



PRESIDENT

Arlington ISD
Dr. Marcelo Cavazos

PRESIDENT-ELECT

Aldine ISD
Dr. Wanda Bamberg

VICE PRESIDENT

Alief ISD
Mr. HD Chambers

SECRETARY

Hurst-Euless-Bedford ISD
Mr. Steve Chapman

TREASURER

Katy ISD
Dr. Lance Hindt

PAST PRESIDENT

Midland ISD
Mr. Rod Schroder

MEMBER DISTRICTS

Abilene*
Aldine
Alief
Amarillo
Arlington
Austin*
Corpus Christi
Cypress-Fairbanks*
Dallas*
Ector County
El Paso
Fort Bend
Fort Worth
Garland
Harlingen
Houston*
Humble
Hurst-Euless-Bedford
Irving
Katy
Killeen
Lubbock*
McAllen
Mesquite
Midland
North East*
Northside
Pharr-San Juan-Alamo*
Richardson
Round Rock
San Angelo
San Antonio
Socorro
Spring Branch*
Tyler*
United
Waco

*TSA Board Members

September 6, 2017

Superintendent and LEAD Staff Agenda

10:30 – 10:40 a.m.	Welcome and Introductions <i>Dr. Marcelo Cavazos</i>
10:40 – 10:45 a.m.	ACTION: Approve Officers for 2017-2018 <i>Participating TSA Members</i>
10:45 – 10:50 a.m.	ACTION: Approve Board of Directors for 2017-2018 <i>Participating TSA Members</i>
10:50 – 10:55 a.m.	ACTION: Dues Structure for 2017-2018 <i>Participating TSA Members</i>
10:55 – 11:00 a.m.	TSA Luncheon at TASA/TASB Convention <i>Dr. Marcelo Cavazos</i>
11:00 – 11:45 a.m.	Issues Related to Hurricane Harvey <i>Moak, Casey & Associates, HillCo Partners, Thompson & Horton</i>
11:45 – 12:00 p.m.	SBOE Long Range Plan for Education <i>HillCo Partners & Moak, Casey & Associates</i>
12:00 – 12:30 p.m.	LUNCH
12:30– 1:15 p.m.	Special Session Review / Consultants Update <i>Moak, Casey & Associates, HillCo Partners, Thompson & Horton</i>
1:15 – 2:00 p.m.	Accountability and Assessment Update 2017 Accountability Ratings - HB 22 (A-F) Update - ESSA Update <i>Dr. Curtis Culwell and Dee Carney</i>
2:00 – 2:30 p.m.	Other Business and Adjournment <i>Dr. Marcelo Cavazos</i>



Texas School Alliance Proposed Officers for 2017 -2018

President

Aldine ISD

Dr. Wanda Bamberg

President Elect

Alief ISD

Mr. HD Chambers

Vice President

Hurst-Euless-Bedford ISD

Mr. Steve Chapman

Secretary

Northside ISD

Dr. Brian Woods

Treasurer

Katy ISD

Dr. Lance Hindt

Past President

Arlington ISD

Dr. Marcelo Cavazos

Texas School Alliance
Proposed Board of Directors for 2017-2018

Terms Expire 2017:

Abilene ISD
Houston ISD
North East ISD
Pharr-San Juan-Alamo ISD

Terms Expire 2018:

Austin ISD
Dallas ISD
Lubbock ISD

Terms Expire 2019:

Cypress-Fairbanks ISD
Tyler ISD
Spring Branch ISD

Terms Expire 2020:

Killeen ISD
San Angelo ISD
Corpus Christi ISD
Amarillo ISD

**Texas School Alliance
Meeting Schedule – 2017-2018
All Meetings in Austin are from
10:30 a.m. – 2:30 p.m.**

Locations - TBD

LEAD (Legislative Evaluation And Development) Staff

October 11, 2017	Moody Bank Building (MBB) 400 W. 15 th St., 3 rd Floor Auditorium
November 8, 2017.....	MBB 400 W. 15 th St., 3 rd Floor Auditorium
February 7, 2018.....	MBB 400 W. 15 th St., 3 rd Floor Auditorium
April 4, 2018.....	MBB 400 W. 15 th St., 3 rd Floor Auditorium
May 2, 2018	MBB 400 W. 15 th St., 3 rd Floor Auditorium

Superintendents and LEAD Staff

*September 6, 2017	Doubletree Guest Suites, 303 W. 15 th St.
October 18, 2017	Doubletree Guest Suites, 303 W. 15 th St.
November 15, 2017.....	Doubletree Guest Suites, 303 W. 15 th St.
February 14, 2018.....	Doubletree Guest Suites, 303 W. 15 th St.
April 11, 2018.....	Doubletree Guest Suites, 303 W. 15 th St.
May 9, 2018	Doubletree Guest Suites, 303 W. 15 th St.
September 5, 2018.....	Doubletree Guest Suites, 303 W. 15 th St.

Special Agendas

October 7, 2017.....	ANNUAL	TASA/TASB in Dallas
August 1, 2018.....	Officers & Board of Directors Only	Doubletree – Dallas Love Field

TEXAS SCHOOL ALLIANCE BY-LAWS

ADOPTED: August 2009

ARTICLE I. NAME

The name of the Association will be the Texas School Alliance.

ARTICLE II. LOCATION

The location of the principal office of the Texas School Alliance shall be in the City of Austin, Travis County, Texas.

ARTICLE III. PURPOSE

The Alliance is established to promote excellence in education for the primary benefit of the students of public school districts. Its purposes are:

- A. To identify current concerns of public school districts; to disseminate information and analysis of public school districts; and to promote the exchange of information and analysis among public school districts;
- B. To promote a forum for the consideration of issues facing public school districts; and
- C. To monitor, evaluate and consider the effect of state and federal laws and regulations, and to provide information to promote excellence for all students in public education;
- D. To advocate for:
 - The unique needs of Texas' larger school districts and
 - The needs of students who are English Language Learners, bilingual, at risk, and/or of lower socio-economic status.

ARTICLE IV. BOARD OF DIRECTORS

- A. The Board of Directors shall be selected from the following members:
 - 1. Five (5) members from public school districts with enrollments of 35,000 students or more; and

2. Two (2) members from public school districts with enrollment of 20,000 to 34,999 students; and

3. Two (2) members from public school districts with enrollment 10,000 to 19,999 students.

B. The officers of the organization and the immediate past president shall also serve as members of the Board of Directors.

C. The term of office for a member of the Board of Directors shall be three (3) years, with three (3) terms rotating off the Board of Directors each year.

D. Membership on the Board of Directors is by member district and not by individual.

E. Membership on the Board of Directors shall be recommended by the Board of Directors. A district may become a member of the Board of Directors upon recommendation by two-thirds of the Board of Directors and approval by majority of the membership present at a regular meeting of the Alliance or by mail, email or fax poll.

F. Any vacancy on the Board of Directors shall be filled by the same procedures as set out in Sections A thru E above; however, these procedures shall not preclude nominations for filling vacancies from being accepted from the floor during a regular meeting of the Alliance.

G. The President may appoint such committees as are necessary to accomplish the purposes of the Alliance.

H. The Board of Directors shall serve without compensation as a service to the Alliance.

I. The Board of Directors shall meet at least once per fiscal year, beginning September 1 and ending August 31, upon the call of the President, and at other times as necessary.

J. A majority of the Board of Directors shall constitute a quorum to conduct business on all issues unless otherwise noted in these By-laws.

K. The Board of Directors shall, at the beginning of each fiscal year, set a schedule for the regular meetings of the Alliance.

L. The Board of Directors shall have all fiscal accounts of the Alliance audited by a third party each year. This audit shall be presented with all management letters to the Alliance at a meeting scheduled at least two (2) months after the close of the fiscal year.

