

## Attendance and Enrollment FAQ: Section Topics

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## Definitions

**Remote Synchronous Instruction** – Two-way, real-time/live, virtual instruction between teachers and students when students are not on campus. In this method, the required amount of instructional time is scheduled each day, and funding is generated when attendance is recorded daily at a locally selected snapshot time. Synchronous instruction is provided through a computer or other electronic device or over the phone. The instructional method must address the required curriculum, per TEC, §28.002.

**Remote Asynchronous Instruction** – Instruction that does not require having the instructor and student engaged at the same time. In this method, students learn from instruction that is not necessarily being delivered in-person or in real time. This type of instruction may include various

forms of digital and online learning, such as prerecorded video lessons or game-based learning tasks that students complete on their own, and pre-assigned work and formative assessments made available to students on paper. The instructional method must address the required curriculum, per TEC, §28.002.

## Attendance Methods

### Remote Synchronous Instruction

This method replicates the current on-campus method of taking daily attendance in a remote synchronous instructional setting. In a remote synchronous teaching and learning method, students who are logged in at the teacher's documented official attendance time are marked remote synchronous present for that day, and students who are not logged in at the teacher's documented official attendance time are marked absent. An LEA will post on its website and submit to TEA a signed attestation that outlines what the LEA will provide in order to serve students through the remote synchronous instruction method. The attestation must include a summary of training and support for teachers and LEA staff, instructional framework, the platform and technology the district will utilize, grading and progress monitoring, and student access.

### *How Is Remote Synchronous Attendance Measured?*

Teachers will take and post attendance as if the student were physically present in the on-campus classroom. In this type of environment, the LEA would need to provide students a minimum number of daily instructional minutes for students to earn full-day funding, as follows:

- *Pre-K through 2<sup>nd</sup> grade* – ADA for Foundation School Program (FSP) funding purposes is not available in a remote synchronous method.
- *3<sup>rd</sup> through 5<sup>th</sup> grade* – 180 instructional minutes (not necessarily consecutive)
- *6<sup>th</sup> through 12<sup>th</sup> grade* – 240 instructional minutes (not necessarily consecutive)

Just as with traditional on-campus attendance, official attendance will be taken at a certain time determined by the LEA's policy. For remote synchronous instruction, time spent for in-class breakfast and recess has been excluded from the calculation of daily instructional minutes listed above and should not be included in the instructional minutes. If the student is not participating remotely, the student would be marked absent under this option and would generate zero funding for the day.

The daily instructional minutes need not be consecutive. A program would meet the remote synchronous method requirements if the daily instructional minute minimums above are met, even if part of the day includes asynchronous activities. For example, a high school program that scheduled synchronous instruction for 120 minutes in the morning, then released students to work independently for several hours before a second scheduled synchronous session totaling 120 minutes in the afternoon would meet the daily instructional minute requirement detailed above.

Time students spend participating in work-based learning opportunities can continue to be included in the daily instructional minute calculation. Work-based learning opportunities could include internships, externships, apprenticeships, and mentorships.

This method also allows students who are taking career and technical education (CTE) courses to continue teacher-led instruction and would generate CTE funding. Special education students who are coded mainstream can receive their regular instruction and special education services through this remote synchronous instruction method, as well, unless their individualized education programs (IEPs) reflect that the services must be provided on campus.

Local education agencies (LEAs) are required to maintain daily schedules that document the amount of instruction a student or group of students is scheduled to receive on a given day. The schedule should detail the amount and type of instruction being provided and should also include the official attendance time the LEA has chosen for the purpose of taking attendance for funding purposes. Additionally, the LEA is required to attest to what an LEA will provide in order to serve students in remote synchronous instruction.

### **Remote Asynchronous Instruction**

This method allows LEAs the flexibility to earn daily attendance through an approved plan for providing high-quality instructional practices with daily engagement measures. LEAs can earn ADA through primarily asynchronous instructional methods OR through a combination of asynchronous and synchronous instruction together. The LEA's approved instructional plan determines the daily engagement, instructional materials, progress monitoring, and teacher supports the students receive in order to earn daily attendance.

For students who typically attend school on campus but may periodically generate daily attendance via a remote asynchronous instructional method, they should be coded full-day or half-day based on their on-campus schedule. For students who generate daily attendance via remote asynchronous instructional methods throughout the year:

- All students in grades kindergarten through 5th grade will be coded for full-day attendance.
- Prekindergarten students will be coded as half-day students.
- Middle school and high school students can be coded as half-day or full-day students, depending on their daily class schedules.

### ***How Is Remote Asynchronous Attendance Measured?***

Measurement frequency is daily. Under an approved learning plan, students earn daily attendance through daily engagement measure(s). The approved engagement methods are listed below:

- Daily progress in the Learning Management System (LMS), as defined in the approved learning plan; or
- Daily progress via teacher-student interactions, as defined in the approved learning plan; or
- Completion/Turn-in of assignments from student to teacher (potentially via email, on-line, or mail).

Student engagement with the LMS or other instructional avenues and/or any daily contact by the teacher with a student focused on supporting or monitoring student academic progress, as defined by the approved asynchronous instructional plan, will establish daily attendance. A student will be considered absent if the student does not have documented engagement with the LMS and/or daily

contact with the teacher, and/or documentation of completion/turn in of daily assignments. A teacher or campus representative will input the student's daily attendance into the Student Information System (SIS) for the asynchronous method, based on the student's daily engagement with the LMS or other instructional avenue and/or the daily contact with the teacher, by marking the student remote asynchronous present or absent on that day.

If the LEA has an approved remote asynchronous plan with students participating in both synchronous and asynchronous classes, the student's attendance recorded by the teacher in the synchronous class can count for official attendance for funding purposes. A student who misses the synchronous class can still be counted remote asynchronous present for the day by engaging with the teacher or progressing in the LMS during that same day.

### **Remote Course Completion (Existing full-time TXVSN)**

Full-time virtual campuses are currently funded under the remote course completion method. Students must have completed the Texas Virtual School Network (TXVSN) education program and demonstrated academic proficiency with passing grades equivalent to 70% or above on a 100-point scale.

### ***How Is Remote Course Completion Attendance Measured?***

As with the regular, on-campus attendance calculation, the equivalent of 2 hours of course completion is worth half-day attendance, and 4 hours count towards full-day attendance. For single semester courses, completion-based attendance is calculated for each semester, meaning a student can generate between  $\frac{1}{4}$  of an ADA (completion of 2 hours of courses for one semester) to a full ADA for completing 4 hours in each semester.

Students in elementary grades (for example, 4th grade) would either receive full attendance if the grade-level coursework is completed and the student is promoted to the next grade level or zero attendance if the course is not successfully completed.

### **On-Campus Instruction**

When schools are open and operating normally, students are scheduled to attend school each day in accordance with the attendance requirements of the *Student Attendance Accounting Handbook* (SAAH) and other laws. Student schedules determine whether they will generate full- or half-day funding, and students generate funding when attendance is recorded for students who are physically present at school (or otherwise satisfy attendance requirements under the SAAH without reliance on the COVID-19-based waivers for remote synchronous or asynchronous instruction methods) at a locally selected snapshot time. Instruction that satisfies the requirement of the SAAH will continue to be funded as it was before the COVID-19 pandemic. Meeting the alternative method for on-campus instruction as discussed below will also qualify for on-campus attendance.

Subject to certain exceptions listed below, **on-campus instruction must be offered for all grades served by the campus every day for every student** whose parents want them to access on-campus instruction for each day a campus is providing instruction given its instructional calendar. Exceptions, as more fully described in this FAQ below, include:

- Remote only instruction provided by a full-time virtual campus operating under the TXVSN.

- Remote only instruction provided because on-campus instruction is prohibited by an order issued by an entity, other than an LEA, authorized to issue such an order under state law.
- Remote only instruction provided any day a LEA closes a campus as a result of a confirmed COVID-19 case on campus or as a result of significant instructional staff COVID-19 absences, subject to the limits described in this FAQ below.
- Remote only instruction provided during a **start-of-school transition period**. This period can occur up through the **first four weeks of the school year**, with the option of **extending four additional weeks** by vote of the school board (as defined more fully below). During this transition period, LEAs can, if they choose to do so locally, limit access to on-campus instruction to facilitate a **safe, effective** return to on-campus instruction for students, teachers, and staff. Students who cannot participate in remote learning at home because of lack of broadband internet access or devices must still have access to on-campus instruction during this time.
- Remote instruction as the only option for a subset of students as part of a high school hybrid plan. Specifically, for students in grades 9-12, school systems may establish a less-than-daily on campus attendance option to reduce the number of individuals on a campus at any one time and increasing the total number of students served in an on-campus setting in the LEA, subject to the requirements described in this FAQ below.
- Remote instruction can be an option on certain testing days. For example, if a campus cannot assess all students for specific assessments, including *STAAR*, *TELPAS online assessments*, and certain college readiness assessments (SAT, PSAT, ACT, ACT Aspire, and TSIA), during the district-scheduled assessment days and comply with local health protocols, the district can submit a waiver request to require students who are not scheduled to take that assessment to learn remotely on a scheduled testing day. Please see the [Spring 2021 State Assessment Guidance](#) for additional information.

## On-Campus Attendance Requirements

### General Attendance Policies

#### 1. **What constitutes on-campus instruction for purposes of generating funding?** *Posted October 29, 2020*

In meeting on-campus instruction requirements for purposes of generating funding, public schools have two options.

The primary method of meeting the on-campus instruction requirement is by providing instruction in accordance with the *Student Attendance Accounting Handbook* (SAAH), without reliance on the COVID-19 based waivers for remote synchronous or asynchronous instruction methods. The SAAH provides considerable flexibility for schools in providing instruction, given, among other reasons, that a traditional school day constitutes more than the required minimum minutes of instruction necessary to generate full-day funding. It should be noted that the SAAH, for on-campus online courses not provided through the TXVSN, states that "[f]or the duration of [a] course, a certified teacher for the appropriate grade level must be present in the room in which the student is taking the course to answer questions and otherwise assist the student." For open-enrollment charter schools, districts of innovation (DOI), or other authorized innovative

models that have adopted the appropriate exemptions, the certification requirement may not apply, though the school would still be subject to other teacher requirements.

Given the variances in staffing capacity at schools and the impact of COVID-19 on communities, an alternative method will satisfy the requirements for on-campus instruction for the 2020–2021 school year. The agency will treat on-campus instructional methods that would otherwise not generate instructional minutes for full- or half-day funding, due to a certified teacher not being present in the room with the students, as on-campus instruction if the students receive instructional support from staff who have the capacity and expertise to provide academic support specific to the student’s grade level and content area. Some of the instruction may still be remotely delivered to on-campus students, but those students must also receive in-person instructional support for it to be considered on-campus attendance. It is important to note that this alternative method must otherwise satisfy the requirements of the SAAH. Students receiving instruction compliant with this method will be coded as on-campus learners in the LEA’s Student Information System (SIS).

If students are on-campus and engaging in remote instruction with no in-person instructional support specific to their grade level and content areas, then that would be considered remote instruction and would need to follow all remote instruction requirements, including marking the students as RA-Present or RS-Present for funding purposes.

**2. If my school re-opens in the fall and provides on-campus instruction but large numbers of students remain at home, what should my approach to documentation and instructional support be? [Posted June 25, 2020](#)**

The LEA has the option to choose one of the remote methods described above to ensure that students who remain at home continue to receive a high-quality education. If the LEA chooses the remote asynchronous instruction method, it must receive approval of its instructional plan from TEA. If the LEA chooses the remote synchronous instruction method, it must submit a signed attestation to TEA. Please be aware that, in order for an LEA to receive funding for remote instruction, the LEA’s grading policies for remote instruction must be consistent with the LEA’s grading policies for on campus assignments.

**3. What are the requirements for taking attendance when students are on campus, but instruction is being provided by a teacher who is not in the classroom with the students? [Posted July 28, 2020](#)**

On-campus attendance must be taken by a school official who is physically in the classroom with the students at the official attendance time. The school official must meet the requirements in the *Student Attendance Accounting Handbook* as someone who is eligible to record attendance for funding purposes.

**4. I want to increase social distancing on campuses, and as such believe I need to reduce the total number of students on campuses. Does my LEA have the ability to limit the number of students allowed on a campus? [Posted July 30, 2020](#)**

For specific campuses, yes, subject to some limitations for the LEA as a whole. As noted elsewhere in this document, in order to generate funding for remote instruction, on-campus

instruction must be offered to all students whose parents wish them to attend on campus, subject to several caveats, including, but not limited to, the start-of-school transition period and the less-than-daily attendance only waiver option for high school. However, the daily on-campus attendance option, as described above in questions on hybrid instructional settings, does not necessarily need to be offered at every campus, as long as parents have access to a campus that provides on-campus attendance nearby.

School systems control, locally, their enrollment and attendance zone policies. Subject to any applicable local ordinances and requirements, school systems also determine which buildings in their local communities are used to provide on-campus instruction and determine the enrollment capacity of those buildings. (Open-enrollment charter schools are additionally subject to some capacity limitations arising from TEA's approval of campus locations.) During the pandemic, many families will opt to receive remote instruction, which will have the effect of reducing the number of students who attend school on campus, but this will vary from campus to campus. While it will require several logistical adjustments, LEAs can balance this capacity reduction by altering enrollment and attendance zone policies during the pandemic, subject to equitable access requirements. To provide a specific example: Assume two elementary campuses, both with a capacity as determined by the LEA of 800 students. If elementary school A has 75% of students opting for remote instruction, and elementary school B has 25% of students opting for remote instruction, the district could restrict on-campus access to elementary school B at 50% of capacity, giving families the option of attending on campus at school A. In this way, on-campus instruction is still provided daily to all families that wish to attend on campus, while on-campus capacity is limited to maximize social distancing. LEAs similarly could temporarily expand the amount of space made available for on-campus instruction by temporarily acquiring other suitable classroom space in the community, which has sometimes been done by Texas LEAs as a crisis response.

