districts and charter schools should consult with their local health authorities and incorporate any guidance provided by the local health authorities into their decision on whether or not to permit a student or staff member access to public school facilities. Section 25 Texas Administrative Code (TAC) Sec 97.7 articulates the discretion a school administrator has when a child has or is suspected of having a communicable condition. This is on a case-by-case basis.

### **2. *Can parents opt out of sending their children to school without withdrawing them?***

LEA's have broad discretion under TEC, Sec. 25.087(a), to determine whether an absence is excused. Unexcused absences contribute to truancy and incur related truancy actions.

In addition, students are subject to minimum attendance requirements. (See discussion on minimum attendance waivers in the school finance section).

**3. Are there potential legal ramifications for testing student temperatures before admitting to school?**

25 TAC Sec. 97.7 authorized schools to exclude students with fevers.

**4. Can districts prohibit students from enrolling into school?**

New students that seek to enroll following spring break from COVID-19 affected areas (internationally or domestically) must be allowed to enroll unless they have traveled to a Level 3 Travel Health Notice country (in which case districts must follow the below guidance from the CDC before students are allowed to enroll). The provisions of Texas Education Code, Section 25.001(b), require admission of eligible students, regardless of health issues that may have arisen in areas in which students have previously resided. That said, school districts and charters should consult with their local health authorities to address health concerns regarding school attendance for such admitted students

**5. Should my district allow student and/or staff travel?**

This is a local decision. Districts across the state are voluntarily restricting travel for students and staff. TEA's guidance is to follow the CDC's recommendations for travel.

**6. When and/or will TEA issue an advisory or guidance on school closing or procedures for a pandemic?**

The agency does not have the general authority to close schools for matters related to health. The authority lies with the local health authority, DSHS, and the governor of Texas.