M. The district member of the Board of Directors shall designate a representative to the Board of Directors. Said designated member shall be a superintendent or the superintendent's designee.

N. The Board of Directors shall have the authority to hire consultants or employees as necessary to carry out the purposes of the Alliance.

ARTICLE V. OFFICERS

A. Officers of the Alliance shall be selected from among the membership by recommendation of two-thirds of the Board of Directors, and approved by a majority vote of the membership present at a regular meeting of the Alliance or by mail, email or fax poll, to fill the positions of President, President Elect, Vice President, Secretary and Treasurer. The President and the President Elect shall be a superintendent and shall serve a one year term in that capacity.

1. The President shall preside at all Board of Director meetings and at all meetings of the Alliance.

2. The President Elect shall preside at all meetings at which the President is absent and carry out other duties as assigned by the President. The President Elect shall succeed the President. If the President Elect no longer holds the position of superintendent in the district from which he or she was elected President Elect, the Board of Directors will determine the successor to the position.

3. The Vice President shall preside in the absence of the President and President Elect. The Vice President shall act as the Alliance's historian and maintain the Alliance's membership roster.

4. The Secretary shall keep and maintain complete and accurate minutes of the meetings of the Board of Directors and the Alliance.

5. The Treasurer shall keep and maintain all fiscal records and accounts of the Alliance.

B. The officers shall serve without compensation.

C. Any vacancy in the officer positions shall be filled in the same manner as originally selected.

D. The officers shall be the nominating committee for vacancies which occur on the Board of Directors and shall present nominations for such vacancies to the Board of Directors at the next regular meeting of the Alliance; however, these nominations from

the committee shall not preclude nominations for filling vacancies from being accepted from the floor during a regular meeting of the Alliance.

ARTICLE VI. MEMBERSHIP

A. Membership is limited to school districts which have an enrollment in excess of 10,000 students and which have the following characteristics:

1. Concentrations of disadvantaged, low income and special needs students; or
2. Concentrations of minority students; or
3. Other eligibility requirements as may be determined by the Board of Directors.

B. Membership may be extended to a district not presently a member of the Alliance upon recommendation of two-thirds of the Board of Directors and approved by a majority of the membership at a meeting of the Alliance or by mail, email or fax poll.

C. Membership requirements, including enrollment, may be waived upon recommendation of two-thirds of the Board of Directors and approved by a majority of the membership present at a meeting of the Alliance.

D. Membership is by school district rather than by individual. The district shall be represented by its superintendent or the superintendent's designee. Other district staff and Board members may attend Alliance meetings.

E. Membership shall terminate immediately when a member ceases to meet the eligibility requirements, or for good and just causes, including the failure to manifest an interest in the purpose of the Alliance. Such terminations for good and just cause shall be by recommendation of two-thirds of the Board of Directors and approved by a majority of the membership present at a regular meeting of the Alliance or by mail, email or fax poll.

ARTICLE VII. VOTING RIGHTS

Each district shall have one vote. The vote of the membership shall be cast by the superintendent or the superintendent's designee. Votes may be taken by mail, email or fax poll.

ARTICLE VIII. DUES

Dues shall be assessed in an amount to be determined by the Board of Directors and approved by the membership at the first regular meeting after September 1 of each year. Dues shall be payable upon receipt of the assessment.

ARTICLE IX. MEETINGS

There shall be at least one meeting of the Alliance membership each year to conduct business. The Alliance may hold other meetings as needed upon the call of the President or majority of the Board of Directors. A majority of the member districts shall constitute a quorum in order to properly conduct business of the Alliance.

ARTICLE X. AMENDMENTS

An amendment to these by-laws shall be upon the recommendation of two-thirds of the Board of Directors and approved by a majority of the membership present at a regular meeting of the Alliance or by mail, email or fax poll.

ARTICLE XI. DISSOLUTION

At the time that the Texas School Alliance wishes to cease its operations and dissolve, the Alliance Secretary shall file Articles of Dissolution with the Texas Secretary of State's office in accordance with Article 1396-6.05 of the Texas Non-Profit Corporation Act.

Hurricane Harvey Resources



This is the central hub for schools to get information from TEA regarding Hurricane Harvey. Our goal is to assist school districts experiencing the effects of the hurricane by providing timely information and support.

Announcements & Correspondence

To the Administrator Addressed: [Additional Missed School Day Waivers related to Hurricane Harvey](#) (9-1-2017)

To the Administrator Addressed: [Hurricane Harvey Enrollment Guidance](#) (8-31-2017)

To the Administrator Addressed: [Hurricane Related Waivers](#) (8-29-2017)

[Deadline Extensions for the 2016-2017 Tax Information Survey and Staff Salary Data Collection](#)

[News from the Department of Grants and Oversight](#)

[STAAR Participation Counts Collection - Extension](#)

[Budget Adoption Information for FY 2017-2018](#)

[DSHS Letter on Immunizations for Displaced Students](#) (PDF 670 KB)

[Emergency Procurement under TEC Chapter 44 Subchapter B](#)

[Guidance on Non-competitive Procurement During an Emergency](#)

Price Gouging, Scams, and Resources for Help - Office of the Attorney General

For help with reporting price gouging and scams

visit <https://www.texasattorneygeneral.gov/emergency/hurricane-harvey>. Also listed is contact information for emergency and non-emergency assistance, relief efforts, and other resources related to Hurricane Harvey.

School Nutrition and Meals Information

The Texas Department of Agriculture Food and Nutrition Division is working to provide schools with all the information they need to operate as shelters, accommodate displaced students and resume operations in the wake of Hurricane Harvey. For information

visit <http://www.squaremeals.org/FandNResources/HarveyUpdatesforTexasNutritionPrograms.aspx>

School Districts including Districts of Innovation, and charters that use their USDA school food inventory to provide meals to those affected by Hurricane Harvey should refer to the Texas Department of Agriculture (TDA) website

at <http://www.squaremeals.org/Programs/FoodAssistanceforDisasterRelief.aspx>.

What qualifies to be replenished by the USDA/TDA at no cost will depend on each unique situation and can change pending approval of waivers from the USDA. The Summer feeding program and Child and Adult Care Food Program (CACFP) provide additional flexibility to allow school districts and charter schools to feed students before school reopens. Additionally TDA has received several waivers from USDA in regards to meal pattern and meal service times as well as the ability to feed students at no cost to the family. This provision is effective until September 30, 2017 with the possibility for TDA to request to extend as necessary. If you have questions please contact TDA and refer to the website

at <http://www.squaremeals.org/Programs/FoodAssistanceforDisasterRelief.aspx>. The website will be updated as new information becomes available.

Frequently Asked Questions

This [frequently asked questions page](#) provides information for students displaced by disasters.

August 31, 2017

TO THE ADMINISTRATOR ADDRESSED

Subject: Hurricane Harvey enrollment guidance

The purpose of this letter is to provide an update and reminder to all school districts and charters of key provisions in place to support students displaced by Hurricane Harvey.

Please remember that a child whose family has been displaced due to Hurricane Harvey will generally meet the definition of “homeless” under the federal McKinney-Vento Act. Any student(s) staying with friends, relatives, or other persons or staying in a shelter or other temporary location due to loss of housing because of the hurricane are considered homeless.

In addition, note that “homelessness” is a characteristic of the individual and not a result of a home school district being closed temporarily. Students are not homeless because their local school may have suspended operations for a short period.