5. **Given the fact that we have over 150 of our employees' children on our campuses with their parents, does that meet the definition of "some on-campus instruction"?** *Posted October 29, 2020*

It depends. Students who are on campus must receive instruction that satisfies one of the on-campus methods discussed in Question #1 within this section. An example that would not count for on-campus instruction would be a 3<sup>rd</sup> grade student of a high school teacher who remains with the high school teacher throughout the day; the teacher is providing high school instruction, so the 3<sup>rd</sup> grader is not receiving on-campus instruction. An example that would count for on-campus instruction would be that same third 3<sup>rd</sup> grader present in the classroom with his or her 3<sup>rd</sup> grade teacher.

6. **Can high school students who are served fully on-campus or through a hybrid on-campus plan receive full-day funding if they attend school for 240 minutes each day?** *Posted August 13, 2020*

This could be possible if a high school campus were to run morning and afternoon sessions. There are two requirements for LEAs to generate full-day ADA funding: students are provided 240 minutes of instruction per day, and campuses are open for operation for 75,600 minutes annually (this translates to 420 minutes of operation per day in a 180-day instructional calendar). The on-campus calendar determines the LEA's compliance with the 75,600 operational minute requirement. In addition, the hybrid high school on-campus model requires students to be on campus for at least 40% of the days in each grading cycle (typically 6- or 9-week periods). A

campus that only runs a single 240-minute daily instructional session would need to operate a 315-day instructional calendar to meet the annual minute requirement; however, if a campus ran two 240-minute sessions and supplemented the half day of on-campus instruction with a half day of remote instruction, they could include both sessions in their daily operational minute calculation. To meet the 40% requirement of the hybrid high school on-campus model, students would need to attend school on campus at least 4 days per week using the AM/PM model. As detailed in this document, on-campus instruction drives the minute reporting for the 75,600 operational minute requirement so if a LEA chooses to only provide on-campus instruction 4 days per week they would only generate operational minutes on the days they provide on-campus instruction.

## Back-to-School Transition

### 7. **Can I establish a phased return to on-campus instruction to ensure my public health procedures are fully up and running?** *Posted September 24, 2020*

As part of a start-of-year transition period, for up to the first four weeks of your instructional calendar, and with board approval, for an additional four weeks, you may limit the number of students who otherwise access on campus instruction. This could be done by capacity limit by classroom across all grades, a limited number of grades starting by day, or some similar means, and could include being fully remote during this period. To the extent an LEA chooses to implement this transition period, school systems should still begin on-campus instruction as soon as possible while keeping staff and students safe and should continue to monitor the local public health situation accordingly.

If a school system believes it is best for the health and safety of students and staff to continue to restrict access to on-campus instruction beyond the first four weeks of their instructional calendar, they must submit a board approved waiver request to TEA to access the second four-week transition window. The board must take action to authorize this waiver by specific vote and cannot otherwise delegate the waiver application to the superintendent. The waiver application must include an indication as to the local public health conditions that the LEA believes would warrant a faster end to the transition period (e.g., the most recent weekly count of COVID-19 cases is lower than the prior week in the county, and test positivity rate in the county is under 10%). Teachers, staff, and parents should be consulted about the transition plan before the waiver is submitted. All waivers are approved upon receipt.

During this transition period, 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. In the event a board extends the initial four-week transition, at least some on campus instruction must be provided each day during the extended transition period. All parents who want on campus instruction must be provided that on campus attendance for their students at the immediate conclusion of the transition period (as opposed to the end of the first grading period, when parents otherwise choose remote instruction).

The procedures used by the LEA to limit access to on campus attendance during this period should be clearly communicated to families in advance. Beyond access provided to those students without internet access or appropriate remote learning devices, LEAs are encouraged to



prioritize on campus access during the transition window for students most academically or otherwise at risk who will benefit the most from an on campus instructional experience.

School systems that need more than the additional four-week extended transition window should email [waivers@tea.texas.gov](mailto:waivers@tea.texas.gov) for information on requesting additional transition days. Any additional transition window will require board approval after preliminary TEA plan feedback has been received. Any transition window extension plan would have to include increasing levels of allowed on campus instruction. Note: Governor Abbott's Executive Order 30 describes certain areas of the state where certain business occupancy levels are raised to 75% and others that remain at 50%. The agency will take into consideration whether school systems are located in whole or in part in areas that remain at the 50% threshold when determining additional transition day waiver approval.

**8. At the conclusion of the back-to-school transition period or transition period extension, is my LEA required to allow all students back on campus who wish to begin in-person instruction or can we wait until the beginning of the next grading period? *Posted November 19, 2020***

At the conclusion of your back-to-school transition period or transition period extension, all students who wish to attend on campus must be allowed back on campus, even if the end of the transition period does not correspond to the beginning of a grading period. However, LEAs can require those students who chose at the beginning of the current grading period to continue receiving remote instruction but who now wish to pursue on-campus instruction to remain as remote learners for the remainder of the grading period. At the beginning of the next grading period, those remote students would then have the option to change their instructional delivery method to the on-campus option.

**9. I am concerned that if I shorten my daily operational schedule during the transition period that my LEA will not meet the 75,600 operational minute requirement. What flexibility do LEAs have when it comes to setting the daily operational schedule during the transition period? *Posted August 4, 2020***

During the transition period and transition extension, LEAs can claim the number of operational minutes they would have claimed had school been operating normally even if they decide to provide less than a full day of on-campus instruction. This will allow LEAs to prioritize which students receive on-campus instruction during the transition period and allow LEAs to create daily on-campus schedules that provide the most benefit to both students and campuses as they prepare for larger scale on-campus instruction at the conclusion of the transition period.

**10. If you can accommodate all students with connectivity and devices but parents want to send their students to school, do you have to have in-person setting during the transition period? *Posted August 13, 2020***

Districts that provide remote, online instructional access to all of their students are not required to offer on-campus instruction for the first four weeks of the transition period. As indicated above, during the transition period, LEAs must allow students to access on campus instruction who come from households without internet access or appropriate remote learning devices. However, if all students have been provided the necessary devices and have connectivity to access those devices, then an in-person setting is not required during this time. LEAs can provide

paper packets to students without internet or devices during the transition period; however, while paper packets can satisfy the requirements in the LEA's asynchronous learning plan, these students must still be allowed to access on-campus instruction if they choose to do so.

## Hybrid Attendance Requirements

### 11. Can districts develop a hybrid instructional model that intentionally blends on campus, remote asynchronous, and remote synchronous experiences? *Posted July 17, 2020*

Yes. With limited exceptions, as described more fully below, LEAs must offer schooling that is fully on-campus. In addition, they may also offer the option for students to receive instruction that that is fully remote, or a hybrid model that is designed to have some on-campus attendance days and some remote attendance days. When delivering instruction remotely, a district can choose to offer any grade/subject synchronously, asynchronously, or a mix of both.

Assuming the options are available from the school, students can generate attendance that varies by day, on campus, or remote (synchronous or asynchronous). For intentionally designed hybrid experiences, this will vary by design. But for some students, it will vary because they want to change their instructional setting as circumstances change over the course of the year.

### 12. My LEA wants to offer a hybrid on-campus and remote instructional model (on and off campus on varying days/weeks) for different groups of students in several grades. Can I require students to participate in this hybrid model? *Posted August 4, 2020*

Except for students in high school grades, as described in the paragraph below, LEAs cannot offer *only* an intermittent on-campus attendance option for any given grade. Students may choose to opt in to receive hybrid instruction, but, in order for the LEA to be eligible to receive funding for remote instruction for any student for any day, the LEA must offer sufficient on-campus instruction in every grade PK-8 so that every parent has an on-campus attendance option every day for their student in the LEA, excluding COVID-19 closures (described below) or the start-of-year transition period (described below). A campus (or portion of a campus) may establish hybrid instruction as long as another nearby campus (or portion of the same campus) in the LEA is available to provide on-campus only instruction to students whose parents request such instruction.

For students in grades 9-12, school systems may establish a less-than-daily on campus attendance schedule as the sole offering for students in one or more high school campuses of the LEA in order to reduce the number of individuals on a campus at any one time and increase the total number of students served in an on-campus setting in the LEA. In the event there is not a daily on-campus attendance option in one or more of these grade levels, the LEA must ensure that on-campus attendance is offered as part of the hybrid schedule at least 40% of the days in each grading cycle (typically 6- or 9-weeks periods). **Campuses must be open and providing on-campus instruction to a subset of students each day the LEA is planning to claim minutes towards the 75,600 operational minute requirement.** Any LEA that pursues this hybrid option while not providing a daily on-campus offering for students who otherwise wish to attend on campus may do so after submitting a waiver request to TEA and should do so no later than two

weeks prior to the first day of on-campus instruction. All waivers will be conditionally approved upon receipt but may be subject to further review by TEA.

Note: in the event an LEA does not offer a daily on-campus instructional experience at a given campus and as a result some students would not attend on campus at their typical campus, LEAs must continue meeting the individual needs of all affected students.

#### Closure

**13. If one of my campuses (or my entire LEA) closes because of a confirmed positive case of COVID-19, can my LEA decide to simply switch over to 100% remote instruction for the rest of the school year for that campus (or for my entire LEA)? *Posted July 7, 2020***

No. For any day an LEA closes a campus as a result of a confirmed COVID-19 case on campus, remote instruction will be funded. However, to allow sufficient time to resolve the public health concerns while minimizing academic disruption, campuses may only remain closed to on-campus instruction for up to five consecutive days (including the original closure) day, while drawing funding for all students participating in remote instruction. A closure period does not end until the campus has reopened for on-campus instruction for at least one instructional day.

**14. If a campus experiences a number of confirmed COVID-19 cases that impacts a significant number of instructional staff such that on-campus instruction may temporarily no longer be feasible, can the LEA restrict on-campus access to the specific campus? *Posted November 19, 2020***

For campuses that have already opened to on-campus instruction, an LEA may restrict student access to on-campus instruction and instead offer those families remote instruction for up to 14 calendar days, if a significant number of the instructional staff at the campus is impacted due to a confirmed COVID-19 outbreak, **such that the campus can no longer be sufficiently staffed for instruction even when making appropriate operational adjustments.** In such cases a 14-day period would allow for enough time for the virus incubation period to be completed. The campus access restriction and resulting offering of remote instruction must be limited to the specific campus being impacted. A closure period does not end until the campus has reopened for on-campus instruction for at least one instructional day.

The restriction of on-campus instructional access could take the form of shifting to a hybrid instruction method at the campus (with, for example, a subset of students attending on campus on alternating days while receiving remote instruction on alternating days) or being fully remote, subject to the caveat that students without Internet access or appropriate learning devices at home whose parents want them to attend on campus are still required to have access to on-campus instruction during this time. Any instructional days offered in this scenario would still count toward the 75,600 operational minutes requirement. Effective November 18, notification must be given to TEA using the [Request to Restrict Student Access to On-Campus Instruction Due to Confirmed Instructional Staff Cases of COVID-19 on Campus form](#). The requests are approved upon receipt.

**15. If an LEA closes one of its campuses (or the entire LEA) for a reason other than a confirmed case of COVID-19 on one of its campuses, can the LEA provide remote instruction during the closure and, therefore, receive funding? *Posted July 17, 2020***

An LEA may request a waiver from the agency to receive funding while providing remote instruction during an LEA-determined closure that does not involve a confirmed case of COVID-19 on one of its campuses. Such waiver requests will be considered on a case by case basis.

**16. If a district/campus is ordered closed, how does that impact funding for the district?** *Posted July 17, 2020*

If the district/campus is ordered closed and does NOT provide remote instruction, then the district will need to make up the days later in the year or forego funding for the closed days. If a district is ordered closed and DOES provide qualifying remote instruction, then the district may claim attendance for remote instruction for those days even though they are fully remote during those day(s). See also the related question under Calendars and Minutes Requirements.

Electives and Extracurriculars

**17. Can LEAs prevent a student from attending an on-campus lesson that is required for course credit if the student has chosen a remote instructional method?** *Posted July 7, 2020*

If an LEA offers virtual instruction, they must offer all **core** (foundation) courses in an entirely virtual format and must ensure that a student is able to meet all statutory requirements, including the requirement that 40% of instructional time includes laboratory and field investigations for full course credit. For these required courses, LEAs are not obligated to allow a student to optionally participate in on-campus components of the course if they are able to meet all course requirements virtually. For example, an LEA must offer a fully virtual version of biology for students who are learning virtually. The LEA must ensure all labs can be conducted virtually or that students are provided with certain supplies and/or equipment to conduct the labs at home. If a student's parent wanted him to participate in on-campus biology labs while taking the rest of the course virtually, an LEA *may* allow the student to do that but is *not obligated to do so if the same labs can be conducted virtually*. Please note: TXVSN catalog courses are likely available to support fully remote instruction for these courses.

If an LEA partners with an institute of higher education (IHE) to offer a **dual credit** foundation course, it may not be possible to offer the course in an entirely virtual format. LEAs should consult with their IHE partners to determine whether or not a course may be offered virtually.

For **electives**, as noted above, LEAs cannot prevent students from participating in on-campus activities required for courses, even if the student has elected to receive most of their instruction through one of the remote instructional methods. However, as noted above, LEAs are encouraged to organize these on-campus course activities in ways that reduce on-campus visits by students who otherwise have chosen remote instruction.

**18. Can LEAs require a student to come on campus to complete assignments or exams for certain electives while the student is being served through one of the remote instruction methods?** *Posted August 27, 2020*

Some elective courses may have coursework or exams that can only reasonably be completed in person, even if some components of the course could be taught virtually (e.g., welding). These courses (with one exception, noted below) must be made available to students who are otherwise learning virtually, although the LEA can require a student to come to 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. Some courses may require a student to obtain equipment from campus in order to complete coursework virtually. For an illustrative list of courses that might require on-campus experiences or for students to obtain equipment from campus, see [this link for CTE courses](#) and this [link for non CTE courses](#).

