

Texas Education Agency
1701 North Congress Ave.
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SUBCHAPTER D and E

GENERATION 2019

OPEN-ENROLLMENT CHARTER APPLICATION

FREQUENTLY ASKED QUESTIONS



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INTRODUCTION

The TEA Division of Authorizing has compiled a comprehensive list of questions and topics that span several application cycles. These questions originate from many different sources; however, they are primarily sourced from the annual Application Information Sessions. The purpose of this document is to provide a resource guide for applicants completing the Generation Twenty-Nine Open-Enrollment Charter Application.

All references to TEC, TAC, TBC, and TGC refer to the [Texas Education Code](#) (TEC), [Texas Administrative Code](#) (TAC), [Texas Business Organizations Code](#) (TBC), and [Texas Government Code](#) (TGC), respectively.

Please note, questions presented during the Generation Twenty-Nine Application Information Sessions on July 28 and August 4, 2023 were incorporated to the extent they addressed the charter application process. All questions not specifically related to the application process were either rephrased or omitted.

APPLICATION INFORMATION SESSIONS

1. Will the Application Information Session be recorded and made available to the public?

Answer: The Application Information Session recordings and presentations will be posted on the [TEA Charter School Applicants website](#).

2. Will there be a certificate for completion or confirmation of attendance?

Answer: There will not be a certificate of completion or confirmation of attendance for the Mandatory Information Sessions for the Generation Twenty-Nine application cycle. The agency will confirm attendance upon request.

ACCESSING THE MANDATORY INFORMATION SESSIONS

ELIGIBILITY & ENTITY FORMATION

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6. Is a nonprofit open-enrollment charter school permitted to operate within the facility of a for-profit residential facility ?

Answer: An open-enrollment charter school may provide educational services within a for-profit residential facility. However, a for-profit residential facility is not permitted to operate as a charter holder.

7. Is an applicant allowed to change the name of the proposed school or sponsoring entity during the application process?

Answer: The proposed charter school name may be changed prior to application submission. However, the name of the sponsoring entity must be the same as what was provided during registration for the Application Information Session.

8. Are the board members of the 501(c)(3) and the board members of the charter LEA the same?

Answer: All board members listed in the organization's formation documents (Articles of Incorporation, 501(c)(3) request) and Generation 2.9 Application for Open-Enrollment Charter will become charter school board members if a charter is awarded.

9. Are existing charter schools permitted to authorize charter schools/campuses under their own charter?

Answer: Charter schools authorized under Texas Education Code, Chapter 12, Subchapters D and E are prohibited from authorizing additional schools and/or campuses. However, they can apply for additional campuses after authorization through the expansion amendment process. Charter campuses authorized by a traditional Independent School District are governed by Texas Education Code, Chapter 12, Subchapter C.

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11. Who is the sponsoring entity and subsequent charter holder if the applicant is a public college or university?

Answer: Both TECSubchapter D and E allow for public colleges and universities to apply for an open-enrollment charter. The sponsoring entity is the educational institution that is seeking the charter. Public colleges and/or universities are not required to establish a separate or subsidiary entity for purposes of applying for and holding a charter.

12. Are private or independent institutions of higher learning eligible to apply for a

performance data, or (ii) does not operate a district-authorized charter campus in Texas with multiple years of academic performance data, or (3) is incorporated in the state of Texas and does not operate and/or manage at least one charter school or campus with multiple years of academic performance data outside of Texas.

APPLICATION REQUIREMENTS & FORMATTING

1. Can we submit multiple applications if one is denied?

Answer: A sponsoring entity may not submit more than one application during any given application cycle. However, entities who are not awarded a charter may reapply in subsequent application cycles.

2. Can an applicant team member apply to the charter incubator and submit a Subchapter D application simultaneously?

Answer: The Charter School Incubator programming is designed to support applicants before they submit the subchapter D application to TEA. If you are interested in receiving support through TEA's incubator, you will apply to join a cohort in the year before you submit your charter school application. Information about the incubator program can be found at [this website](#).

3. What charter application assistance is available from the TEA the TEA

11. What is the ideal size for a geographic boundary?

Answer: Geographic boundaries should be a reasonable and realistic reflection of the proposed school's mission, vision, and plans for any long-term growth. Applicants should be thoughtful and prepared to justify an overly large geographic boundary or the viability of an extremely small boundary.

12. How many zip codes can you include in the Enrollment Boundaries and Facilities section of the Application Profile Page?

Answer: Applicants should include the zip code where the proposed campus is to be located. If more than one campus is being requested for year 1, applicants should include the zip code for each proposed campus.

13. When are newly authorized charter schools eligible to expand their geographic boundaries? What if we meet our at-capacity

Answer: The Enrollment Summary Table is intended to capture district-level projections. Consequently, applicants that propose to open multiple campuses must aggregate their campus enrollment projections on the summary table.