- **Immediate Enrollment** – The federal McKinney-Vento Act, entitles students to enroll immediately in the public school which serves the attendance area where the student is staying temporarily. Additionally, state law, Educ. Code § 25.001(b)(5), allows a homeless student to enroll in any school district in Texas regardless of where they are staying. Families and students experiencing the trauma of a disaster may need some additional time and guidance to assess their circumstances, in-order to make an informed school selection. School personnel can help parents and youth make a student-centered, best interest determination regarding school selection by using this helpful tool: http://www.theotx.org/wp-content/uploads/2016/02/Checklist_SchoolSelectionProvision_SchoolOrigin_AttendanceZone.pdf
- **Identification of Students in Homeless Situations** – By federal law, every school district must identify students living in homeless situations. Every school district should have a means of identifying the living situation of all students entering and/or returning to their schools, including students displaced by Hurricane Harvey.
- **School Selection and Transportation for Homeless Students** – The McKinney-Vento federal law allows families and students living in homeless situations to remain in the school of origin (where the student attended when he/she became homeless or the last school he/she attended) and receive transportation to the school of origin or enroll in the local school where the student is temporarily staying. Texas state law allows students to enroll in any Texas district. With this latter option, the district selects the campus and there is no obligation on the part of the district to provide transportation.
- **Missing Records** – Students must be enrolled without delay and without the usual required documents, including immunizations records, previous school records, proof of residency, or legal guardianship. In most instances, these records may be obtained from the previously

attended school district. In the case of a large-scale disaster, these records may be delayed or inaccessible.

- *Reminder for Students with Disabilities:* LEAs are required to immediately provide a free and appropriate public education (FAPE). When students enroll without records or with incomplete records, districts must use whatever information is available to them, including parent and student interviews etc., to ensure that the students are provided with FAPE. Adjustments to individual educational programs can be made when more complete records have arrived.
- *Reminder for Students who are English Language Learners (ELL's):* When enrolling English learners with incomplete or missing records, districts should use whatever information is available to them, including parent and student interviews etc., to ensure that program placement is as consistent as possible with what was being provided in the student's previous district.
- **Texas Student Data System PEIMS Crisis Code** – All students enrolling in a school district or charter school as a result of being displaced by Hurricane Harvey should be reported with a 'Crisis Code' of 05. This specific code indicates that a student was enrolled or eligible to enroll in a Texas public school district or charter school impacted by Hurricane Harvey, and the student enrolled in another Texas public school district or charter school, or moved from a Hurricane Harvey impacted campus to a non-impacted campus in the same LEA during the 2017-2018 school year. Should additional resources become available, this information will be critical for impacted LEAs. As a reminder, all homeless students, as defined by McKinney-Vento, are eligible to be enrolled where they are living and must be reported through the LEA TSDS PEIMS data.
- **Texas Records Exchange (TReX) System**– LEAs enrolling displaced Hurricane Harvey students should submit a TReX records request to the LEA where the student previously attended or should have been enrolled as soon possible regardless of the operational status of the LEA. Many impacted LEAs still have access to their electronic student information data.
- **Free Meals** – All homeless students must receive free school meals without delay and are categorically eligible for nutrition benefits.
- **Referral to Services** - Students must have their needs assessed and be referred to appropriate supports and services, including health, mental health, housing, and other community resources.
- **LEA Homeless Liaison** - Every LEA is required to designate a Homeless Liaison to identify and support students experiencing homelessness. LEA Homeless Liaisons should be included in local disaster relief efforts and LEA planning concerning Hurricane Harvey. For a list of local liaisons visit: <http://www.theotx.org/liaison-directory/>

For more information about the McKinney-Vento Homeless Education program and supporting students who are displaced because of Hurricane Harvey, please visit:

- The Texas Homeless Education Office (THEO) website and toll-free hotline (1-800-446-3142): <http://www.theotx.org/>

- Texas Department of State Health Services, School Administrator, Hurricane Harvey: <https://www.dshs.texas.gov/immunize/school/admittance-faq.aspx>
- Texas Department of Agriculture, Hurricane Harvey: <http://www.squaremeals.org/FandNResources/HarveyUpdatesforTexasNutritionPrograms.aspx>
- U.S. Department of Education, Hurricane Harvey: <https://www.ed.gov/hurricane-harvey>
- National Center for Homeless Education, Disaster Preparation and Response: https://nche.ed.gov/ibt/dis_prep.php

In addition, TEA has established a Hurricane Harvey Resources page for districts and charters (http://tea.texas.gov/About_TEA/Other_Services/Weather_and_Disaster/Hurricane_Harvey_Resources/) on its website. We will be providing more details and information concerning Hurricane Harvey and its impact on Texas schools and communities as soon as it is available.

Mike Morath
Commissioner

August 29, 2017

TO THE ADMINISTRATOR ADDRESSED

Subject: Hurricane related Waivers

The effects of Hurricane Harvey continue to be felt in a large portion of the state, impacting a great number of our school districts and charters. Damage from high winds, heavy rains and ongoing flooding conditions have forced the cancellation of classes over an extended period of time. For some, this interruption has come at the very beginning of their school year. While in other districts, the school year was already underway.

As of today, 58 counties fall within Gov. Greg Abbott's disaster proclamation. Those counties include: Angelina, Aransas, Atascosa, Austin, Bastrop, Bee, Bexar, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, DeWitt, Fayette, Fort Bend, Galveston, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Harris, Jackson, Jasper, Jefferson, Jim Wells, Karnes, Kerr, Kleberg, Lavaca, Lee, Leon, Liberty, Live Oak, Madison, Matagorda, Montgomery, Newton, Nueces, Orange, Polk, Refugio, Sabine, San Jacinto, San Patricio, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Willacy and Wilson.

In response to cancellations caused by this extreme weather event, I am authorizing the following:

- **For districts and charter schools that had already begun the 2017-2018 school year prior to Aug. 28, 2017**
Districts and charter schools in the 58-county disaster declaration area closed due to the hurricane are eligible to apply for a Missed School Day waiver for any scheduled instructional days missed from Friday, Aug, 25, 2017, to Friday, Sept. 1, 2017.
- **For districts and charter schools that were scheduled to begin the 2017-2018 school year the week of Aug. 28, 2017**
Districts and charter schools in the 58-county disaster declaration area closed due to the hurricane are eligible to apply for a Missed School Day waiver for any scheduled instructional days missed from Monday, Aug, 28, 2017, to Friday, Sept. 1, 2017.

Districts and charter schools requesting this waiver will need to apply for the Missed School Day waiver using the TEAL waiver application. As a result of this waiver, school systems in disaster counties that have missed school days as referenced above due to the hurricane will not have to make up those days on the school calendar.

Each Missed School Day waiver is worth the number of operational minutes for that day on the school's calendar up to 420 waiver minutes per day. Therefore, if a district or charter school has a longer operational day, they may need to use additional minutes or days built into the calendar, or add minutes as needed by the end of the school year to ensure it meets the 75,600-operational minute requirement.

School systems in disaster counties that will miss additional school days after Sept. 4, 2017, due to the hurricane, should contact the Texas Education Agency individually to discuss available options.

Questions related to waivers should be directed to Leah Martin and Ron Rowell, at (512) 463-5899 or at Leah.Martin@tea.texas.gov or Ronald.Rowell@tea.texas.gov.

The Texas Education Agency continues to be in contact with our regional Education Service Centers and many of our school districts affected by this weather event regarding issues created by Harvey. Additional announcements regarding various issues as it relates to the storm will be forthcoming.

Sincerely,

Mike Morath
Commissioner

September 1, 2017

TO THE ADMINISTRATOR ADDRESSED

Subject: Additional Missed School Day Waivers related to Hurricane Harvey

Many school districts and charter schools continue to deal with the impact of Hurricane Harvey and are still in the process of assessing the extent of that impact; consequently, districts and charter schools in the 58-county disaster declaration area closed due to the hurricane are eligible to apply for a Missed School Day waiver for up to four additional days as needed for any scheduled instructional days missed from Tuesday, Sept. 5, 2017, to Friday, Sept. 8, 2017.