There is an exception made for elective courses that are only open to students participating in a particular UIL activity (e.g., an athletics class or band class). For these electives, LEAs may follow their local policy.

LEAs must communicate which courses have on-campus requirements and notify parents and students before the start of the course that failure to complete the required on-campus assignments or exams could cause the student to not be awarded course credit. This notification ensures students have an option to select courses that can be completed remotely if desired. In this case, it is appropriate to encourage students whose parents wish for them to remain fully remote to choose different electives that can be satisfied in a fully remote setting. Failure to appear on campus to complete on-campus assignments or exams could also result in absences that could subject the student to the 90/10 minimum attendance for class credit requirement.

Schools should consider organizing on-campus curricular requirements in groupings specific to students who are remote, so they come to campus separately and on a schedule that allows for travel from home. These students would need to be screened for COVID-19 and follow any other school requirements and practices consistent with practices for other students.

**19. Is it allowable for an LEA to decide that certain CTE courses must be taught 100% on-campus?**

*Posted July 9, 2020*

Yes, LEAs may create a list of CTE courses that require students to be on-campus to receive instruction.

**20. Can LEAs prohibit students who have chosen to receive all their instruction through a remote instruction method from participating in extracurricular activities?** *Posted July 9, 2020*

LEAs may develop a local policy that would exclude students who are learning remotely from all extracurricular activities if they choose to do so. The policy can apply to all remote students or solely to non-resident remote students (who transfer in from outside of the LEA's geographic boundaries). If the LEA decides to allow non-resident remote students to participate in extracurricular activities, the residency requirements for UIL activities still apply. Any exclusion policy must be applied equally to all students and equally to all extracurricular activities. These students may also be excluded from participation in elective courses open only to students participating in a particular UIL activity (e.g., an athletics class or band class), as noted in question 15 above.

**21. Are CTE courses still required to meet an average of 45 minutes per day in order to receive a V code needed to generate CTE weighted funding? Can you combine the minutes from multiple instructional models in order to meet the 45 minutes per day minimum requirement? For an example, can a hybrid model be used where a course is taught for 25 minutes per day using the synchronous remote learning model and 20 minutes per day using the asynchronous remote learning model for a total of 45 minutes?** *Posted July 28, 2020*

Yes, an average of 45 minutes per day or 450 minutes over a two-week period is still required in order for a CTE course to receive a V1 code needed to generate weighted CTE funding. You may combine minutes across multiple instructional models in order to meet the minimum number of minutes required for CTE funding. In-person instruction, synchronous remote learning instruction, and asynchronous remote learning instruction minutes may be combined.

## Remote Attendance Requirements

### General Attendance Policies

- 1. Has TEA guidance regarding grading for remote instruction changed for the 2020–2021 school year? [Posted June 23, 2020](#)**

While LEAs have the authority to determine local grading policies annually, in order for LEAs to receive funding for remote instruction, grading policies that apply to student work done in either remote synchronous or remote asynchronous instructional methods in the 2020–2021 school year must be consistent with the LEA’s grading policies for on-campus assignments.

- 2. Will truancy laws be in effect during the 2020–2021 school year for students receiving remote instruction due to COVID-19 related closure or health concerns? [Posted June 23, 2020](#)**

Truancy laws will apply to students who fail to attend school, but remote attendance satisfies attendance requirements.

- 3. How should we take attendance for our special education students when COVID-19 prevents teachers from providing in-person instruction? [Posted June 23, 2020](#)**

Attendance taking for special education students should track as closely as possible to the requirements for non-special education students.

- 4. Can we use remote instruction for students who are absent for ANY reason, (even something other than COVID-19 absences) and receive funding? [Posted June 30, 2020](#)**

Yes, one of the two methods of remote instruction is an acceptable way to provide instruction to students for 20-21 school year and continue to receive funding for those students. Documented attendance/engagement must occur on the day of the absence.

- 5. Will at-home parent-led instruction count towards our instructional minute requirements as part of either remote instruction method? [Posted June 30, 2020](#)**

No, at-home, parent-led instructional time will not count towards meeting daily attendance or engagement requirements under either remote instruction method. Teachers must be the primary provider of instruction in any remote setting.

- 6. Can I require my parents to commit to remote or on-campus instruction? [Posted July 7, 2020](#)**

LEAs may ask their parents to commit to either on-campus or remote instruction for their students no earlier than two weeks before the start of the school year. LEAs may survey parents prior to that period, but parents cannot be bound to the choice prior to two weeks before the start of the school year. In the event a parent chooses remote instruction for their child, an LEA may, if the LEA believes it is in the student’s educational interest, choose to limit the student’s return to an on-campus setting to occur only at the end of a grading period (e.g. 6-week or 9-

week). However, LEAs cannot require a student to remain in remote instruction for more than a single grading period. Note: students who begin receiving remote instruction as a result of staying at home to isolate from COVID-19 exposure should be permitted to return to campus at the end of their isolation period, as opposed to the end of a grading period.

**7. How will students who are receiving virtual instruction be included in the accountability system? *Posted July 7, 2020***

Many districts are thinking of organizing teachers to deliver remote instruction to full-time remote students via a district-wide “virtual school,” regardless of the student’s home campus. For accountability purposes, students who elect to participate in a district-provided remote learning option will be coded to the physical campus that they would have been assigned to.

For students who have transferred into a school district, such students must be assigned to a physical campus for accountability purposes, and the campus assignment process must comply with the requirements of TEC, Chapter 25, Subchapter B.

**8. If one of my teachers or principals believes that a student would be better served via one of the remote instructional methods instead of via on-campus instruction, can my LEA require that student to stay home to receive remote instruction? *Posted July 7, 2020***

No. Unless a student is lab-confirmed to have COVID-19, is symptomatic for COVID-19, or is determined to be a close contact to an individual lab-confirmed to have COVID-19, the student must be allowed to receive on-campus instruction, if that instructional setting is desired by the parent. Except as may occur during the start-of-year transition period described below, students receive remote instruction solely at the discretion of their parents or legal guardians.

As noted elsewhere in this FAQ, in the event a parent chooses remote instruction for their child, an LEA may, if the LEA believes it is in the student’s educational interest, choose to limit the student’s return to an on-campus setting to occur only at the end of a grading period (e.g. 6-week or 9-week). However, LEAs cannot require a student to remain in remote instruction for the entirety of a semester. Parents are not required to make this commitment more than two weeks prior to the beginning of any grading period.

**9. Can my LEA decide to only offer remote instruction for a campus, or for all of my campuses? *Posted July 7, 2020***

No. Campuses cannot be solely remote (excluding full-time TXVSN campuses), except during COVID-19 closures (as described below) or during the start-of-school transition (as described below). On-campus instruction *must* be offered for all students who want to attend on campus in order to be eligible to receive funding for remote instruction.

**10. How do we record attendance if we are delivering a mix of synchronous and asynchronous remote instruction on the same day for a student? *Posted July 7, 2020***

When generating remote attendance, whether a given day is remote synchronous or remote asynchronous will depend both on what the district offers (from the submitted attestation and/or plan) and the nature of the daily remote experience for students, as follows:

- If the students receiving remote instruction on a given day are in grades 3-12 and receive at least 180 minutes of synchronous (grades 3-5) or 240 minutes of synchronous (grades 6-12) instruction during off-campus days and are in attendance at the designated synchronous

attendance time, then they generate funds through the synchronous method (and would be marked as Present-Synchronous).

- If the students receiving remote instruction on a given day are in grades 3-12 and do not meet minute/attendance time thresholds above, then they can generate funds through the asynchronous method, assuming they meet the daily asynchronous progress requirements as defined in the asynchronous instruction plan (and would be marked Present-Asynchronous).
- If the students receiving remote instruction on a given day are in grades PK-2, then they can only generate funds through the asynchronous method, even if their instruction does include synchronous delivery, assuming they meet the daily asynchronous progress requirements as defined in the asynchronous instruction plan (and would be marked Present-Asynchronous).

**11. How will LEAs take attendance for students who are receiving instruction at home? *Posted September 24, 2020***

The instructional method chosen will dictate how attendance is taken.

If the remote synchronous instructional method is utilized, then the LEA will use an official attendance time documented in the teacher's daily schedule, and the teacher will take attendance from students in virtual attendance to mark students as remote synchronous present or absent. This will typically be taken in real time and/or the same day, marked in an LEA's local student information system, in a way that is similar to how attendance is taken in real time with students on campus. Additionally, attendance clerks would follow up with attendance taken for remote synchronous instruction in ways that are similar to follow up actions taken for on-campus instruction.

If the remote asynchronous instructional method is utilized, students would be marked remote asynchronous present or absent based on whether the student was engaged through one of the approved asynchronous engagement methods on that day. The entry of this attendance into local student information systems does not need to occur daily and typically would not happen the same day, as the information as to whether engagement occurred might not be available until the following day. For example, if engagement occurs via interaction with an LMS, a report could be pulled **once weekly** from the LMS to document asynchronous attendance only once a week, rather than each day. Even if it were documented daily, the information as to whether a student was engaged could potentially include student activity up to 11:59 pm, and so it would not be available until the following day. LEAs should adjust their procedures so that remote asynchronous attendance is entered into their local student information system periodically. Additionally, TEA is working to ensure LMS tooling is available that can automatically enter asynchronous attendance into local student information systems. Note: LEAs are free to develop procedures where campus attendance clerks enter remote asynchronous attendance data into the LEA's SIS in an effort to save teacher time.

**12. Will the 90/10 minimum student attendance for class credit rule be in effect for the 2020–2021 school year? *Posted July 17, 2020***

Yes. The minimum attendance for class credit rule of TEC, §25.092, will be in effect for the 2020–2021 school year, and TEA will not be issuing waivers for LEAs to exempt themselves from the rule. Students are required to attend at least 90% of their classes (with some exceptions) to receive credit and be promoted. Determination that a student has met the minimum attendance for course credit requirement is made locally.



Tracking of attendance for course credit may differ from the method used to track attendance for funding purposes. More specifically, engagement, as defined for asynchronous remote attendance purposes, would not need to be recorded daily in each class for the purposes of the 90/10 minimum student attendance for class credit rule.

**13. Will students who were enrolled in private school, including a home school, the prior year in Texas be eligible for funding through the remote synchronous or asynchronous instructional methods? *Posted July 28, 2020***

Students who attended a private school, including a home school, in Texas the prior year will be eligible to earn funding under the traditional on-campus method. But remote instruction is treated differently. Consistent with the laws governing the Texas Virtual School Network, school systems may not submit for funding educational delivery through either a remote synchronous or asynchronous method for students who attended a private school, including a home school, in Texas the prior year, with certain exceptions:

(a) students who transition from early education programs, where no entitlement to enroll in the public school existed, to public school;

(b) students who transfer in from outside the state;

(c) students whose prior year private school does not offer the appropriate grade level (e.g., a private school ends at 6th grade so students moving on to 7th grade would no longer be able to attend the private school);

(d) students whose private schools are either no longer in operation or are not offering remote instruction for the 2020–2021 school year;

(e) students who were enrolled in a public school in Texas for a portion of the 2019-20 school year, even though they were also enrolled in a private school, including a home school, for a portion of the 2019-20 school year; or

(f) students who receive remote instruction for a portion of the 2020-21 school year, but not the entire year. Specifically, students who attended a private school, including a home school, in Texas the prior year will ultimately be eligible to earn funding for remote instruction during the school transition period or during a school closure ordered by an entity authorized to do so as long as a student ultimately receives on-campus instruction. If, prior to enrollment in the LEA, the parents of such students sign an agreement that communicates that their students will attend on campus at some point during the school year, that signed agreement will ensure that the LEA will be entitled to the funding the student generates throughout the entire school year, even if the parent of the student does not ultimately send the student to participate in on-campus instruction at the LEA at any time.

Students who attended a private school, including a home school, in Texas the prior year, that do not receive on-campus instruction (or otherwise do not agree to receive on-campus instruction) as noted above will not be eligible to have remote attendance during those previous periods count for funding purposes. In that circumstance, in the event they were in remote attendance and none of the above (a)-(f) exceptions apply, LEAs should code these students with an ineligible ADA code (ADA 4 or 5). Hybrid instructional settings (where students participate in both on-campus and remote instruction) will qualify students for purposes of determining on-campus eligibility for funding purposes.

**14. Can my LEA charge tuition for students who previously attended a private school, including homeschool, in Texas the prior year to participate in remote instruction? *Posted July 28, 2020***

No. LEAs cannot charge tuition to students who previously attended a private school, including homeschool, in Texas the prior year, except as is normally authorized under Texas law (see Texas Education Code, Section 11.158).

Prior to enrollment, an LEA can require a parent of a student who was enrolled in a private school or a home school in the previous school year to agree in writing that the student will participate in on-campus instruction at some point during the school year after enrollment in the LEA occurs.

**15. If students make academic progress at night, are we able to adjust the attendance for that day if they were initially marked absent? *Posted July 30, 2020***

If the asynchronous method is utilized then as long as the student is providing daily engagement through completion of daily assignments, making daily progress in the LMS, or has made daily contact with the teacher regarding the student's progress then the student would be considered remote asynchronous present. For synchronous remote instruction, attendance must be taken as designated in your attendance policy, and it would not be appropriate to adjust after the fact unless the student made progress that day via the asynchronous method as part of the approved asynchronous plan for that grade/subject. For clarity, your asynchronous attendance plan could designate that any progress made over the course of a 24-hour day (from 12:00 am to 11:59 pm) be counted as daily engagement.

**16. Do we need a new attendance taking policy? *Posted August 4, 2020***

Yes, the LEA will need to update or amend its attendance policy to include the remote instruction methods for taking attendance. In addition, the LEA is required to submit a signed attestation to the TEA if it is utilizing remote synchronous instruction method. If the LEA is utilizing the remote asynchronous method, then the LEA is required to submit and obtain approval from the agency on its instructional plan. If the LEA is utilizing both remote methods, then the LEA must complete both the attestation and the instructional plan.