17. Do we need to hold the public meeting before the application is submitted? May the public meeting(s) occur after the application deadline?

Answer: All applicants must host at least one public meeting prior to the application deadline. There are no prohibitions against hosting additional meetings after the application deadline; however, please note that applicants are not permitted to submit additional information -0 0 10.98 112.5 601o002 Tc -0.00 (l)0.7 (inf)-13.4 (t)-4.act 1 (m24 (ere)

Answer: If the entity is approved to operate a charter serving only certain grade levels, they are able to later submit an expansion amendment to add additional grade levels. If approved, this expansion would become effective no sooner than the school's fourth year of operation.

students. This requirement applies to the charter school and not to each charter campus. [See TAC§100.1015\(b\)\(1\)\(D\).](#)

4. Are students who live outside of the geographic boundary eligible for enrollment and funding under specific circumstances?

Answer: Charter schools may enroll student

to evaluate student learning and progress. Therefore, all curricular materials should be aligned to the TEKS. The application criteria in the School Design section explicitly state that curricular materials should be aligned to the TEKS and compliant with state law.

3. How is a drop-out prevention campus judged regarding performance for expansion applications after 3 years?

Answer: Charters that operate dropout recovery campuses and wish to expand must meet the expansion requirements outlined in TAC §100.1033.

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an entity to be considered a dropout prevention charter according to [TEC §12.1141\(c\)](#), including the ages of the students served.

9. Can hours of instruction include guided instruction delivered virtually?

Answer:

cautious to have designated roles in the ARD meeting clarified to be considered properly constituted.

5. Should charter schools provide special education services in-house versus contracting to provide these services? Are special education co-ops an acceptable option?
6. Answer: Charter schools may contract with a vendor or participate in a co-op to provide services; however, it is the charter school's responsibility to ensure that the contractor is following all state and federal laws. If the contractor does not follow required laws, the charter school could be cited for cause, not the contractor.
7. Is gifted and talented considered special education? Does special education include students with exceptional ability?

Answer: Gifted and talented students are not considered special education students. There are requirements for serving gifted and talented students but not under special education.

8. If a school is geared toward special populations, how can we ensure we are able to meet standards created for the traditional populations of charter schools?

Answer: The application must reflect a school design proposal that will teach all required standards and assess the learning of all student populations. Instructional materials, teaching staff, and resources must be considered in the proposal to meet this requirement.

9. If we have an extended enrollment area, do we have to provide IEP mandated transportation or is there a reasonable mileage exception?

Answer: Charter schools are obligated to comply with federal laws regarding IEP accommodations.

10. What consequences do charters have for non-compliance?

Answer: When noncompliance is identified, the LEA will engage in a Corrective Action Plan. The LEA will work with their TEA contact to correct the noncompliance and demonstrate future issues can be mitigated by providing training, developing procedures, and strong self-monitoring systems. You can find more information about all of the monitoring activities on the Office of Special Populations and Monitoring [website](#).

Answer: Second language acquisition leading to English proficiency is a fluid and dynamic process and unique to each individual. Social language is often acquired in 5 – 7 years but Academic language takes up to 10 years .

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4. Who has vetted the HQIM materials as part of the Texas Resource Review to determine that they included scientifically based reading instruction? Is there any data about what student achievement outcomes are in schools that use the m?

Answer: The HQIM resources have been vetted by a series of third-party reviewers such as TNTP, SchoolKit, and other nationally recognized organizations that have done considerable work in Texas. A vetted rubric was used during the evaluation process. Additionally, significant teacher input from the field and focus groups were solicited. HQIM resources will continue to go through continuous improvement.

5. If materials are not in the HQIM process, how can they become included? Is there a current clearinghouse to check to see if certain programs meet the high-quality standards?

Answer: There are a variety of other available resources that can meet the HQIM criteria. The application includes a definition of high-quality instructional materials in the embedded resource page to offer guidance on what counts as "high-quality." Additionally, the rubrics used as part of the HQIM designation process can be used to vet other materials if desired. The rubrics used to rate high-quality materials can be found at the [Texas Resource Review](#)

9. Can you speak on how TEA works with the SBOE to clarify the curriculum and work towards alignment, so SBOE isn't challenging applicants when they are using the TEA recommended curriculum?

Answer: Several of the changes incorporated into the School Design section in the Generation 29 application were directly in response to SBOE feedback.

10. For the new Attachment SD1 TEKS Alignment Document requirement, if a curriculum provider provides documents that show full alignment with TEKS, but they aren't published on one of the linked sites from the Generation 29 application, would that still be considered fully aligned?

Answer: Any TEKS alignment documents can fulfill the Attachment SD1 requirement, whether that be TEA'S OER materials, locally created TEKS alignment documents or Scope and Sequences, or those provided by the publisher. To reiterate, applicants are not required to use materials vetted through the Texas Resource Review or made available for OER, but they do need to provide evidence of 100% TEKS alignment and compliance with the expectations of HQIM.