The health, safety and welfare of the students, teachers, and staff of these effected school districts and charter schools is my priority. While these additional days may not resolve all issues, it is my hope that this additional time will allow school districts and charter schools to address and remediate the damage and reopen by Monday, Sept. 11, 2017.

As previously stated in the Aug. 29, 2017, To The Administrator Addressed correspondence on hurricane related waivers, the 58 counties that fall within Gov. Greg Abbott's disaster proclamation include: Angelina, Aransas, Atascosa, Austin, Bastrop, Bee, Bexar, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, DeWitt, Fayette, Fort Bend, Galveston, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Harris, Jackson, Jasper, Jefferson, Jim Wells, Karnes, Kerr, Kleberg, Lavaca, Lee, Leon, Liberty, Live Oak, Madison, Matagorda, Montgomery, Newton, Nueces, Orange, Polk, Refugio, Sabine, San Jacinto, San Patricio, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Willacy and Wilson.

Districts and charter schools requesting this waiver will need to apply for the Missed School Day waiver using the TEAL waiver application that is currently used to apply for state waivers. As a result of this waiver, school systems in disaster counties that have missed school days as referenced above due to the hurricane will not have to make up those days on the school calendar.

Each Missed School Day waiver is worth the number of operational minutes for that day on the school's calendar up to 420 waiver minutes per day. Therefore, if a district or charter school has a longer operational day, they may need to use additional minutes or days built into the calendar, or add minutes as needed by the end of the school year to ensure it meets the 75,600-operational minute requirement.

School systems in disaster counties that anticipate missing additional school days due to the hurricane beyond Sept. 8, 2017, should contact the Texas Education Agency individually to discuss available options. Questions related to waivers should be directed to Leah Martin and Ron Rowell, at (512) 463-5899 or at Leah.Martin@tea.texas.gov or Ronald.Rowell@tea.texas.gov.

Sincerely,

Mike Morath
Commissioner



The following email contains important deadline and contact updates from the Department of Grants Compliance and Oversight. Should you have questions about information in this update, please email the Department of Grants Compliance and Oversight at ESSAsupport@tea.texas.gov or call (512) 463-8992.

News from the Department of Grants Compliance and Oversight

Application Deadlines Extended

Due to the severe hardship created by Hurricane Harvey for many local educational agencies, the Texas Education Agency is extending the due date to **September 11, 2017**, for the following grant applications:

- 2017-2018 ESC IDEA-B Sensory Impairments
- 2017-2018 ESC State Gifted and Talented
- 2017-2018 ESC Title I, Part C Migrant Basic Services Grant Application
- 2017-2018 ESC Title III, Part A Basic Services Grant Application
- 2017-2018 ESSA Consolidated Federal Grant Application
- 2017-2018 IDEA-B Discretionary Other 1, 2, 3, and 4 Consolidated Application
- 2017-2018 Special Education Consolidated Grant Application
- 2017-2018 Special Education ESC Liaison Grant Application
- 2017-2018 Title I, Part B Carl D Perkins Institutions Grant Application
- 2017-2018 Title I, Part C Carl D Perkins Career and Technical Education Act Grant Application

Other grant-related deadlines will be reviewed on a case-by-case basis.

For questions on applications, please contact the Grants Administration Division at grants@tea.texas.gov or (512) 463-8525.



August 30, 2017

RE: Immunization Requirements for Students Displaced by Hurricane Harvey

Dear School Administrator:

The purpose of this letter is to remind school districts of the current immunization rules that affect students displaced by Hurricane Harvey and to provide information on how schools can obtain immunization histories for transfer students.

The Texas Department of State Health Services (DSHS) rules relating to immunization requirements for school entry allow a student transferring from one Texas school to another Texas school to be provisionally enrolled without proof of required immunizations for up to 30 days. ([Texas Administrative Code, Title 25, Part I, Chapter 97, Subchapter B, Section 97.69.](#)) As the 30-day period draws closer to an end, if there appears to be a significant number of displaced students who are still having trouble obtaining their immunization records, DSHS will consider whether a short additional provisional enrollment period is possible. The 30-day time period begins the day the student begins attending classes at the new school.

Additionally, students displaced by Hurricane Harvey and who are considered homeless under the federal McKinney-Vento Act may be admitted to attend school without documentation of required immunizations for up to 30 days. (Texas Administrative Code Title 25, Part I, Chapter 97, Subchapter B, [Section 97.66\(b\).](#)) For more information regarding specific guidelines for homeless students, contact the Texas Homeless Education Office (www.theotx.org or 1-800-446-3142).

Many schools have electronic access to ImmTrac2, the Texas immunization registry. Many student immunization records can be found there. Most school districts are registered to use or access ImmTrac2. If you do not know if you are registered or to register for ImmTrac2, please email

Immunization Requirements

August 30, 2017

Page 2

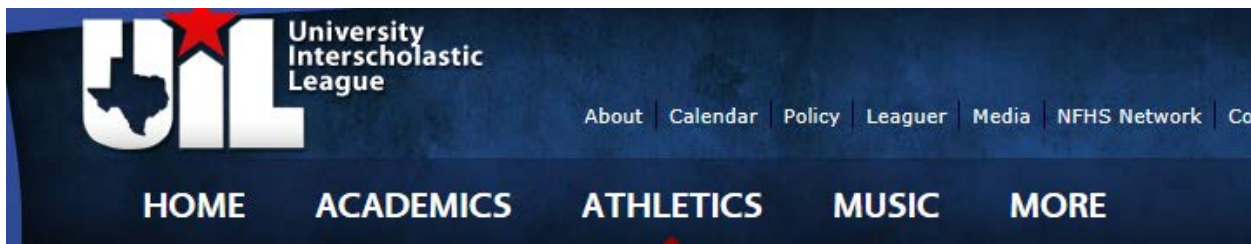
immtrac2@dshs.texas.gov and include the school district name followed by Harvey.

Please contact the DSHS Immunization Unit at (800) 252-9152 with any further questions about immunization requirements or accessing ImmTrac2. Information is also available at www.immunizetexas.com.

Thank you,

A handwritten signature in blue ink, appearing to read "John", followed by a horizontal line and a small mark that looks like "w7".

John Hellerstedt, M.D.



Hurricane Harvey Displaced Students Waiver Information

Superintendents and Athletic Administrators

In the wake of Hurricane Harvey, the UIL is preparing procedures for displaced students who wish to participate at their new location. The desire of UIL is for all students who can safely do so to return to their original school for participation. However, we realize this hope will not be possible for all displaced students. In light of that, we have developed the following process.

UIL will release the Athletic Eligibility Waiver for Student Athletes Displaced by Hurricane Harvey (Hurricane Harvey Waiver) to all schools in the coming days. In the meantime, below is information for your school to begin to determine the eligibility of displaced students enrolling in your school. This information only applies to students displaced as a result of Hurricane Harvey. See UIL rules for students changing schools for other reasons.

Forms – All Displaced Students

All students enrolling in a new school must complete the following forms required in section 1205 of the UIL Constitution and Contest Rules:

- Pre-participation Physical (if applicable) and Medical History Form
- Acknowledgment of Rules-Parent Permission Form
- Concussion Acknowledgement Form
- Illegal Steroid Use Parent and Student Notification/Agreement Form

Sub-Varsity Participation – All Schools

Displaced students can immediately participate in sub-varsity activities upon enrolling in the new school and completing the forms listed above.

Varsity Athletic Participation - 15- Calendar Day Rule

Displaced student athletes who choose to temporarily attend a new school and participate in varsity athletics with a Hurricane Harvey waiver are subject to the 15- calendar day rule at the new school if enrolling after the sixth class day of the school year.