**17. Can we use new campus numbers to track students engaged in remote learning? Can we use new campus numbers to track teachers delivering virtual instruction? Can we use new campus numbers for budgeting for virtual instruction? *Posted August 4, 2020***

No, districts should *not* set up temporary virtual campuses for the 2020-21 school year in response to the COVID-19 pandemic. New campus numbers are assigned only to instructional campuses, which must have enrolled students, instructional staff, and assigned administrators. Students should be enrolled in their usual home campuses, whether they are receiving virtual or in-person instruction. For accountability purposes, students participating in district-provided remote learning will be coded to their home campuses. Please visit the agency website for more information about [requesting a new campus number](#), or [contact the agency AskTED administrator](#).

**18. May our LEA offer fully remote instruction on Election Day since some schools serve as polling sites? *Posted October 8, 2020***

School systems locally control their instructional calendar. As a result, school systems can choose locally to schedule a day to be closed for instruction or open for instruction. School systems can

locally choose to close for Election Day, just as for any other day. However, schools must continue to ensure they have an instructional calendar that meets the 75,600-minute requirement.

School systems must offer on-campus instruction for those families that wish their students to attend on campus consistent with the requirements and exceptions listed in this document. In one exception example, if a school system is still operating within an approved start-of-school transition period, the school system could choose to restrict most (but not all) students from attending on campus on a given day while the remaining students receive remote instruction.

If no exceptions apply, and a school system chooses to offer only remote instruction for a given day rather than to close for the day as a whole, the school system would still be required to ensure sufficient instructional minutes are offered in the year, excluding that day, to reach the 75,600-minute requirement for the year.

**Related Question: Can my LEA require masks for voters on Election Day? [Posted October 8, 2020](#)**

While the Governor’s Executive Order does not permit mask requirements in a polling place, schools can and should continue to enforce mask requirements for individuals who are in the school for any purpose other than voting on Election Day.

**19. Is my school system required to offer remote instruction? [Posted October 15, 2020](#)**

No, school systems are not required to offer remote instruction to the general student population. 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. (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](#).) Providing remote instruction to the general student population is a local decision and one that can be modified by the LEA during the school year. 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. However, this does not mean that school systems are required to provide remote instruction throughout the school year. 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.

**20. Are there specific requirements LEAs must follow to discontinue providing remote instruction as an instructional model? [Posted October 15, 2020](#)**

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.

**21. Can my LEA provide remote instruction to certain categories of students or only under certain circumstances? [Posted October 15, 2020](#)**

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.

**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? *Posted December 10, 2020***

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).

**23. Can my LEA require students that are currently receiving remote instruction to come on campus periodically for some academic purpose? [Posted March 11, 2021](#)**

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 applicable mask requirements consistent with TEA's SY 20-21 Public Health Planning Guidance or the LEA's own requirements.

**24. Does my LEA have to provide opportunities for both on-campus and remote students to take state assessments? [Posted March 4, 2021](#)**

Yes. The requirement, under federal and state law, for students to take state assessments still applies and may not be waived by the commissioner of education. Consequently, LEAs must provide the opportunity for students to take the STAAR, STAAR Alternate 2, and TELPAS assessments either on campus or at a secure alternative testing site. An LEA that fails to provide assessment opportunities for all students loses eligibility for remote instruction funding. However, many uses of these assessments for student promotion and school accountability have been altered for this school year. Please see the [Spring 2021 State Assessment Guidance](#) for additional information.

Schools should be aware that under Section 39.057 of the Education Code, LEAs are subject to a special accreditation investigation when excessive numbers of absences of students eligible to be tested on state assessment instruments are determined.

**25. I want to ensure social distancing on campuses during test administration, and as such believe I need to reduce the total number of students on campuses on scheduled testing days. Does my district have the ability to require students who are not scheduled to take an assessment to learn remotely on testing days? [Posted January 14, 2021](#)**

The district can submit a waiver request to require students who are not scheduled to take that assessment to learn remotely on a scheduled testing day. Please see the [Spring 2021 State Assessment Guidance](#) for additional information.

**26. How does my LEA report attendance under the remote asynchronous instruction method?**

*Posted June 23, 2020*

LEAs that choose to serve students through a remote asynchronous instruction method must submit a learning plan to TEA that includes details on how student engagement will be tracked daily. Students who are engaged on a given day will be marked remote asynchronous present and generate funding on that day. Students who are not engaged would be marked absent for the day and the attendance cannot be changed based on the student completing an assignment or participating in some other asynchronous engagement at a later date. Approved engagement methods are listed below:

- Daily progress in the Learning Management System (LMS), as defined in the approved learning plan; or
- Daily progress via teacher-student interactions, as defined in the approved learning plan; or
- Completion/Turn-in of assignments from student to teacher (potentially via email, on-line, or mail).

**27. Under the remote asynchronous instruction method, can individual campuses within an LEA have different monitoring/engagement tracking systems if the LEA would like to use different systems at the primary and secondary levels?** *Posted June 23, 2020*

Yes. Plans can vary by campus. However, an LEA must submit only one plan for the whole school system (and that plan can incorporate differentiation by grade or campus).

**28. Can my LEA opt to move students from a letter grading system to a pass/fail basis because they are participating in remote asynchronous learning?** *Posted June 23, 2020*

No, in order for an LEA to receive funding for remote instruction, the LEA's grading policies for remote instruction must be consistent with the LEA's grading policies for on-campus assignments.

**29. What happens if my LEA's remote asynchronous instruction plan is disapproved by the agency? Will my LEA's funding be negatively impacted?** *Posted June 23, 2020*

Your LEA's FSP funding will not be negatively impacted for initially disapproved plans, as long as your plan is ultimately approved and implemented with fidelity beginning with your LEA's 4<sup>th</sup> six-week attendance reporting period. This means that there is a "grace period" for attendance generated through the remote asynchronous instructional method through the end of the 3<sup>rd</sup> six-week attendance reporting period. If your plan is not initially approved, the LEA will receive feedback on the plan and have 30 days to resubmit the revised plan to the agency. TEA will review revised plans within 15-30 days of submission and will then communicate a final decision about plan approval.

Any remote asynchronous attendance taken during the contingent approval grace period will be fully funded. Beyond the grace period, funding is only provided for remote asynchronous attendance for LEAs with approved plans.

**30. What is the process for submitting and approving remote asynchronous instruction plans?**

*Posted June 30, 2020*

In order to receive contingent approval to record attendance via the asynchronous instruction method, LEAs must submit a letter of intent via a Qualtrics survey that will be opened on July 15<sup>th</sup>. As soon as the letter of intent is received by TEA, the LEA will have contingent approval to record attendance for students using the remote asynchronous instruction method. The district will be fully funded for attendance recorded via the remote asynchronous instructional method throughout the contingent approval period. Contingent approval will remain in place through a grace period, which ends at the end of the LEA's third six-week attendance reporting period (for the purposes of PEIMS attendance reporting).

In order to continue to be funded for remote asynchronous instruction beyond the grace period, the LEA must submit a plan that meets of the requirements as verified by a TEA approval process. TEA will publish a plan template, requirements for plan approval, exemplar plan responses, and training for how to develop and submit plans beginning July 2, 2020.

The application window to submit plans will open on July 20, 2020, and plans can be submitted on a rolling basis.

TEA will review and either confirm final approval for plans that meet all requirements or share feedback on plans that do not meet all plan requirements within 45 days of submission. If the plan does not receive final approval, the LEA will have 30 days to respond to feedback and resubmit plans, and TEA will have an additional 30 days to review and provide final approval or disapproval. If the LEA's plan does not receive final approval by the end of the grace period, the LEA will no longer be able to record attendance using the remote asynchronous instruction method.

**31. What is the deadline for submitting the letter of intent and the plan for remote asynchronous instruction? *Posted June 30, 2020***

LEAs must submit a letter of intent prior to the first day of remote asynchronous instruction in order to receive contingent approval for providing the remote asynchronous instruction method. In order to receive contingent approval prior to the beginning of the school year, the letter of intent must be received by TEA prior to the first day of instruction.

TEA will accept and review asynchronous instruction plans on a rolling basis beginning on July 20, 2020. In order to ensure the timeline necessary for review, revision, and resubmission of plans that do not initially meet plan requirements prior to the end of the grace period, LEAs should submit plans by October 1, 2020.

**32. How are high school teachers supposed to track daily student engagement as required for asynchronous instruction when they have 150+ students every day? *Posted September 24, 2020***

Student engagement must be tracked for two different purposes, funding and course credit. Tracking ADA requires one measure of student engagement per day, not one measure of student engagement per day per course.

In order for students taking high school credit courses to be awarded course credit, a district will need to be able to determine that the student was in attendance for at least 90% of the days each course is offered. Determination that a student has met the minimum attendance for course



credit requirement is made locally and engagement for this purpose does not need to be recorded daily.

Engagement can be tracked in many different ways. For example, a teacher might document engagement at the end of each week or the end of the grading period. Another option is for educators to use an LMS to track daily student engagement in each course. A third option is to have one teacher track engagement for a smaller group of students each day, such as a homeroom/advisory teacher who calls the students and checks in on their progress across assignments/courses, ensuring students have made progress in each course each day. That “homeroom teacher” could also make sure students go to the weekly office hours/synchronous lesson/small group tutoring session for each of their courses where they need help. The documentation gathered from the examples listed here could then be provided to the campus attendance clerk and the clerk could enter the remote asynchronous attendance.

**33. Are teachers required to post remote asynchronous attendance each day or can campus clerks assist in posting attendance for students who engage through the remote asynchronous instruction method? *Posted September 24, 2020***

LEAs are free to develop a process for recording asynchronous attendance that lessens the load of asynchronous attendance-taking on teachers as much as possible. This can be done by allowing campus clerks to post remote asynchronous attendance after reviewing the asynchronous engagement data. There is no requirement that remote asynchronous attendance must be posted in the SIS on the same day the engagement occurs. LEA’s are free to develop policies and procedures that work best on their campuses. For example, a campus could choose to run a report from the LMS every Friday and have the campus attendance clerk enter the remote asynchronous attendance for that week based on the daily engagement documented in the LMS report. Creating automated processes where the LMS communicates with the LEA’s SIS and records attendance based on student engagement in the LMS is also allowable and encouraged to the extent it is technically feasible with LMS and SIS vendors.

**34. Under the remote asynchronous instructional method, if a student fails to complete Monday’s measure of engagement on Monday but completes the assignment later in the week, can the student’s attendance coding be changed to remote asynchronous present for Monday? *Posted August 13, 2020***

No. In the remote asynchronous instructional method, student engagement is measured daily, and attendance is assigned based on the student’s completion of that day’s engagement measure. Students who do not complete the daily measure of engagement are to be counted absent for that day, and that absence cannot be changed to remote asynchronous present if the student completes the engagement measure on a later date. In the example above, the student would be counted absent on Monday.

Please note: During the first 12 weeks of school, an ADA hold harmless is available (as described above). This means that any missed daily attendance that occurs due to students completing asynchronous assignments on less than each day of the week does not necessarily result in any funding loss during this period.

**35. Under the remote asynchronous instructional method, if a student decides to complete the entire week’s worth of work on Monday, can the student’s attendance be coded to show perfect attendance for the week? *Posted August 13, 2020***

No. In the remote asynchronous instructional method, student engagement is measured daily, and attendance is assigned based on the student's completion of that day's engagement measure. Students who do not complete the daily measure of engagement are to be counted absent for that day, and that absence cannot be changed to remote asynchronous present if the student completes the engagement measure on a later date. In the example above, the student would be counted absent Tuesday-Friday.

Please note: During the first 12 weeks of school, an ADA hold harmless is available (as described above). This means that any missed daily attendance that occurs due to students completing asynchronous assignments on less than each day of the week does not necessarily result in any funding loss during this period.

**36. If a student who is originally scheduled to receive instruction through the on-campus or synchronous instructional method is not present at the designated official attendance time, could the student still be marked present for the day by engaging through the remote asynchronous method? *Posted August 13, 2020***

A student who is scheduled to receive instruction through the LEA's on-campus or remote synchronous method but is not present at the official attendance time can still be marked present if the student is engaged through the LEA's remote asynchronous method that same day. In this scenario, the teacher should mark the student absent when attendance is taken at the official attendance time and the absence could later be changed to remote asynchronous present with documented engagement through one of the approved remote asynchronous engagement methods that occurred the same day. However, the LEA's approved asynchronous plan would need to include the relevant grade/subject as being eligible for asynchronous instruction, and that on-campus or synchronous instruction would be provided concurrently.

#### Synchronous Instruction

**37. Under the remote synchronous instruction method, can my LEA use a more flexible minute requirement for providing instruction to students? Instead of providing 180 minutes of instruction daily to students in grades 3-5, may we break up the minute requirement across multiple days? For example, can the school engage a group of 3rd grade students for 150 minutes on Monday and then add the remaining 30 minutes to Tuesday thereby lengthening Tuesday's instruction to 210 minutes? *Posted June 23, 2020***

No. Under the remote synchronous instruction method, the minute requirements associated with the student grade level must be provided each day for an LEA to earn full-day ADA for those students. Minutes can be broken up throughout the day; however, the overall minute requirement must be earned in the same day credited.

**38. What if our LEA is unable to provide all daily instructional minutes required under the remote synchronous instruction method for all grade levels? Can we generate half-day funding if we provide instruction but do not meet the full-day minute requirements outlined in the guidance? *Posted June 23, 2020***

Yes, half-day funding is possible under the remote synchronous instruction method. To determine the instructional requirements for half-day funding, divide the minute requirements in half, based on the grade level you are considering for half-day instruction. The LEA could also consider offering remote asynchronous instruction as an alternative in order to receive full-day funding.