11. To clarify, the Attachment SD1 will have to include all 4 core content areas TEKS alignment for 1 grade level? Is it a curriculum map? Is it required for elective courses as well?

6. Do all board members need to be registered with the Secretary of State?

Answer: All board members of the sponsoring entity , for purposes of this application, must be registered as board members with the Secretary of State before a charter contract is awarded .

7. Can board members be paid?

Answer: Board members, including advisory members, are not eligible to receive compensation for their services. All board positions are unpaid. See

will serve as a member of the governing body of the charter school , if the person has

§39.053 and §39.054, or other indicators adopted by the charter holder in its open -enrollment charter; or () organizing the central administration of the charter holder or charter school. See

OPERATIONSMANAGEMENT

1. What is Y

Answer: Charter schools are required to operate each campus for a minimum of 75,600 minutes per school year and provide instruction at least four (4) hours a day in order for a student to be considered full-time. See TEA's [Student Attendance Accounting Handbook](#).

7. Are charter applicants allowed to propose a four-day school week charter as many school districts are shifting to it, so long as the academic minutes of core content areas are met? Does a shortened week with early release every Friday still count as a full five-day week?

Answer: Charter schools must meet the state requirement of 75,600 instructional minutes. If those minutes are met, then a 4-

school's day-to-day operations as its administrative manager; (iv) preparing a proposed budget or submitting it to the governing body of a charter holder or charter school; (v) recommending policies to be adopted by the governing body of a charter holder or charter school, except that legal services provided by an attorney licensed to practice

requirements passed under HB 3 in the recent legislative session. School facility requirements are stated in [Texas Administrative Code Chapter 61](#), which addresses square footage requirements. However, please note that these square footage requirements do not apply to charters unless the board elects to adopt them.

FINANCE

1. Must a charter school show proof of financial backing or other capital as part of the

reasonable planning estimate of \$7,105 per student in grades K– 12 and \$3,552 per student in prekindergarten , which accounts for a daily attendance rate of 80%, should be used when planning and developing the budget.

Funding for newly authorized charter schools is based on these projections for their initial or first year calculations. Funding is then adjusted to reflect actual student attendance for the remainder of the school year based on attendance submission . In the event that attendance is higher than projected , the agency would increase funding, and inversely, would decrease funding where attendance is lower than anticipated.

6. Are state funds provided during the start-up year?

Answer: Newly approved charter operators receive state funding during their first year of serving students, referenced as Year 1. There are no state funding opportunities for the start-up year.

7. Which paid services must be included?

Answer: Applicants must describe all costs anticipated during the start-up year , including all 57 ()Tj E4 /Arti2.76 15.06 re f* EMC 7Tw 10.98 -0 0 10.98 908 -0 0 JTJ 0 Tc 0 Tw 4.29 0 Td

Answer: Pre-k students, regardless of classification, should be entered as 1 student in the Financial Plan Workbook . However, applicants should enter half the anticipated amount of pre -k students served in order to reflect half -day funding.

11. Does the sheet allow salaries to automatically escalate by a certain percentage each year?

Answer: The Personnel Tab in the Financial Plan Workbook requires all applicants to manually input annual salary raise percentages , if any, in columns P–S. These columns will automatically calculate the new salary for each paid position.

12. Should all projections be conservative or just the enrollment expectations?

Answer: Applicants should have conservative enrollment expectations that will drive appropriate budgetary planning in the Revenue and Expense Assumptions tab of the Financial Plan Workbook . As a reminder, applicants are encouraged to budget for the entire \$900,000 in Charter School Program start-up grant funds and be thoughtful in the use of those dollars.

13. What is the beginning and ending date of the charter school fiscal year?

Answer: Applicants must designate either June 1 to July 30 or September 1 to August

Answer:

Answer: If applicant specifies an amount of financial support from community members and organizations in the financial plan workbook, letters of financial intent or support must be submitted with the application specifying the amount.

CHARTER SCHOOL PROGRAM STARTUP GRANT (CSP)

1. When do we apply for the Charter School Program (CSP) Start-Up Grant? -

5. How long would reimbursement take to be returned?

Answer: Once funds are expended, the expenses can be submitted in the expenditure reporting system and will be reimbursed, if approved. After a submitted expenditure is approved, reimbursement takes approximately 3– 5 days.

6. When would the planning year begin for Generation Twenty-Nine?

Answer: The planning year for Generation Twenty-Nine would begin sometime in the fall of 2024 after all contingencies are cleared and contracts are signed.