Displaced students who return to their original school when it opens would not be subject to the 15-day rule upon returning to their original school. They could become eligible for participation after one school day back in their original school. These students would not need to complete a Previous Athletic Participation Form prior to varsity athletic participation at the original school.

Displaced student athletes who participate in any practice (before, during or after school) or contest at any level at the new school, and are subsequently displaced to a different school would not be subject to the 15-day rule upon

enrolling in the new school. They could become eligible for participation after one school day in their new school, pending approval of a new Hurricane Harvey waiver. If a student changes schools prior to satisfying this 15-day requirement, the balance of those 15 days will apply at the new school. Contact UIL with questions for these circumstances. These students would not need to complete a Previous Athletic Participation Form.

Varsity Athletic Participation – Hurricane Harvey Waiver for Student Athletes Displaced by Hurricane Harvey

For each student desiring to participate in varsity athletics, the receiving school must complete and submit the University Interscholastic League Athletic Eligibility Waiver for Student Athletes Displaced by Hurricane Harvey and notify their District Executive Committee (DEC) chairperson that they are filing for the eligibility waiver. Displaced students are ineligible for varsity athletic participation until the UIL approves the Waiver. UIL will notify the school and the DEC of the waiver decision. Waiver decisions can be appealed to the State Executive Committee (SEC) within 14 days of issuance by contacting the UIL Athletic office and requesting information on the appeal process.

Upon approval of the Hurricane Harvey Waiver, students could participate in varsity athletic activities upon completion of the forms required in section 1205 of the UIL Constitution and Contest Rules listed above. Additionally, the provisions of the 15-calendar day rule will apply for varsity participation to students who enroll after the sixth class day of the school year.

If a displaced student athlete is granted a Hurricane Harvey Waiver to participate at a new school, the Hurricane Harvey Waiver is valid as long as the student remains continuously enrolled in that new school.

Varsity Athletic Participation - Multiple High School Independent School Districts

The eligibility for varsity athletic participation in a multiple high school independent school district is determined based on the school assignment made by that ISD. Students who attend the school as determined by the ISD in which the student is temporarily housed could be eligible for varsity athletic participation with an approved Hurricane Harvey Waiver.

Student athletes who attend a school other than the one determined by the ISD in which the student is temporarily housed, or attend a school outside the ISD in which the student is temporarily housed, would be ineligible for varsity athletic participation for one calendar year, unless the student applies for and is granted a standard waiver of the parent residence rule.

Varsity Athletic Participation - Single High School Independent School Districts

The eligibility for varsity athletic participation in a single high school independent school district is determined based on the temporary residence/location of the displaced student. Students who attend school in the ISD in which the student is temporarily housed could be eligible for varsity athletic participation with an approved Hurricane Harvey Waiver.

Student athletes who attend a school outside the ISD in which the student is temporarily housed would be ineligible for varsity athletic participation for one calendar year, unless the student applies for and is granted a standard waiver of the parent residence rule.

If you have questions, please contact the UIL staff at (512) 471-5883 or athletics@uiltexas.org.

August 29, 2017

TO THE ADMINISTRATOR ADDRESSED:

Subject: Deadline Extensions for the 2016–2017 Tax Information Survey and Staff Salary Data Collection

To assist school districts experiencing the effects of Hurricane Harvey, the deadlines for the Tax Information Survey and the Staff Salary data collections have been extended from August 31, 2017, until midnight on **September 30, 2017**. Specific details regarding each data collection will be released to applicable school districts through a targeted listserv, email or system message.

Any data submitted before September 6 will be included when the agency publishes the 2016–2017 near-final *Summary of Finances (SOF)* in mid-September. Otherwise, current estimates will continue to be used for funding purposes until revised data is submitted. In early October, another near-final SOF will be published that will incorporate data submitted after September 6. After September 30, districts will have a final opportunity to submit revised tax collections through the *Schedule of Delinquent Taxes (J-1)* as part of the annual financial report, and staff salary data through the online FSP system to be included in the final 2016–2017 SOF scheduled to be published in April 2018.

For questions related to these data collections, please contact:

- Nancy Kuhn regarding the Tax Information Survey at (512) 463-6313 or nancy.kuhn@tea.texas.gov; or
- Pablo Reyes regarding the Staff Salary data collection at (512) 463-9294 or Pablo.reyes@tea.texas.gov.

Sincerely,

Leo Lopez
Associate Commissioner School Finance and
Chief School Finance Officer

LL/ac

[http://tea.texas.gov/About_TEA/Other_Services/Weather and Disaster/
Budget Adoption Information for FY 2017-2018/](http://tea.texas.gov/About_TEA/Other_Services/Weather_and_Disaster/Budget_Adoption_Information_for_FY_2017-2018/)



As required by Texas Education Code §§44.002 and 44.004(a), a school district is required to adopt a budget for the next succeeding fiscal year by June 30th or August 31st. Government Code §551.045 allows exceptions to the general rule for posting notices and agendas for board meetings. In cases of emergencies that meet certain criteria, a district may post a notice and agenda two hours before the called board meeting, must include in the notice the emergency or the urgent public necessity, and alert the media at least one hour before the meeting. Additionally, Government Code §551.125 provides additional flexibility in emergency situations to allow for the board meeting to be held by teleconference. Both statutory provisions are set out below.

In addition, the Texas Attorney General has an Open Meetings Act Hotline: **877-673-6839**

Also a resource: *The Open Meetings Act Manual*:

https://www.texasattorneygeneral.gov/files/og/OMA_handbook_2016.pdf

Sec. 551.045. EXCEPTION TO GENERAL RULE: NOTICE OF EMERGENCY MEETING OR EMERGENCY ADDITION TO AGENDA. (a) In an emergency or when there is an urgent public necessity, the notice of a meeting or the supplemental notice of a subject added as an item to the agenda for a meeting for which notice has been posted in accordance with this subchapter is sufficient if it is posted for at least two hours before the meeting is convened.

(b) An emergency or an urgent public necessity exists only if immediate action is required of a governmental body because of:

- (1) an imminent threat to public health and safety; or
- (2) a reasonably unforeseeable situation.

(c) The governmental body shall clearly identify the emergency or urgent public necessity in the notice or supplemental notice under this section.

(d) A person who is designated or authorized to post notice of a meeting by a governmental body under this subchapter shall post the notice taking at face value the governmental body's stated reason for the emergency or urgent public necessity.

(e) For purposes of Subsection (b)(2), the sudden relocation of a large number of residents from the area of a declared disaster to a governmental body's jurisdiction is considered a reasonably unforeseeable situation for a reasonable period immediately following the relocation. Notice of an emergency meeting or supplemental notice of an emergency item added to the agenda of a meeting to address a situation described by this subsection must be given to members of the news media as provided by Section 551.047 not later than one hour before the meeting.

Sec. 551.125. OTHER GOVERNMENTAL BODY. (a) Except as otherwise provided by this subchapter, this chapter does not prohibit a governmental body from holding an open or closed meeting by telephone conference call.

(b) A meeting held by telephone conference call may be held only if:

(1) an emergency or public necessity exists within the meaning of Section 551.045 of this chapter; and

(2) the convening at one location of a quorum of the governmental body is difficult or impossible; or

(3) the meeting is held by an advisory board.

(c) The telephone conference call meeting is subject to the notice requirements applicable to other meetings.

(d) The notice of the telephone conference call meeting must specify as the location of the meeting the location where meetings of the governmental body are usually held.

(e) Each part of the telephone conference call meeting that is required to be open to the public shall be audible to the public at the location specified in the notice of the meeting as the location of the meeting and shall be recorded. The recording shall be made available to the public.