**39. Do in-class breakfast and recess count as part of the overall daily minute requirements in the remote synchronous instruction method? *Posted June 23, 2020***

No. The grade-based minute requirements exclude in-class breakfast and recess. LEAs are still encouraged to provide time for these activities in the students' daily schedules; however, the time will not count as instructional time toward earning full-day ADA for purposes of attendance and funding.

**40. Does an LEA need to submit anything to TEA to provide remote synchronous instruction? *Posted June 23, 2020***

Yes, LEAs are required to submit a signed attestation that outlines the LEA's plans for providing instruction to students through the remote synchronous instruction method. The attestation must be submitted to TEA before the LEA begins serving students remotely, and the signed attestation must be posted on the LEA's website.

**41. Do the required minutes under the remote synchronous instruction method need to be fulfilled with continuous, teacher-led instruction? *Posted June 23, 2020***

No, the required minutes do not need to be provided as one continuous block of teacher-led instruction. Students should have age-appropriate opportunities for breaks during the instructional day, and blocks of instructional time should consist of teacher-guided, but student driven, learning time. The instructional time could include students applying the lesson taught by the teacher through various avenues as if the student was in a classroom setting. An example of this would be the teacher leading a lesson in Zoom for 20 minutes and then the students logging into an online learning application to work on an activity with the teacher actively monitoring progress and providing real-time feedback to the students.

## Class Size Exceptions

**1. When are LEAs required to submit a class size waiver? *Posted September 17, 2020***

A district must submit a request for a class size exception for any class in kindergarten - fourth grade that exceeds the 22 students class size limit ([Texas Education Code, §25.112](#)) during the course of the school year. This requirement applies to remote instruction in addition to on-campus instruction. TEC, §25.112, requires a district seeking an exemption to notify the commissioner and apply for the exemption not later than the later of: 1) October 1; or 2) the 30th day after the first school day the district exceeds the limit. (Regarding flexibility for the October 1 deadline, please see question 2 below.) Districts requesting this exception will need to apply by selecting the "Maximum Class Size Exception" waiver type using the TEAL waiver application that is currently used to apply for state waivers. An exemption expires at the end of the school year for which it is granted. For additional information please see the [Maximum Class Size Exceptions](#) section of the State Waivers website.

**2. With class sizes fluctuating in both remote and in-person settings during the 2020-2021 school year because of COVID-19, will LEAs have any flexibility in submitting class size waivers after the October 1 deadline set by TEC, §25.112? *Posted September 17, 2020***

The agency will take the late submission of class size waivers, up until December 1, 2020, into consideration when determining historical compliance under TEC, §25.112, due to the effects of COVID-19 on remote and in-person instruction during the 2020-2021 school year.

## Calendars and Minutes Requirements

- 1. If my LEA experiences a COVID-19 closure during the school year and we continue to educate our students through the remote instructional methods, will I continue to earn minutes toward my 75,600 operational minute requirement while we are closed? *Posted July 17, 2020***

If your LEA continues to educate students by providing daily instructional minutes at the level necessary to earn full-day funding through one of the remote methods, you may claim the number of operational minutes that you would have claimed had school been operating normally. However, additional considerations may impact this issue depending on whether the closure is ordered (please see related question under State Funding above), is part of the start-of-year transition or initiated by the school (please see related questions under Attendance above).

- 2. Should I submit low attendance waivers if I experienced low attendance due to parent decisions to not send their children to school? *Posted June 25, 2020***

Not necessarily. LEAs should make every effort to support student instructional needs through the remote methods of instruction detailed in this document. LEAs should plan for students who are not on campus due to COVID-19 to receive instruction through a remote instruction method. The use of a remote instruction method for such students would result in engaged students being counted as remote synchronous present or remote asynchronous present, and those engaged students would not negatively affect LEAs' attendance rates. Low attendance waivers are generally only granted if enrolled students are absent due to health/safety/weather issues, and TEA currently has no plans to grant low attendance waivers for COVID-19 reasons unless:

- An LEA's school calendar continues to meet the 75,600 operational minute requirement without including the granted low attendance waiver minutes in the operational minutes calculation; and
- The LEA can provide a suitable reason as to why it could not educate students through one of the remote instruction methods on the day(s) for which the LEAs is requesting a waiver.

- 3. Will TEA be granting missed school day waivers if my schools are closed for on-campus instruction due to COVID-19? *Posted June 25, 2020***

The agency has no plans to issue missed school day waivers due to COVID-19 during the 2020–2021 school year to LEAs that do not offer remote instruction when campuses are closed. LEAs should plan for school closures during the upcoming school year and either build extra minutes into their calendar or be prepared to educate students through a remote instruction method during periods that on-campus instruction cannot be provided. LEAs that do not provide instruction to students through a remote instruction method when campuses are closed due to COVID-19 may need to add additional instructional days to their calendar to meet the 75,600 operational minute requirement.

- 4. How do I report my operational minute calendar when my LEA could potentially be educating students through both on-campus and remote instruction methods? *Posted July 2, 2020***

LEAs should already have a board-approved calendar in place for on-campus instruction that meets at least the 75,600 operational minute requirement. On-campus students and remote students can be reported on this calendar track and LEAs must ensure that days present are properly reported using the new PEIMS data elements that have been created to document how

students are receiving instruction each day. All other calendar tracks (pre-kindergarten, alternative education, etc.) must also meet the minimum minute requirements of those tracks.

**5. Can an LEA claim the operational minutes that a campus operates for the students who receive remote instruction to meet the 75,600-minute requirement? *Posted July 7, 2020***

Because campuses are required to be open for on-campus instruction, LEAs will be accumulating daily operational minutes towards the minutes requirement even while some students are participating remotely. Campus daily operational minutes will be submitted as part of the LEA's summer PEIMS submission through the calendar track reporting process. All students who would normally be reported on a 75,600-minute calendar track can continue to be reported on this track even if they are provided instruction through a remote method during the week. The instructional minute requirements that are mandated as part of the synchronous learning model and detailed in the LEA's asynchronous learning plan are meant to ensure that student instructional needs are met during remote instruction and do not have an impact on the operational minute reporting requirement.

**6. If I want to have a block of time each day where teachers are on campus but not providing on-campus instruction, can I include that time in my 75,600 operational minute calculation? For example, if I want to hold on-campus classes from 8:00AM-2:00PM and send students home so that teachers can receive staff development and/or provide asynchronous instruction from 2:00PM-4:00PM, can the time from 2:00PM-4:00PM be included in the 75,600 operational minute calculation? *Posted July 28, 2020***

No, that time cannot be included in your 75,600 operational minute calculation because on-campus instruction is not occurring between 2:00PM-4:00PM. In this example, for the two hours to be included in the 75,600-minute calculation, the campus would need to remain open and available to all students who wish to continue to receive on-campus instruction and instruction must be provided to the students who remain on campus. Also, to the extent you provide transportation to the campus, you would need to ensure transportation was provided at the end of the school day – in this example, at 4:00PM. Planning extra-curricular activities (including athletics) during this time is discouraged as it would restrict access to the two hours of instructional time for those participants.

**7. Would a schedule where my LEA provides on-campus instruction Monday-Thursday and is fully remote every Friday meet the 75,600-minute requirement? *Posted August 4, 2020***

Daily operational minutes are only included in the 75,600 operational minute calculation when on-campus instruction is being offered to **all** students who wish to attend school. The exception to this would be a high school campus operating under the hybrid high school waiver that is detailed in this document. The hybrid high school model gives LEAs the flexibility to decide which students are allowed on campus on a given day so a high school campus would still earn operational minutes on days where on-campus instruction is provided even though all students aren't allowed on campus. In this example, no operational minutes would be earned on Friday because no on-campus instruction is taking place. Unless the LEA has extended the length of its school days on Monday-Thursday or extended the school year so that 75,600 minutes of operation are accumulated when school is in session Monday-Thursday, this schedule would probably not meet the 75,600 operational minute requirement.

**8. Given significant levels of community spread, we believe it is best to delay the start of the school year – both on campus and remote. Can I change my school calendar to delay the start of the school year? *Posted July 17, 2020***

Yes. Local school boards control the local instructional calendar. Many LEAs in areas with high levels of community spread have begun discussions of a possible delayed start to school. While the uniform start date of the 4<sup>th</sup> week of August establishes the earliest date that some school systems may begin instruction, no state law or rule precludes school systems from delaying the start of school to a date later in the year school year—the week following labor day, for example. This may also prove advantageous if school systems are continuing to prepare to deliver highly effective remote instruction and/or continuing to work to distribute devices as needed.

Similarly, even after the school year starts, if a school system decides it is prudent to make additional adjustments to the instructional calendar, local school systems have that authority.

Please note that any instructional calendar must still satisfy the appropriate 75,600 operational minutes requirement for the entirety of the school year and there may be contractual issues that need to be considered.

**9. How is the prior year average determined for low attendance waivers during the 20-21 SY? *Posted September 10, 2020***

Generally, for a day when school was held but attendance was at least 10 percentage points below the overall average attendance rate for your district or the applicable campus for the prior year because of inclement weather-related or health or safety issues, your district may apply for a waiver to have the day excluded from ADA and FSP funding calculations. Due to the school closures during the 5<sup>th</sup> and 6<sup>th</sup> six weeks of the 2019-2020 SY, the overall average for the prior year will be calculated using the average of the first four six-week attendance reporting periods. Please see the TSDS PEIMS Superintendent Report 19-20 Summer Collection (report PDM3-13-001) for the prior year attendance rate.

Note that due to the ADA hold harmless for the 20-21 school year for the first two six-week attendance reporting periods (see question #1 in the State Funding Section of the hold SY 20-21 Attendance and Enrollment FAQ), the low attendance waivers application will be closed until November 16, 2020.

**10. What happens if an LEA provides remote instruction that does not comply with the requirements of this FAQ document? *Posted November 19, 2020***

At a minimum, LEAs that do not comply with the requirements included in this document will only be entitled to claim half the operational minutes they would have normally claimed on each instructional day they are out of compliance. This could require LEAs to add additional minutes to their calendar in order to bring them into compliance with the 75,600 operational minute requirement. LEAs should be tracking changes to the daily offering of on-campus instruction, as this information will be reported and will impact your LEAs funding. In order to maintain the 3<sup>rd</sup> six weeks hold harmless, any minutes would need to be made available on-campus.

Depending upon the nature of the non-compliance, additional corrective actions may be required.

**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? *Posted December 10, 2020***

An LEA with an approved asynchronous plan may request a waiver to schedule periodic (non-consecutive) 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.

## Attestations

**1. What plans or attestations does a district need to submit? *Posted July 2, 2020***

The type of plan or attestation to be submitted will depend on the instructional experience offered, as described as follows:

- If your district plans remote (for student who choose remote 100% of the time, for students who become remote briefly because of COVID, or as part of an intentional hybrid schedule) for grades K-2, then you must submit an asynchronous plan for approval. Any asynchronous plan could (and should) include some synchronous instruction, but it would not have a minimum daily minute requirement.
- If your district plans remote (for student who choose remote 100% of the time, for students who become remote briefly because of COVID, or as part of an intentional hybrid schedule) for grades 3-12, and you will not meet the 180-minute and 240-minute thresholds each day, then you must submit an asynchronous plan for approval in order to be able to mark a student as "Present-Asynchronous" for any given day
- If your district plans remote (for student who choose remote 100% of the time, for students who become remote briefly because of COVID, or as part of an intentional hybrid schedule) for grades 3-12, and you will meet the 180-minute and 240-minute thresholds any day to claim students as "Present-Synchronous", then you must submit an attestation that you are capable of delivering that level of synchronous remote instruction

**2. Does the board need to meet to approve the synchronous instruction attestation/ asynchronous plan or can board members just sign the documents individually? *Posted July 9, 2020***

Yes. Board action is only valid if authorized in a public meeting through a vote of the board. However, the board can vote in advance of the final attestation/plan submission to authorize the superintendent to submit the attestation/plan once the attestation/plan is finalized by the superintendent.

## Enrollment

1. **For parents who wish to enroll or reenroll their homeschooled students, must they come from an accredited program?** *Posted June 30, 2020*

Students who meet age and residency requirements must be enrolled, and LEAs should follow their local policies to determine grade level placement for all new enrollees. Homeschooled students who were not enrolled in a Texas public school during the 2019–2020 school year may not generate funding if the students will only be attending school through a remote synchronous or asynchronous method. Please see the question above in the Attendance section above for additional information.

2. **When is a student considered to be enrolled in my LEA for purposes of determining the daily enrollment count?** *Posted June 30, 2020*

Students who are on campus receiving instruction are considered enrolled when they are physically present for the first time during the official attendance period. Except for students who attended a private school, including a home school, in Texas the prior year, students who are receiving remote synchronous or asynchronous instruction are considered enrolled on the first day the student participates through one of the engagement methods listed in this document.