7. Is there a timeframe by which the CSP grant funds must be used?

Answer: Approved Generation Twenty-Nine charter schools can anticipate receiving CSP grant funds in the fall of 2024 after contingencies are cleared and contracts are signed. All CSP grant funds must be expended before the grant end date. Grant periods are typically 24 months.

8. How much time is allowed for planning activities prior to opening a charter school to students?

Answer: The planning phase is the period from the grant start date to the day the campus starts serving students. This period cannot exceed 18 months. Planning activities are related to the planning and program design of the charter school.

9. Can the CSP grant be modified, once granted, if proposed enrollment drastically increased beyond what was proposed?

Answer: CSP grant awards, once approved, may not be increased beyond the initial amount approved. The grant activities and budget can be amended if needed to achieve the grant goals.

10. How are amendment requests for changes utilizing the CSP funds handled?

Answer: After a CSP grant recipient receives a Notice of Grant Award for an approved application, the grantee may realize a need to make modifications to planned allowable activities or estimated budget costs. Some changes are within the grantee's power to make without seeking TEA approval. Other changes, however, require the grantee to amend the approved grant application and receive approval of the changes.

Instructions on how to submit an amendment can be found in the CSP Grant application documents that you will complete .

11. Should an applicant include the projected CSP Start-Up Grant funds in the financial plan workbook ?

Answer : Applicants are expected to include the projected CSP Start-Up Grant funds in the financial plan workbook .

12. It is possible for a charter school to be authorized via the Generation Twenty-Nine charter application process and not receive a CSP Start-Up Grant award ?

Answer : TEA must ensure that the authorized charter school meets the federal definition of a charter school and all other federal requirements before awarding any federal funds to the school. Additionally, TEA must ensure, prior to awarding CSP Start-Up Grant funds, that the authorized charter school is not affiliated with a Charter Management Organization (CMO) that has received or will receive CSP funds for this charter school directly from the United States Department of Education (USDE).

Pursuant to Section 4.310 of the Every Student Succeeds Act (ESSA), the term / / means “a public school that —

(A) in accordance with a specific state statute authorizing the granting of charters to schools, is exempt from significant state or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;

(B) is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

(C) operates in pursuit of a specific set of educational objectives determined by the school’s developer and agreed to by the authorized public chartering agency;

(D) provides a program of elementary or secondary education, or both;

(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

(F) does not charge tuition;

(G) complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of

Planning activities may include refinement of the desired educational results and the methods for measuring progress toward achieving those results and professional development of teachers and other staff who will work in the charter school

Initial implementation activities may include: (i) informing the community about the school; (ii) acquiring necessary equipment and educational materials and supplies; (iii) and (iv) other initial operating procedures.

implementation activities (i.e., as opposed to ongoing operations), such as (i) informing the community about the campus; (ii) acquiring necessary equipment and educational materials and supplies; (iii

applicable statutes and regulations [Examples of minor facilities repairs may include repairing a leak in the roof, replacing a broken window, and repairing a furnace or air conditioning unit. In essence, minor facilities repairs neither add to the permanent value of the property nor appreciably prolong its intended life, but rather, keep it in efficient operating condition (2 CFR 200.452).]

One-time, start-up costs associated with providing transportation to students to and from the charter school campus

Special education support



Answer: One-time start-up equipment purchases necessary to implement a charter school, which may include computers and equipment related to technology, are allowable. However, subscriptions or fees related to license renewal are unallowable.

18.

candidates are not employed by the charter school, such a use of federal funds could be construed as a gift of public funds, which is not allowable.

22.

Construction

Cosmetic upgrades to a building that are not required by state, federal, or local regulations

Consumable instructional or other supplies and materials

Accounting/bookkeeping services except for the purchase of accounting software to comply with Federal Acquisition Regulation (FAR)

Ongoing costs associated with transportation for students to and from the charter school campus during the regular school day

Annual audit services

Ongoing food service

Other property and liability insurance

Interest on loans

Deposits of any kind, such as security deposits or service deposits

Religious instruction, materials, or insignia

Extra-curricular activities such as University Interscholastic League (UIL), competitions, athletic programs that are not part of the state-required physical education program, and clubs (e.g., chess club)

24. If we purchase equipment and the equipment could include extended service warranties for a slightly higher price, would this extra cost be allowed?

serve students). After the charter school begins to serve students and receive state funding, insurance would qualify as an ongoing cost that could no longer be funded with CSP StartUp Grant funds. Costs for fuel, maintenance, or drivers are not allowed under the CSP grant.

27. Must the school facility be within the Qualified Opportunity Zone to be eligible for a priority point? Or does it just have to enroll students who reside within the QOZ?

Answer: The charter school facility must be physically located within the boundary of a

8. How likely is it for the commissioner to veto an approved recommended charter?

Answer: The commissioner's role is not to veto. The commissioner makes recommendations or proposals for charters to be awarded. The State Board of Education has the authority to take no action on the proposals or to veto them .