(f) The location designated in the notice as the location of the meeting shall provide two-way communication during the entire telephone conference call meeting and the identification of each party to the telephone conference shall be clearly stated prior to speaking.



Emergency Procurement under TEC Chapter 44 Subchapter B

The Texas Education Code (TEC) addresses flexibility in connection with contract procurement for school districts in certain circumstances, as set out in TEC Sections 44.031(h) and 44.0312(c), which read as follows:

TEC Sec. 44.031(h) If school equipment or a part of a school facility or personal property is destroyed or severely damaged or, as a result of an unforeseen catastrophe or emergency, undergoes major operational or structural failure, and the board of trustees determines that the delay posed by the methods provided for in this section would prevent or substantially impair the conduct of classes or other essential school activities, then contracts for the replacement or repair of the equipment or the part of the school facility may be made by methods other than those required by this section.

TEC Sec. 44.0312(c) Notwithstanding any other provision of this code, in the event of a catastrophe, emergency, or natural disaster affecting a school district, the board of trustees of the district may delegate to the superintendent or designated person the authority to contract for the replacement, construction, or repair of school equipment or facilities under this subchapter if emergency replacement, construction, or repair is necessary for the health and safety of district students and staff.

As a general reference, TEC Section 44.006 addresses the amendment of existing budgets and the adoption of supplementary emergency budgets, as follows:

Sec. 44.006(a) Public funds of the school district may not be spent in any manner other than as provided for in the budget adopted by the board of trustees, but the board may amend a budget or adopt a supplementary emergency budget to cover necessary unforeseen expenses. (b) Any amendment or supplementary budget must be prepared and filed according to rules adopted by the State Board of Education.



Guidance on Non-competitive Procurement During an Emergency

According to the Education Department General Administrative Regulations ([EDGAR](#)), grant recipients who use federal grant funds to procure property and services must follow general procurement standards ([2 CFR 200.318](#)). Federal grant recipients must select a procurement method that is most appropriate according to the circumstances involved. The procurement methods available to the federal grant recipient are:

1. Micro-purchase
2. Small purchase
3. Sealed bids
4. Competitive proposals
5. Non-competitive proposals (also commonly thought of as 'sole source')

One allowable use of a non-competitive procurement is a public exigency or emergency that will not allow for a delay in services, caused by the competitive solicitation process. In the event of an emergency, such as Hurricane Harvey, a grant recipient may choose to solicit a non-competitive proposal from only one source to avoid delay in procuring items or services ([2 CFR 200.320\(f\)\(2\)](#)).

Local educational agencies (LEAs) in Texas affected by the devastation caused by Hurricane Harvey may need to use the non-competitive proposal method of procurement to quickly purchase needed items or services. When using the non-competitive procurement method, all costs must still be allowable under the specific program.

For example, an LEA that received damage from Hurricane Harvey may need to quickly replace or acquire materials or services that were damaged, destroyed, or lost in the storms. Also, an LEA receiving a number of evacuated students may need to choose the non-competitive procurement option to more quickly procure needed items or services to be able to serve the unexpected growth in enrollment numbers.

LEAs that determine a need for non-competitive procurement are not required to obtain prior approval from TEA. Local documentation on how the determination was made would be kept locally. However, if the LEA prefers to obtain prior approval from TEA as their documentation for auditors, appropriate forms will be available on the TEA website.

Follow the instructions on the [Request for Prior Approval Forms](#) webpage for completing and submitting the appropriate form and reference need created by Hurricane Harvey.

1. For LEAs located in counties identified in the Governor's disaster declaration that received damages in the storms, an automatically approved form will be available for downloading. Submission to TEA is not required.
2. For LEAs outside the counties identified in the Governor's disaster declaration that enrolled evacuated students from Hurricane Harvey, a prior approval request may be submitted to the Associate Commissioner for Grants Compliance and Oversight. Approvals will be processed within three business days.



December 2017 STAAR Participation Counts Collection – Extension

August 29, 2017

To the District and ESC Testing Coordinator Addressed:

ACTION REQUIRED

The Texas Education Agency would like to extend our support to all Texas school districts, their staff, students and communities impacted by Hurricane Harvey and its aftermath. Many districts will still be experiencing issues in the weeks to come. Due to school closures and other related disruptions to school schedules, TEA will extend the window to update participation counts for the December 2017 STAAR end-of-course (EOC) administration. The window will remain open through 11:00 PM (CT) Thursday, September 21, 2017.

For questions or support with entering participation counts, contact the Texas Assessment Support Center at 855-333-7770 or STAAREOC@ets.org.

If you have questions about or need assistance with assessment activities, please call TEA's Student Assessment Division at (512) 463-9536.



Texas Association of School Boards • Legal Services

P.O. Box 400 • Austin, Texas 78767-0400 • 512.467.3610 • 800.580.5345 • legal.tasb.org • legal@tasb.org

Serving Texas Schools Since 1949

Hurricane Harvey and Related Legal Issues

TASB Legal Services has received numerous questions related to emergency exceptions to legal requirements due to the impact of Hurricane Harvey. These questions include Texas Open Meetings Act (OMA) procedures, competitive purchasing requirements, contracting authority and the adoption of districts' tax rate and budget at scheduled public hearings. The flooding and destruction from Hurricane Harvey should in many instances qualify as emergencies for those districts affected in the manner defined by law.

Frequently asked questions that we have received recently are discussed below.

The following general resources for emergencies answer frequently asked questions or provide helpful information:

1. TASB's [Emergency Procedures for School Districts FAQs](#), including a sample notice of an emergency meeting as an attachment;
2. TASB's [Personnel Issues During School Closings](#);
3. TEA's [Weather and Disaster Information](#);
4. TEA's [Hurricane Harvey Resources](#); and
5. FEMA's [Procurement Disaster Assistance Team](#).

Competitive Procurement—Emergency Purchasing Procedures

What is the process as to procurement in an emergency?

General Competitive Procurement Rule: The general procurement rule is that for goods and services, including construction, purchases of \$50,000 or more in a 12-month period must be competitively procured in accordance with Texas Education Code section 44.031.

Emergency Exception with Board Determination: As an exception to the general procurement rule, if school equipment, a school facility or part of a school facility, or personal property is destroyed or severely damaged and needs to be repaired or replaced, and *the board determines* that the delay arising from following the regular purchasing methods would prevent or substantially impair the conduct of classes or other essential school activities, the board is not required to use one of the regular purchasing methods required by law to contract for

replacement or repair of the damage. Tex. Educ. Code § 44.031(h). For immediate, emergency repairs or replacement in an amount that requires competitive purchasing, board determination and action is required. Districts may utilize the procedures for an emergency meeting under the OMA in order to pass a board resolution that complies with Section 44.031(h).

Payment and Performance Bond: Additionally, as Section 44.031(h) relieves districts only from compliance with the regular purchasing methods in an emergency, districts still must comply with requirements pertaining to performance and payment bonds. Payment bonds are required for construction projects that exceed \$25,000, and performance bonds are required for construction projects exceeding \$100,000. Tex. Gov't Code § 2253.021. See also TASB Policy CV(LEGAL).

Purchasing Authority—Emergency Purchasing Procedures

What authority does the superintendent or designee have as to contracting in an emergency?

Purchasing Authority Governed by Local Policy: Board policy CH(LOCAL) defines the scope and limitations on purchasing authority that a board has delegated to a superintendent or designee. Some districts may limit the purchasing authority to a certain amount, including amounts less than \$50,000. Consequently, regardless of whether competitive purchasing is not required because the amount is less than \$50,000 or an emergency exception applies, board approval or delegation for a purchase of goods and services may still be required in order to comply with a district's local policy. School districts should review and confirm compliance with this policy before authorizing repairs.