3. **When considering students receiving instruction via remote synchronous or remote asynchronous methods, can my school system accept an out-of-district transfer student in school year 2020-21?** *Posted July 17, 2020*

	School District	Open-Enrollment Charter School
<b>Allowability</b>	Yes, just as in any year, as long as the district complies with the applicable transfer requirements of TEC, Chapter 25, Subchapter B.	For the 2020-2021 school year only, open-enrollment charter schools with final academic ratings of A or B issued in the fall of 2019 are eligible to serve students in a fully remote instructional setting (synchronous or asynchronous) who transfer from an attendance boundary the charter school is not currently approved for.
<b>Limits</b>	There are no limits to the number of transfer students an ISDs can accept.	Transfers will be allowed, as long as the enrollment of students: 1) does not exceed the charter school's approved maximum enrollment; 2) does not fall outside the approved grade spans the charter school may serve; and 3) is in compliance with all other applicable admission



		requirements of TEC, Chapter 12, Subchapter D.
<b>Student Assignment</b>	Transfer students must be assigned to a physical campus for accountability purposes, and the campus assignment process must be done in a manner consistent with the assignment-specific parameters of TEC, Chapter 25, Subchapter B.	Students accepted under this one-year provision must be assigned to a physical campus with an existing county-district campus number (CDCN) for accountability purposes.
<b>PEIMS Reporting and Student Coding</b>	No change in data reporting is required for districts that accept out-of-district transfers under this provision.	Eligible open-enrollment charter schools enrolling students outside an approved attendance/geographic boundary will be required to submit an attribution code for their students in PEIMS that informs the agency as to whether the student resides within or outside of the charter's approved attendance/geographic boundaries.
<b>Instructional Setting Considerations</b>	<p>School districts may require students they admit from outside their geographical boundaries to be served fully remotely for the entire year. Provisions for English learners, students with Section 504 plans, and students with Individual Education Plans will not be waived in the all-remote instructional setting.</p> <p>Note: This is an exception to the grading period virtual requirement that school districts have for students residing within their boundaries.</p>	<p>Open-enrollment charter schools may require students they admit from outside their approved attendance/geographic boundaries to be served fully remotely for the entire year. Provisions for English learners, students with Section 504 plans, and students with Individual Education Plans will not be waived in the all-remote instructional setting.</p> <p>Note: This is an exception to the grading period virtual requirement for students residing within approved attendance/geographic boundaries.</p>
<b>Funding Considerations</b>	Districts will be fully funded for these transfer students, as normal.	Open-enrollment charter schools will not receive the small and mid-size average charter school

		allotment for any students enrolled under this provision that reside outside the charter school's approved geographic boundaries.
<b>Waiver Submission</b>	Remote attestation/plan requirements must be met. Students attending on campus who are bused from out-of-district will require an interlocal agreement, per TEC, 34.007(a)(2), or a waiver as described <a href="#">here</a> .  No additional waiver is required to accept out-of-district transfers.	Remote attestation/plan requirements must be met.  Additionally, eligible open-enrollment charter schools enrolling students outside an approved attendance/geographic boundary will be required to submit a waiver through the waiver submission process.

**4. My charter school currently has a waitlist. Can I accept all students on my waitlist if they agree to fully remote instruction for the entire year? *Posted July 17, 2020***

Charter schools are subject to an enrollment limit based on their charter school agreement with the agency and are only authorized to enroll up to the number of students allowed by that limit. Many charter schools admit a smaller number of students than legally authorized, given space constraints on their campuses, and manage a waitlist accordingly. Per statute, charter schools may enroll as many students as they are legally authorized to serve.

As noted above, LEAs, including charter schools, cannot require students in their geographic service area eligible to attend the school to remain remote for the entire year. Parents can choose on-campus or remote instruction, and, if they choose remote instruction at some point but then choose to receive instruction on campus, an LEA can only require them to remain remote through the end of a grading period. Charter schools should consider this requirement when evaluating physical capacity and self-imposed enrollment limits.

**5. Does an LEA have the right to refuse to accept a prospective out-of-district transfer student, including an out-of-district student seeking remote-only instruction? *Posted October 29, 2020***

Per TEC, Chapter 25, Subchapter B, school districts can choose to accept or deny out-of-district transfer students. As indicated in Question #3 in the Enrollment section of this FAQ, this choice applies to out-of-district students seeking instruction through any of the instructional methods offered during the 2020-2021 school year (i.e., on-campus, remote asynchronous, and remote synchronous). The transfer student selection process for school districts is subject to TEC, Section 25.032, which requires districts to accept or reject student transfers on an individual basis and prohibits LEAs from accepting or denying transfer requests for reasons related to the national origin of the student or the student's ancestral language.

If an open-enrollment charter school elects to accept "out-of-district" transfer students (as described in Question #3 above under Allowability) a charter school does not have the same flexibility to refuse to accept such transfer students and remains subject to enrollment caps; approved grade spans; and applicable TEC, Chapter 12, Subchapter D, admission requirements. (See Question #3 above under Allowability for more information on the out-of-district transfer process as it relates to open-enrollment charter schools.)

Regardless of school system type, school systems are prohibited from making decisions regarding student transfers in a manner that constitutes illegal discrimination under state and federal law.

## Prekindergarten

### 1. If we provide synchronous instruction for PK - 2nd grade students, would we not receive funding for this in the fall? *Posted June 30, 2020*

Synchronous instruction can be provided as part of a LEA's asynchronous learning plan. The LEA will define progress in its asynchronous plan and confirm all other asynchronous requirements in the plan as well. It is assumed that there will be many instances of synchronous remote instruction provided to students who are participating through the remote asynchronous instruction method. These synchronous experiences wouldn't need to meet the daily instructional minute minimums for a remote synchronous instruction method but would need to meet the definition of progress in the LEA's approved asynchronous plan.

### 2. Why is synchronous instruction for PK – 2 prohibited? *Posted June 30, 2020*

As noted in the question above, synchronous instruction is not prohibited for PK-2, just the synchronous method for recording attendance. The synchronous method for attendance requires a minimum of 180 minutes be completed per day through a synchronous virtual method (e.g., a Zoom call), which after extensive stakeholder engagement with educators and district leaders, was determined to be neither developmentally appropriate nor good instructional practice as a 5-day-a-week practice for PK-2 students. Using Asynchronous Remote for these students would allow districts, for example, to provide synchronous instruction for these students in shorter time increments in areas such as foundational literacy practices mixed with asynchronous learning activities that build in opportunities for student practice, interactions, exercise, and play-based activities.

### 3. What if my district will not be able to serve prekindergarten students in a full-day program during the 2020-2021 school year? *Posted August 13, 2020*

Districts that will reopen for school year 2020-2021 with a shortened **on-campus** instructional day for any eligible prekindergarten student and that does not meet the full-day requirement (75,600 operational minutes/year) will need to request an exemption from full-day prekindergarten. Districts can access the process for the [Full-day Prekindergarten Waiver](#) on the [State Waivers page](#) of the TEA website.

When completing the *Full-day Prekindergarten Waiver* application for reopening with a modified **on-campus** daily schedule, districts should choose the exemption condition that states: *Implementation would result in fewer eligible children being enrolled in prekindergarten.*

### 4. How do I know if my district should request an exemption from full-day prekindergarten? *Posted August 13, 2020*

The full-day prekindergarten requirement of 75,600 operational minutes is required for **on-campus** instruction only. LEAs who are not able to meet this requirement for all eligible four-

year-old prekindergarten students who request **on-campus** instruction should request an exemption from full-day prekindergarten.

**5. I am planning to submit an asynchronous plan and my district will offer remote asynchronous learning for prekindergarten. Do we need to request an exemption from full-day prekindergarten?** *Posted August 13, 2020*

The full-day requirement is based on **on-campus** instruction minutes only and not the remote asynchronous instruction model. The remote asynchronous instruction model follows a unique set of guidelines for funding purposes. As long as an LEA is meeting the 75,600 operational minutes for all eligible four-year-olds who request **on-campus** instruction, the LEA would not need to request an exemption from full-day prekindergarten. If an LEA does NOT offer the 75,600 minutes to all eligible four-year-olds who request **on-campus** instruction, the LEA would need to request an exemption from full-day prekindergarten.

Example A: The LEA offers both on-campus instruction and remote asynchronous instruction for prekindergarten. The LEA is able to accommodate all eligible four-year-olds in a full-day program who request **on-campus** instruction at any time during the year. In this case, since the LEA is able to meet the full-day prekindergarten requirement for the entire school year for all eligible four-year-olds who request **on-campus** instruction, the LEA does NOT need to request an exemption from full-day prekindergarten.

Example B: The LEA offers both on-campus and remote asynchronous instruction for prekindergarten. In an effort to support smaller class sizes, an LEA decides to split the eligible four-year-old prekindergarten students who attend **on-campus** classes into two half-day sessions (Group A attends in the AM, Group B attends in the PM). In this scenario, the LEA is NOT meeting the 75,600 minutes of **on-campus** instruction for prekindergarten students and will need to request an exemption from full-day prekindergarten.

**6. Am I required to include 180 instructional minutes in my asynchronous plan for prekindergarten?** *Posted August 13, 2020*

The asynchronous attestation includes agreement that a district will include in its plan direct work with academic content that matches or exceeds approximately 90 minutes of academic work per day for half-day prekindergarten and approximately 180 minutes of academic work per day for full-day prekindergarten for any remote instruction days. While a district must meet these minute requirements for approval of their asynchronous plan, fewer than 180 instructional minutes would not trigger a need for a full-day prekindergarten waiver if the LEA is meeting the 75,600 operational minutes for all eligible four-year-olds who request **on-campus** instruction.

## PEIMS Attendance Reporting

**1. How will my LEA report days present and absent for the remote synchronous and remote asynchronous instruction methods?** *Posted June 30, 2020*

New PEIMS data elements will be created to report Remote Synchronous (RS) Eligible Days Present and Remote Asynchronous (RA) Eligible Days Present. The LEA will need to track the

instructional method in which the student is participating each school day. Days Present will need to be identified as days present in the RS method or days present in the RA method. Absences will not need to be distinguished between instructional methods.

There are no changes to the way on-campus Days Present and Days Absent will be reported.

- The teacher will identify the student as present on-campus, remote synchronous present, or remote asynchronous present or identify the student as absent. For both on-campus present and remote synchronous present, the student must be in attendance at the official attendance time, either in the class or online remotely to be counted present. To be counted as remote asynchronous present, the student does not have to be present at a designated official attendance time but must be engaged in one of the following ways during that day:
- Shown daily progress in the Learning Management System (LMS), as defined in the approved learning plan; or
- Daily progress via teacher-student interactions, as defined in the approved learning plan; or
- Completed/Turned-in assignments to the teacher (potentially via email, on-line, or mail).

The following table provides an example of how the attendance could be identified for a hypothetical student:

8/17/2020	Present
8/18/2020	Present
8/19/2020	Present
8/20/2020	Present
8/21/2020	Absent
And so on until 11/2/2020	
11/2/2020	RS Present
11/3/2020	RS Present
11/4/2020	Absent
11/5/2020	RS Present
11/6/2020	RS Present
And so on until 2/15/2021	
2/15/2021	Present
2/16/2021	Present
2/17/2021	Absent
2/18/2021	Present
And so on until 3/1/2021	
3/1/2021	RA Present
3/2/2021	Absent
3/3/2021	RA Present
3/4/2021	RA Present
3/5/2021	Absent

RS = Remote Synchronous RA= Remote Asynchronous

**2. Will there be new data elements to report days present for ineligible students receiving remote instruction? *Posted June 23, 2020***

There will not be new data elements to report days present for ineligible students. Days Present for ineligible students will still be reported through the Ineligible Days Present data element.

**3. Will my LEA be allowed to report perfect attendance for students on any of the remote instruction methods? *Posted June 23, 2020***

LEAs should report the appropriate days present and absent depending on the requirements listed throughout this document.

**4. Will my LEA be able to report special program instructional settings (i.e. bilingual/ESL, special education, CTE, etc.) via the remote methods? *Posted June 23, 2020***

Yes, as long as those services are provided to students. LEAs will need to make decisions locally to account for the individual needs of special education students. New PEIMS data elements will be created to report remote synchronous and remote asynchronous days present in the special program areas (for example: **RS** Total Elig Bilingual/ESL Days Present, **RA** Total Elig Bilingual/ESL Days Present, **RS** Total Elig Residential Facility Days Present, **RA** Total Elig Residential Facility Days Present, **RS** Total Elig Preg Rel Svs Days Present **RA** Total Elig Preg Rel Svs Days Present).

**5. How should I code OFSDP students who are served through the remote synchronous or asynchronous instructional methods? *Posted June 30, 2020***

ADA eligibility codes for Optional Flexible School Day Program (OFSDP) students must be changed to a regular ADA eligibility code (ADA 1-6) when instruction is no longer provided on campus and their instruction changes to one of the remote methods. Once the coding is changed, these students will generate funding based on daily attendance, as detailed in this document, instead of accumulating daily minutes. Once a student resumes on-campus instruction, their ADA eligibility code can be changed back to the OFSDP code, and they will resume accumulating daily minutes to generate funding.

**6. When there are students from the same physical school receiving remote synchronous and asynchronous instruction, should the students in each of the instructional methods be reported on different tracks? *Posted June 23, 2020***

There is no reporting reason to separate students receiving instruction through different methods onto separate tracks. Students educated via the remote synchronous instruction method can be placed on the same calendar track as students being educated through the remote asynchronous instruction method.

**7. Will the Summer PEIMS due date be changed (pushed back) for LEAs who choose to run an intersessional calendar, even though they may not be designated as a year-round LEA? *Posted June 23, 2020***

TEA will consider intersessional calendars the same as year-round calendars. LEAs registered with TEA with year-round tracks ending later than June 17, 2021, may delay PEIMS Summer resubmission until two weeks following completion of the latest year-round track or August 12, 2021, whichever comes first. However, the initial data delivery for submission 3 must still be made by June 17, 2021, for all LEAs. This initial submission of data will not necessarily include data through the end of the school year. In no case will any resubmission be processed after

August 12, 2021. Data corrections made after August 12, 2021, will be processed by the State Funding Division.

**8. Will crisis coding be required? *Posted August 20, 2020***

Yes, LEAs will need to submit a crisis code indicator on all students attending school in the 2020-2021 school year. Crisis Code data will be submitted through the TSDS PEIMS Fall 1 Collection by close of business on October 5, 2020 and again on November 6, 2020. The data reported in these two collections will be published externally in summary format at the LEA and State level. More information on the SY 2020-2021 COVID-19 Crisis Code reporting can be found in the [To The Administrator Addressed \(TAA\) Correspondence dated August 13, 2020](#).

**9. For PEIMS purposes, will only one attendance type per day be reported? *Posted June 30, 2020***

Eligible Days Present will be reported by instructional method. Days present indicates the total number of days the student was present and eligible for Foundation School Program based on attendance taken during the official attendance period.

## State Funding

**1. Will there be an ADA hold harmless for the 2020-2021 school year? *Posted March 4, 2021***

Yes, TEA will ensure districts receive funding for an ADA hold harmless for the first two six-week attendance reporting periods as follows: if an LEA's Refined ADA counts during those first two six-week reporting periods are less than the ADA hold harmless projections (described in the paragraph below), the first two six-week attendance reporting periods for 2020-2021 will be excluded from the calculation of ADA and student FTEs for FSP funding purposes and will be replaced with the ADA hold harmless projections. For purposes of the hold harmless calculation under this answer, TEA will not consider each six weeks attendance period independent of each other.

TEA will replace attendance numbers for each eligible LEA's 2020-2021 first two six-week attendance periods with projected ADA and student FTE numbers calculating using a three-year average trend of final numbers from the 2017-2018 through the 2019-2020 school years, unless this projection is both 15% higher and 100 ADA higher than the 2020-2021 LPE projections. In the latter case, 2020-2021 LPE counts will be used. Note: this trend methodology is the same hold harmless methodology used during Hurricane Harvey.

The calculation for each LEA's projected ADA number will be posted the week of July 20, 2020. For purposes of the 2020-2021 ADA hold harmless calculation, the 2017-2018 attendance counts used will be the counts adjusted for the Hurricane Harvey ADA hold harmless. In addition, the 2019-2020 attendance counts used will be the counts currently in the District Planning Estimate (DPE) column of the 2019-2020 Summary of Finances report as of July 15, 2020. For school districts, TEA calculated the 2019-2020 ADA and FTEs using LEA enrollment counts from the Fall 2019 PEIMS Snapshot, based on attendance rates from the 2018-2019 school year. For open-enrollment charter schools the 2019-2020 ADA and FTEs are from charter submitted attendance data as of March 2020.

This adjustment should mitigate any negative financial impact that the inclusion of the first two six-weeks periods would otherwise have had on an LEA. This “ADA hold harmless” methodology will only apply to attendance-based counts and will not apply to enrollment-based FSP allotments such as the state compensatory education allotment and the dyslexia allotment.

Open-enrollment charter schools that are operating for the first time in 2020–2021 will have a different calculation for the ADA hold harmless projections. For these charter schools newly operating in 2020–2021, TEA will calculate their ADA hold harmless projections by multiplying the state average attendance rate from the 2018–2019 school year against their October 2020 PEIMS Fall Snapshot enrollment. For open-enrollment charter schools that were not in operation during the 2017-2018 school year, but were in operation in either 2018-2019 or 2019-2020, TEA will use 2019-2020 ADA and FTE counts for the purposes of the ADA hold harmless calculation. In addition, open-enrollment charter schools will continue to submit current year attendance to the State Funding Division per normal processes. If these processes result in cash flow issues for a charter school, then the charter school should contact the State Funding Division prior to submission of the six-weeks attendance data.

In addition, please note that for state funding purposes, the aggregate attendance rate for eligible students at the LEA for the 2020–2021 school year will be capped at the level of the aggregate attendance rate for the LEA from the 2018–2019 school year. LEAs that were not in operation during the 2018–2019 school year will have their aggregate attendance rate capped at the aggregate attendance rate for the LEA for the 2019–2020 school year. LEAs that were not in operation in either the 2018–2019 or 2019–2020 school years will have their aggregate attendance rate capped at the state average attendance rate from the 2018–2019 school year.

This cap could result in a reduction of ADA generated via the two remote instructional methods allowed under the commissioner’s waiver. ADA generated via any on-campus instruction that occurs, individually, is not subject to the applicable cap variation.

In addition, see responses to questions 2-17 in this subsection for additional hold harmless provisions.

**2. Can the ADA hold harmless be extended beyond the first two six weeks attendance reporting periods to the third 6-weeks attendance reporting period? *Posted March 4, 2021***

Yes. TEA will ensure districts receive funding for an ADA hold harmless for the third six weeks attendance reporting period, on the condition that LEAs allow on-campus instruction throughout the entire third six weeks period, as further described below. The ADA hold harmless methodology will be identical to the methodology used for the first two six weeks attendance reporting periods, except that the third six weeks will be examined independent of the first two six weeks attendance reporting periods. Specifically, if an LEA’s refined ADA counts during the third six-weeks attendance reporting period is less than the ADA hold harmless projections (described in the prior question and available online), the third six-weeks attendance reporting period for 2020–2021 will be excluded from the calculation of ADA and student FTEs for FSP funding purposes and will be replaced with the ADA hold harmless projections. As noted above, this ADA hold harmless methodology will only apply to attendance-based counts and will not apply to enrollment-based FSP allotments such as the state compensatory education allotment



and the dyslexia allotment. The same variations apply to open-enrollment charter schools for this third six-weeks attendance reporting period as noted above. Furthermore, the aggregate attendance rate caps noted in the answer above will still apply to funding for the school year as a whole.

School systems are eligible for this hold harmless on the condition that all families who want their children to attend on campus within the LEA have the ability to do so each day that instruction is offered, subject to two exceptions. One exception is for students attending high school less than daily in districts that have been approved to offer a hybrid-only high school instructional setting, per the requirements described in question 11 in the Hybrid Attendance Requirements section above. The other exception is for school systems that choose to temporarily limit on-campus access for up to 5 days, due to a confirmed COVID-19 case on campus, per the requirements described in questions 12-14 in the Closure section of this document. On-campus instruction must meet the requirements described in this document, including those described in the On-Campus Attendance Requirements - General Attendance Policies section of this document.

School systems that wish to receive this hold harmless must submit an attestation by May 1, 2021, indicating that they will meet (or did meet, as appropriate) these on-campus instruction requirements for the entirety of the third six weeks attendance reporting period. School systems that cannot meet these conditions will not be eligible for the hold harmless. Note: School systems' extended waiver applications for fully funded remote instruction for additional transition time must be filed *separately* and are distinct from this attestation. Approval for one does not guarantee approval for the other.

In certain extenuating circumstances, when school systems are located in areas of the state that remain at the 50% open threshold per Governor Abbott's Executive Order GA-30 for example, the agency may consider granting eligibility for the hold harmless to school systems that offer on-campus instruction to most but not necessarily all families who wish for their students to attend on campus.

An LEA that did not otherwise meet the eligibility for the full third six weeks hold harmless may also qualify for a hold harmless for the third 6-weeks by meeting the eligibility criteria detailed in question 14.

**3. Will any additional hold harmless be provided for the fourth through sixth 6-weeks attendance reporting periods of the 2020-2021 school year? *Posted March 11, 2021***

Yes. In addition to the hold harmless for the first through third 6-weeks discussed above, the agency will ensure that LEAs receive funding for a hold harmless for the fourth through sixth 6-weeks. To be eligible for the full amount of hold harmless established for the fourth through sixth 6-weeks, an LEA must meet one of two eligibility criteria:

- 1) An LEA's average on-campus attendance participation rate during the sixth 6-weeks attendance reporting period is equal to or greater than 80% of all students educated during the sixth 6-weeks; or
- 2) An LEA's average on campus attendance participation rate during the sixth 6-weeks attendance reporting period is equal to or greater than the on-campus attendance participation rate reported on the LEA's October 2020 PEIMS Fall Snapshot.

The agency has published the on-campus attendance participation rates reported in the October 2020 PEIMS Fall Snapshot on its Coronavirus website as a reference.

On-campus attendance participation rates are calculated by first removing any students not funded for FSP purposes, and for the October PEIMS Fall Snapshot, students marked as being instructed on campus are divided by total eligible students. For the sixth 6-weeks, students who are marked present on campus at least a third of the days taught over the course of the six weeks will be designated as on campus participants, and that number will be divided by the total number of eligible students attending during the sixth 6-weeks.

TEA will not replace individual six-weeks periods with the hold harmless ADA/ FTE amounts. Instead, TEA has determined that the fourth through sixth 6-weeks periods are being treated as a “set” meaning that the hold harmless calculation will either apply for the entire second semester or not at all. LEAs will be funded on the higher of average actual refined ADA or hold harmless ADA levels. As a reminder, TEA will not be funding on the “higher of” each individual instructional setting.

**4. How will the agency calculate my total Refined ADA for Foundation School Program funding for the 2020-21 school year? NEW June 3, 2021**

NEW  
6/3/21

For the 2020-2021 school year, LEAs will be eligible to receive hold harmless adjustments (increases in ADA/FTEs) for attendance figures as previously announced. For each LEA that actually receives a hold harmless ADA adjustment, TEA will fund a portion of that hold harmless adjustment with federal funds in a manner similar to how the 2019–2020 hold harmless was funded using CARES funds. The mechanics for the portion funded using ESSER II funds will also be an ADA reduction. For 2020-2021, TEA will reduce total Refined ADA in an amount necessary to ensure each LEA receives total state and ESSER II funding equal to the amount that would have been available through the FSP while receiving the benefit of the hold harmless provided by the State. An example of the calculation:

**Step 1.** Determine the district’s hold harmless adjusted PEIMS ADA for the 2020-2021 school year (see questions 1 through 3 above). For purposes of the next step, we will assume that this number is 200.

**Step 2.** Apply the ESSER II ADA reduction to the hold harmless adjusted PEIMS Refined ADA:

- a. The district’s ESSER II Grant = \$9,000.
- b. TEA will calculate the amount of Refined ADA that results in a \$9,000 FSP change (i.e., in this example, we will assume one Refined ADA would result in a reduction of \$9,000).
- c. ESSER II Adjusted Refined ADA for FSP M&O Funding for the Summary of Finances = 199.
- d. FSP I&S State Funding (EDA and IFA) will use the Adjusted PEIMS Refined ADA in Step 2 (i.e., 200).
- e. The ESSER II reduction described in Step 3 will *only* apply to Refined ADA, it will not apply to any other student ADA or FTES counts.

**5. When will LEAs find out the amount of the ESSER II reduction to total Refined ADA? [NEW June 3, 2021](#)**

The actual ADA reduction will be calculated as part of near-final settle up in September 2021. While LEAs can attempt to model the amount of the ADA reduction using existing state funding templates, TEA will not be able to estimate the ADA reduction required until after the agency incorporates PEIMS total Refined ADA adjusted for the ADA HH into the Summary of Finances in September 2021. However, TEA is also planning on updating the school finance Excel template to incorporate the ESSER II grant amounts later this summer.

**6. I understand that the Agency will apply the hold harmless automatically to all eligible LEAs. Will the agency take into consideration overall funding levels with and without the hold harmless for LEAs before implementing the hold harmless? [Posted April 8, 2021](#)**

Yes, the agency will provide the highest level of funding that results from either the hold harmless attendance counts (as a group, inclusive of all settings) or the LEA's actual attendance counts (as a group, inclusive of all settings) for the entire school year, encompassing all portions of the school year for which an LEA would have been eligible for a hold harmless adjustment. Ultimately, an LEA's funding will not be negatively impacted by the hold harmless adjustment.

**7. How will my LEA's on campus participation rates during the 4<sup>th</sup> or 5<sup>th</sup> six-weeks periods impact my LEA's eligibility for the second semester hold harmless? [Posted March 11, 2021](#)**

LEA eligibility for the second semester hold harmless hinges solely on the on-campus participation rates during the sixth six-weeks period. LEAs that meet their thresholds during the 4<sup>th</sup> and/or 5<sup>th</sup> six-weeks periods but do not during the sixth six-weeks are not eligible. Conversely LEAs that did not meet their thresholds earlier in the semester but met or exceed their thresholds in the sixth six weeks will be eligible to receive the hold harmless adjustment.

**8. My LEA has already communicated scheduled days for students to be only remote asynchronous in the sixth 6-week period, how will this impact my on-campus instruction participation rate? [Posted April 8, 2021](#)**

The methodology already accounts for these types of days, so no revisions to previously scheduled remote asynchronous days will be required. As mentioned in question #3 of the State Funding Section, of the Attendance and Enrollment FAQ, if a student attends the on-campus instruction method for at least a third of the days taught over the course of the sixth 6-week period, then the student is determined to be on campus for purposes of the on-campus participation rate determination. For example, if a 10<sup>th</sup> grade student participates in on-campus instruction for 12 days in the sixth six-week period and another 17 days in asynchronous remote instruction optional, one day of required asynchronous remote instruction because the campus held a staff development day and has one absence ( $12 \div 31 = 38\%$ ), then this student qualifies as an on-campus instruction participant.

**9. How are eligible days and days taught being calculated? Also, where can I find the days taught TEA is using for the hold harmless calculation? [Posted April 8, 2021](#)**

Eligible days equals the total number of days the student was marked as present at the official attendance time for on- campus instruction. Days taught is the number of days that the campus

was providing instruction to its students in the sixth 6-week period. Your LEA may use PDM3-130-001 Superintendent's Report of Student Attendance to verify these values. Using the same example as above in question 6, the student's eligible days present is 12 because that is the total number of days, he/she participated in on-campus instruction. The number of days taught is 31 because the campus provided instruction to all students for a total of 31 days.

**10. If my district snapshot on campus participation percentage was 38% and then my sixth 6-weeks on campus participation percentage was 37.9%, would my district qualify for the second semester hold harmless? *Posted March 11, 2021***

No, the agency will not round up percentages for purposes of the comparison. Sixth six-weeks on campus participation rates will be truncated.

**11. How is TEA going to calculate the on-campus participation rate if a student withdrew early or enrolled late within the sixth 6-week period? *Posted March 11, 2021***

If a student was in membership for fewer than the total number days taught during the sixth six weeks because of late enrollment or early withdrawal, the student might not be counted in the on-campus participation rate of the campus if they did not attain at least one-third of their days present via on-campus instruction.

For example: Assuming the same 31-day on-campus instruction calendar as above, If Student A is present 11 days on campus out of 31 days taught, Student A is included in the on-campus participation rate because the rate is 35%. In contrast, if Student B is present on campus 8 days and then withdrew with 10 days left, Student B would be at 25% ( $8 \div 31$ ) and would, therefore, not qualify as an on-campus participant.