Board Delegation of Authority in an Emergency: In the event of a catastrophe, emergency, or natural disaster affecting a school district, the board of trustees of the district may delegate to the superintendent or designated person the authority to contract for the replacement, construction, or repair of school equipment or facilities if emergency replacement, construction, or repair is necessary for the health and safety of district students and staff. Tex. Educ. Code § 44.0312(c). This delegation of contracting authority is not automatic and requires board action as to the specific authority to be granted by the board to the superintendent or designee.

Cautionary Case on Emergency Contracts: Despite the urgency, when entering into contracts for emergency repairs, districts should exercise the same due diligence, including legal review of contracts, before signing binding agreements. Contracts with unfavorable terms entered in haste may still be enforced to a district's detriment. A recent case in which a district claimed fraud and price gouging as to restoration services provided in the wake of Hurricane Ike resulted in an adverse judgment and contract damages against the district. *Clear Creek Indep. Sch. Dist. v. Cotton Commercial USA, Inc.*, No. 14-16-00466-CV, 2017 WL 3271173 (Tex. App.—Houston [14th Dist.] Aug. 1, 2017). We recommend that written contracts for emergency goods and services be entered only after review and approval by the school district's attorney.

Emergency Meetings Issues

What is the process for postponing a posted meeting and then later convening the meeting?

72 Hour Extension Period for Postponement of Properly Posted Meeting: If a catastrophe prevents a governmental body from convening an open meeting that was otherwise properly posted, the body may convene the meeting in a convenient location *within 72 hours* pursuant to section 551.0411(b), (c) of the OMA if the action is in good faith and not done in order to circumvent the OMA. See TASB Policy BE(LEGAL). Based on the wording “convenient location”, the district may select an alternate meeting location within the district’s jurisdiction if the posted meeting location is not available due to the emergency conditions.

Notice of Postponement: The statute is silent as to the requirements for providing notice of the postponement. In general, districts should attempt to provide notice in the same manner that it provides notice for the meeting. However, if circumstances based on safety concerns do not allow for such notice, TASB recommends that school officials use their best judgment in consultation with counsel.

What are the procedural options for emergency meetings?

Legal Standard for Emergency Board Meetings. An emergency exists only if immediate action is required because of: (1) an imminent threat to public health and safety, or (2) a reasonably unforeseeable situation. Tex. Gov’t Code § 551.045(b). The sudden relocation of a large number of residents from the area of a declared disaster to a governmental body’s jurisdiction is considered a reasonably unforeseeable situation for a reasonable period immediately following the relocation. Tex. Gov’t Code § 551.045(e).

Notice of the Emergency Board Meeting: The district must post notice of an emergency meeting or an emergency addition to an existing agenda no less than two hours before the scheduled time of the meeting. The notice of the emergency meeting or the additional agenda item must clearly identify the emergency or urgent public necessity justifying the short notice. Tex. Gov’t Code § 551.045(a), (c). Additionally, if the board is holding an emergency meeting due to the sudden relocation of a number of residents from the area of a declared disaster to the district’s jurisdiction, the district must give notice of the meeting to the news media no later than one hour before the scheduled time of the meeting. Tex. Gov’t Code §§ 551.045, .047. See also TASB Policy BE(LEGAL).

An emergency meeting without 72 hours’ notice must be limited to items requiring immediate action.

Meeting Exceptions for Phone Conference and Quorum:

A board may hold a meeting by telephone conference call if an emergency or public necessity exists as defined by the OMA and the convening at one location of a quorum of the board is difficult or impossible. Tex. Gov't Code §§ 551.045, .125. The notice of the telephone conference call meeting must specify as the location of the meeting the location where meetings of the governmental body are usually held. Tex. Gov't Code § 551.125(d). Each part of the telephone conference call meeting shall be recorded and open and audible to the public. The recording shall be made available to the public. Tex. Gov't Code § 551.125(e). The meeting location shall provide two-way communication during the entire telephone conference call meeting and the identification of each party to the telephone conference shall be clearly stated prior to speaking. Tex. Gov't Code § 551.125(f).

A quorum is not required for a board to act if: (1) the district's jurisdiction is wholly or partly located in the area of a disaster declared by the president of the United States or the governor; and (2) a majority of the members of the board are unable to be present at a board meeting as a result of the disaster. Tex. Gov't Code § 418.1102.

Adoption of Budget and Tax Rate

What do we do if we have to cancel our noticed meeting on the adoption of the budget and tax rate?

Hurricane Harvey, in addition to being horribly destructive, also came at a bad time for school districts in the process of adopting their budgets and tax rates. Tex. Educ. Code § 44.004. With a budget adoption deadline of August 31st for many districts, the notice of a public meeting to discuss adoption of proposed budgets and tax rates had already been published to occur during the week of August 28 - September 1.

Statutory authority is not clear on how to proceed in every circumstance, so districts should consult with their school attorneys. Generally speaking, districts are encouraged to proceed in the manner that considers foremost the safety of citizens, personnel, and the board, as well as transparency to the public regarding any rescheduling.

School boards typically publish two types of notice before meeting about the budget and tax rate. One notice is the OMA notice required for any board meeting. Under the OMA, meetings may be postponed or rescheduled in accordance with the emergency exceptions to the Act, described above.

The other is the Comptroller's "Truth in Taxation" notice published in the newspaper to announce the date and time of the public hearing on the budget and tax rate, along with related information. The statutes and rules regarding this newspaper publication do not include

emergency notice provisions. One assumes state and local officials will recognize the necessity of delay; however, at this time, there has been no public announcement regarding the effectiveness of prior notice for public hearings rescheduled due to emergency conditions.

Remember that although school boards often adopt a budget and proposed tax rate at the same meeting following a public hearing, the statutory deadlines for these events are independent.

- The budget must be adopted before spending funds in the new fiscal year, which would mean a deadline of August 31 for districts with a September 1 fiscal year. Tex. Educ. Code §§ 44.004(f), .006(a), .0011. If at all possible, using the emergency provisions of the OMA if necessary (including meeting by teleconference), school boards should adopt a budget before the new fiscal year.
- A public hearing on the proposed tax rate must occur 10-30 days following newspaper notice. Tex. Educ. Code § 44.004. On the advice of counsel, some school boards may be able to reschedule their public hearings within 30 days of their original newspaper notice, using the emergency options in the OMA. Districts with a more significant delay may choose to publish a second newspaper notice, again in consultation with counsel.
- The tax rate must be adopted after the public hearing and before the statutory deadline of September 30 or the 60th day after the date the certified appraisal roll was received by the district. Tex. Tax Code § 26.05(a). A district that cannot adopt a tax rate before the statutory deadline or that cannot safely conduct a public hearing before adopting the tax rate should consult with its school attorney.

Student Attendance and Admissions Issues

What should a school district do if their students miss a large number of school days due to an emergency?

School districts must provide for at least 75,600 minutes of instruction for students per school year. Tex. Educ. Code § 25.081(a). The Commissioner of Education, however, may approve fewer minutes of instruction for students if disaster, flood, extreme weather conditions, fuel curtailment, or another calamity causes the closing of schools. Tex. Educ. Code § 25.081(b).

TEA provides applications that districts may complete to request a waiver for missed instructional days (420 minutes per day) due to inclement weather or health and safety-related reasons, among other causes. TEA also provides an application that a district may complete to request a waiver for instructional days with an attendance level of at least ten percentage points below the school year's average attendance from its average daily attendance (ADA) calculations for the current school year when the low attendance is due to inclement weather or health and safety-related reasons, among other causes.

TEA has issued guidance specific to waivers related to Hurricane Harvey at tea.texas.gov/About_TEA/News_and_Multimedia/Correspondence/TAA_Letters/Hurricane_Related_Waivers/. The forms to request these waivers can be found at tea.texas.gov/index2.aspx?id=7089&menu_id=932. TEA also publishes a school attendance handbook, links to which may be found at tea.texas.gov/Finance_and_Grants/Financial_Compliance/Student_Attendance_Accounting_Handbook/.