**12. How will districts with approved *Hybrid Instruction During District-Scheduled Testing Days for K – 8th Grade Students Waivers* report those dates as waiver days on their calendar for the PEIMS summer submission and how will it impact the second semester hold harmless? *Posted March 11, 2021***

As a reminder, the threshold for students to qualify as an on-campus participant during the sixth 6<sup>th</sup> weeks is one third of the days taught during the six-weeks period. This threshold was chosen to account for scheduled asynchronous days and/or hybrid instructional schedules, as well as days that potentially could be closed due to quarantining as well as on-campus instruction is reduced for assessment purposes. Districts will report the days as instruction days. The days will be included in the days taught (denominator) in the calculation of the on-campus attendance participation rate for the second semester hold harmless calculation. However, if students are participating in classes remotely during these days, then they will not be counted toward on-campus attendance for those days. If for some reason, local analysis indicates that the current on-campus participation threshold of one third of days taught becomes problematic given previously scheduled remote instruction, please email [waivers@tea.texas.gov](mailto:waivers@tea.texas.gov).

**13. Will there be any hold harmless provided for state compensatory education funding? *Posted March 4, 2021***

Yes. For state compensatory education (SCE) funding, the agency will ensure that each LEAs will receive funding for the better of the LEA's actual weighted state compensatory education counts from either fiscal year 2020 or 2021. However, the "better of" counts will only be used for compensatory education allotments under current law. Other formula components that rely on "prior Foundation School Program law" compensatory education student counts, such as the formula transition grant will still use counts from the National School Lunch and Breakfast Program (NSLB). This hold harmless provision for SCE will be implemented immediately and will be reflected on the summary of finances LPE and DPE columns in March 2021 and on the March 25 Foundation School Fund payment. LEAs are still expected to meet the minimum 55% expenditure requirements for SCE tier one allotment.

**14. My district failed to comply with the originally published requirements for the third 6-week hold harmless. Is there any avenue for my LEA to earn that funding now? *Posted March 4, 2021***

Yes. Since on-campus learning promotes the mental and educational health of the majority of Texas school children, the agency will provide an opportunity to earn the third 6-weeks hold harmless for districts that demonstrate a significant increase in on-campus attendance. An LEA that did not qualify for the hold harmless for the third 6-weeks detailed under question 3 may earn the hold harmless for the third 6-weeks by meeting one of the following eligibility criteria:

- 1) Absolute on-campus attendance criteria: An LEA's average on-campus attendance participation rate during the sixth 6-week attendance reporting period is equal to or greater than 90% of all students educated during the sixth 6-weeks; or
- 2) Percentage increase in on-campus attendance criteria:
  - a. For LEAs with a 2020 PEIMS fall on-campus attendance participation rate of less than 50%, an LEA's average on-campus attendance participation rate during the sixth 6-weeks attendance reporting period increases by 20 percentage points from the on-campus attendance participation rate reported on the LEA's October 2020 PEIMS Fall Snapshot.
  - b. For LEAs with a 2020 PEIMS fall on-campus attendance participation rate equal to or greater than 50%, an LEA's average on-campus attendance participation rate during the sixth 6-week attendance reporting period is equal to or greater than the on-campus percentage of all students educated during the sixth 6-weeks that results from adding 45 percentage points to half of the on-campus attendance participation rate reported on the LEA's October 2020 PEIMS Fall Snapshot.

For each LEA, the agency has published the on-campus attendance participation rate targets of each eligibility criteria under this section on its Coronavirus website. On-campus participation rates are calculated as described in question 3 above.

**15. Can you provide a summary of hold harmless availability?** *Posted March 4, 2021*

	1 <sup>st</sup> Six Weeks	2 <sup>nd</sup> Six Weeks	3 <sup>rd</sup> Six Weeks	4 <sup>th</sup> Six Weeks	5 <sup>th</sup> Six Weeks	6 <sup>th</sup> Six Weeks
Comp Ed HH	Automatic (Note: Comp Ed is based on Enrollment, not ADA)					
Grades PK-12 ADA HH (includes special settings)	Automatic	Automatic	Must have offered on-campus to all families that wanted it in order to be eligible.  If that was not done, LEA is still eligible if they meet certain growth targets for on campus attendance participation rates during the sixth 6-weeks	Average on campus attendance participation rates during sixth 6-weeks must either be: <ul style="list-style-type: none"> <li>80% or higher, or</li> <li>At least as high as the percentage reported from enrolled students coded as on-campus during the Oct 30 Fall PEIMS Snapshot <ul style="list-style-type: none"> <li>Baseline attendance participation rates will be published online for comparison.</li> </ul> </li> </ul>		
Growth Target for Alternative Third 6-Week PK-12 ADA HH	Districts are eligible as an alternative option for the third 6-weeks hold harmless if their average on-campus attendance participation rates during the six 6-week is either: <ul style="list-style-type: none"> <li>90% or higher, or</li> <li>20-percentage points higher than the percentage reported from enrolled students coded as on-campus during the Fall PEIMS Snapshot. <ul style="list-style-type: none"> <li>This percentage point increase will be proportionately reduced the closer an LEA's baseline was to 90%. <ul style="list-style-type: none"> <li>Each school system's target will be published online, but the formula will be: <ul style="list-style-type: none"> <li>if <math>X &lt; 50\%</math>, then <math>x + 20\%</math>; if <math>X \geq 50\%</math>, then <math>X/2 + 45\%</math></li> </ul> </li> </ul> </li> </ul> </li> </ul>					

**16. Can my LEA receive both the ADA hold harmless and the migrant adjustment for the 2020-2021 school year?** *Posted April 8, 2021*

No. If a LEA receives the ADA hold harmless adjustment, then the LEA is not eligible for an additional migrant adjustment for the 2020-2021 school year. This is because the 3-year projected ADA hold harmless threshold already builds in migrant adjustments from previous school years. The migrant adjustment and hold harmless adjustment do not stack on top of each other. However, a migrant LEA if, after receiving the benefit of the migrant adjustment is still below their hold harmless threshold, will be brought up to the ADA hold harmless threshold.

**17. Will the hold harmless funds all be paid for with state funding?** *Updated June 3, 2021*

The agency will use a combination of state funds and federal funds for the 2020-2021 hold harmless, specifically, federal ESSER II formula funds.

**18. When comparing ADA to the prior year, how do you accommodate a growing LEA? What if an LEA is projecting additional students but the attendance rate is lower?** *Posted June 30, 2020*

The comparison will be based on actual ADA, not projections. If actual ADA is down from the prior year, an adjustment will be made, even if initial projections showed an increase in student membership.

**19. Given the unpredictability of ADA because of the COVID-19 virus, will TEA exclude certain indicators from the 2021–2022 FIRST ratings (normally released August 2022) given that those ratings rely on data from the 2020–2021 school year?** *Posted June 23, 2020*

Yes, there are certain indicators that are impacted by the uncertainty of ADA and the adjustments being made to FSP funds that will be excluded from the 2021–2022 FIRST ratings. The indicators being excluded are listed below:

UPDATED  
6/3/21

- Indicator #10 - Did the school district average less than a 10 percent variance (90%-110%) when comparing budgeted revenues to actual revenues for the last 3 fiscal years? (All LEAs)
- Indicator #15 - Was the school district's actual ADA within the allotted range of the district's biennial pupil projection(s) submitted to TEA? If the district did not submit pupil projections to TEA, did it certify TEA's projections? (school districts)
- Indicator #16 - Was the charter school's actual average daily attendance (ADA) within 10 percent of the charter school's annual estimated ADA? (open-enrollment charter schools)

**20. How will CTE classes be funded if asynchronous instruction is long term? *Posted June 30, 2020***

CTE classes earn full funding through both remote methods so long as instruction is provided.

**21. What about SPED funding? *Posted June 30, 2020***

Funding for students receiving special education will continue to flow so long as LEAs are serving students as required by their IEPs.

**22. How can we be funded under asynchronous instruction for students who do not have Internet access at home? *Posted September 3, 2020***

Remote instruction for students without internet or computer access at home can be provided via an approved asynchronous plan. To be approved, the plan will need to include descriptions around the same requirements for asynchronous instruction for students that have internet and computer access and those who do not. If you are planning to support asynchronous remote instruction for students without access to internet or devices, your asynchronous plan should include:

- Instructional schedule- to ensure the student is engaging with approximately the same amount of academic content as in a regular, on-campus school day.
- Material design- to ensure instructional materials are designed specifically for an asynchronous learning environment (which could include paper packets as an alternative to online work).
- Student progress- to ensure student engagement and progress must be monitored daily (which could include regularly turning in, grading, and providing feedback on paper packets and phone calls with students to discuss daily progress). Please note, this is likely the hardest component to complete remotely without access to technology, but in order to be approved, it still must include a plan for tracking daily student engagement with a focus on monitoring academic progress and giving academic feedback to students.
- Implementation support for educators and families- to ensure support for teachers in implementing the asynchronous plan for students without technology and for communicating expectations to families and students.

If the LEA is not meeting remote asynchronous plan requirements, then the LEA will not be able to receive attendance funding for students engaging in remote instruction after the end of the grace period (end of third 6 weeks grading period).

**23. My LEA was subject to a blanket closure order issued by my local health authority. Will solely remote instruction be funded for the time period of the order? *Posted July 28, 2020***

No. The Texas Attorney General issued [a guidance letter](#) on July 28, 2020, that stated that “... local health authorities may not issue blanket orders closing all schools in their jurisdiction on a purely prophylactic basis.” The guidance letter further provides that health authority orders may not conflict with executive orders of the governor and must apply control measures required by statute. Consequently, a blanket order closing schools does not constitute a legally issued closure order for purposes of funding solely remote instruction as described in this document. However, another valid funding exception may apply, such as a start-of-year transition period as described further below, that would be available to the LEA if it did not offer on-campus instruction. Also, the guidance letter implies that other kinds of public health authority orders could be lawful. Any lawful order closing a school building will continue to enable an LEA to generate funding for solely remote instruction.

**24. What are the requirements to earn full-day funding for general ed homebound and PRS CEHI students and how should attendance be reported? *Posted June 23, 2020***

When in-home instruction cannot be provided due to COVID-19, students who had been receiving instruction at home should be served through the LEA’s remote synchronous or asynchronous instructional methods. While students are served through one of these methods, attendance should be reported in accordance with the rules for each method described in this document. Pregnancy related services (PRS) students who receive Compensatory Education Home Instruction (CEHI) services through a remote synchronous or asynchronous method can continue to earn CTE contact hours, as long as CTE instruction continues while remote instruction is provided.

**25. How will the agency calculate the prior law Regular Transportation Program allotment for the 2020-2021 school year given that we did not operate a full-school year in 2019-2020 and that linear density rates are based on prior year mileage? *Posted September 10, 2020***

HB 3 amended Section TEC §48.151 to provide Regular Transportation Program funding based on a rate per mile set by the Legislature in the General Appropriations Act (GAA) and not on a linear density rate. However, to determine if the district is eligible for the Formula Transition Grant, TEA must calculate the Regular Transportation Program allotment under both current law and prior law. The prior law 2020-2021 Regular Program allotment will be calculated using the same linear density rate that was used to calculate the 2019-2020 prior law Regular Program allotment which was calculated using 2018-2019 miles.

**26. My district’s May 2020 Bond elections have been postponed. This delay may impact my district’s ability to set its interest and sinking fund (I&S) tax rate to include tax effort for new bonds by the second year of the current biennium (school year 2020-2021). To consider these bonds eligible for Existing Debt Allotment (EDA) state assistance for the 2022-2023 biennium, will the TEA waive the statutory requirement that taxes levied to pay the principal of and interest on the bonds be included in the district's audited debt service collections for that school year (in this case, 2020-2021)? Alternatively, will the agency allow my district to set its tax rate in 2020-2021 instead of 2019-2020 to include the required tax effort for considering the new bonds eligible for EDA state aid assistance in the 2022-2023 biennium? *Posted September 10, 2020***



No. The agency will not consider alternative methods to consider bonds that would otherwise be ineligible for EDA assistance in the coming biennium. The amount of state aid on eligible bonds during a biennium is limited by the interest and sinking fund tax collections from the second year of the previous biennium. If a district's tax rate does not include tax effort for newly eligible bonds, it is possible the district may not receive EDA funding for those bonds until the next school year.

**27. My district is experiencing significant difficulties in obtaining income eligibility verification forms for the National School Lunch Program, and we are concerned that this will have a negative impact on the counts of educationally disadvantaged students reported to the agency during the PEIMS Fall submission for purposes of generating the state compensatory education allotment. What options does my district have to help mitigate these difficulties? *Posted October 1, 2020***

For the 2020-2021 school year, the agency is allowing LEAs to update the students' Economically Disadvantaged indicator until the PEIMS Fall Resubmission closes on January 14, 2021. Therefore, LEAs can continue to try to obtain income eligibility verification forms (or other means of verifying eligibility, including the use of locally developed income verification surveys or other categorical sources of eligibility) for students past the PEIMS Fall snapshot date. For the 2020-2021 school year *only*, LEAs will be able to submit students as economically disadvantaged even if the forms (or other means of verification) are dated after October 30, 2020. Please remember that, although the agency is providing this extension, LEAs cannot count students as economically disadvantaged for purposes of the PEIMS Fall submission if those students were not enrolled as of the snapshot date. Also, this extension only applies to the collection of forms or other eligibility documentation associated with the Economically Disadvantaged indicator; the extension does not apply to any other PEIMS Fall data elements.

If an LEA is planning to update its Title I, Part A campus rankings or campus allocations from the original data submitted to TEA in SC5000 of the 2020-2021 ESSA Consolidated Federal Grant Application, the LEA should wait until after the PEIMS Fall Resubmission closes on January 14, 2021.