Will students who miss more than 10 days of school because of a natural disaster be subject to truancy laws at some point?

Absent an exemption such as attendance at a private school or homeschool, Texas law requires students age 6–19 to attend school each day that instruction is provided. TEA recommends that evacuated students be given a reasonable period of time to decide whether they will return to their former school district or enroll in another district. TEA further advises that truancy charges should not be filed until that decision can be made.

Can Texas students enroll elsewhere if their home district is closed?

Students that fit into the statutory definition of homeless are eligible to immediately enroll in any school district, regardless of the residence of the student or their parent or guardian. Under 42 U.S.C. Section 11432, the homeless student is also eligible to attend the school that the student attended when permanently housed, the school in which the student was last enrolled, or the school serving the attendance area where he or she is now located.

For students that are not homeless but their home district is currently closed, TEA's weather and disaster information states that the student is eligible to enroll in another district. Once a district reopens, the student may reenroll. If the reopened school district has an adjusted calendar, the student is required to attend instruction on all of the days provided.

What is the definition of a homeless student? Are students displaced by a disaster considered homeless?

The legal definition of homeless can be found in TASB Policy FDC(LEGAL), which includes both 42 U.S.C. § 11302 (defining homeless person) and 42 U.S.C. § 11434a (defining homeless youth and children). Students who are displaced by disaster are likely considered homeless if they lack a fixed, regular, or adequate nighttime residence. This definition includes students who are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations. The definition also include students living in emergency or transitional shelters and those who use places not designed for sleeping as their regular nighttime residence.

Students may also be considered homeless if they are living with families and friends due to the natural disaster (a situation known as “doubling up”). In order to qualify as homeless, the children must be sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason.

Students who are homeless due to a disaster qualify for comparable services described in subsection (g)(4) of the McKinney-Vento Act, including transportation services, educational services, and meals through school meals programs.

What policies should my district follow to determine whether students are truly homeless due to a disaster?

Districts can make reasonable inquiries to establish that a student is homeless. According to TEA’s weather and disaster information, identification showing that the parent is from the areas evacuated is reasonable evidence that a student is an evacuee eligible for services as a homeless student. A utility bill or similar documentation should not be required under these circumstances.

Is a displaced student also considered a migrant student?

No, unless they were designated or fall under the definition of a migrant student separate or prior to the circumstances that led to the displacement.

What resources exist for assisting Homeless Students?

1. [Homeless Student Resources from UT Dana Center THEO](#)
2. [National Association for the Education of Homeless Children and Youth](#)
3. [TEA Education of Homeless Students](#)
4. [Department of Education Foster Care and Homeless Student Guidance](#)

Legal Assistance

Finally, please be aware that many school attorneys have been affected by Hurricane Harvey as well. We know that Texas’ dedicated school attorneys are making themselves as available as possible during this time. If for some reason you are unable to reach your school attorney, please do not hesitate to call TASB Legal Services.

For more information on this and other school law topics,
visit TASB School Law eSource online at schoolawesource.tasb.org.

This document is provided for educational purposes only and contains information to facilitate a general understanding of the law. It is not an exhaustive treatment of the law on this subject nor is it intended to substitute for the advice of an attorney. Consult with your own attorneys to apply these legal principles to specific fact situations.

Updated August 30, 2017



State Board of Education News

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Aug. 22, 2017

Long-Range Plan Steering Committee named

Austin – The State Board of Education has created an 18-member steering committee to help it develop a new Long-Range Plan for Public Education.

The committee will work throughout the 2017-2018 school year to draft recommendations that will be sent to the State Board, which will ultimately approve the final plan.

The steering committee is made up of five board members who are:

- SBOE Chair Donna Bahorich of Houston
- Barbara Cargill of Conroe
- Tom Maynard of Florence
- Georgina C. Pérez of El Paso
- Marty Rowley of Amarillo

At the request of the board, the heads of three agencies appointed one staff member each to serve on the committee. Those appointees are:

- Rebecca Shah, strategy delivery specialist at the Texas Education Agency, appointed by Commissioner of Education Mike Morath
- David Gardner, deputy commissioner of academic planning and policy at the Texas Higher Education Coordinating Board, appointed by Texas Higher Education Commissioner Raymund Paredes; and
- Reagan Miller, deputy director of workforce solutions at the Texas Workforce Commission, appointed by Texas Workforce Commission Chair Andres Alcantar

Rounding out the committee are 10 stakeholder representatives. More than 600 Texans volunteered to serve on the committee when the board solicited nominations this summer.

“We are overwhelmed by the volume and quality of applications we received from Texans who offered to serve on the Long-Range Plan for Public Education Steering Committee. The 10 stakeholders selected will bring a wide breadth of the experience to the table,” Bahorich said.

“We hope to involve those who were not selected in other ways in the process, such as inviting them to community meetings that will be held around the state over the coming year,” she said.

The 10 individuals selected to represent stakeholder groups on the committee are:

- Adeeb Barqawi, a former high school physics teacher who runs the non-profit ProUnitas Inc. of Houston which connects students to health, social, and community service programs
- Rikki Bonet, a veteran pre-kindergarten teacher in the Dallas Independent School District who has first-hand experience with dyslexia both as an individual and as a parent.
- Avery Bullock, a Weatherford High School senior in Weatherford ISD and an active community volunteer and school leader
- Sheri Doss, the president-elect of the Texas PTA who is from North East ISD in San Antonio
- Stacey Edmonson, dean of the College of Education at Sam Houston State University in Huntsville
- Lanet Greenhaw, vice president of education and workforce at the Dallas Regional Chamber
- Carol Harle, a current school board member in San Antonio's Northside ISD and a former teacher and administrator with experience at several grade levels and in the Gifted and Talented Program
- George Kazanas, superintendent of Midway ISD in the Waco area, a former Region 12 Superintendent of the Year and former Region 8 UIL Music Education Superintendent Representative
- Gonzalo Salazar, superintendent of Los Fresnos Consolidated ISD with extensive experience working with bilingual education and at-risk students
- Ruth Lopez Turley, director of the Houston Education Research Consortium and a professor of sociology at Rice University

The first meeting of the steering committee is scheduled for 9 a.m. Sept. 12 in the board room, room 1-104, of the William B. Travis State Office Building, located at 1701 N. Congress Ave. in Austin.

The Texas Education Agency, The Texas Comprehensive Center (TXCC) at American Institutes for Research (AIR), and the Meadows Foundation are providing in-kind or financial assistance for this phase of the project.

Meetings

The steering committee will meet approximately five times in Austin throughout the 2017-2018 school year to draft recommended long-range priorities for public education.

The meeting dates for the steering committee are:

- Sept. 12, 2017
- Nov. 6, 2017
- Feb. 21, 2018
- April 9, 2018
- May 14, 2018

Also informing this work will be results from a survey and comments obtained during 10 public meetings to be held around the state.

The guiding principles to be followed in developing the long-range plan are:

- Addressing the most pressing issues facing public education in Texas;
- Conveying one consistent vision on statewide priorities across the State Board of Education and the Texas Education Agency;
- Outlining clearly the board's role in supporting the priorities;
- Considering stakeholder input;
- Containing specific targets and processes to assess progress; and
- Appropriately balancing depth and coverage with fiscal responsibility.

Staff support during this current phase of the long-range plan development is provided by the Texas Education Agency and the Texas Comprehensive Center at the American Institutes for Research.

Ultimately, the State Board of Education will review all the public input and finalize a new Long-Range Plan for Public Education. The final vote is tentatively planned for September 2018.