

July 2020 Legislative Update

BUDGET:

Revised Certification Revenue Estimate – On July 20th, Comptroller Glenn Hegar met (virtually) with the Legislative Budget Board and told them that he is issuing a revised Certification Revenue Estimate (CRE) and that he now projects a fiscal 2021 ending shortfall of \$4.58 billion. The shortfall, which Hegar attributed to the COVID-19 pandemic and recent volatility in oil prices, is a decrease from the \$2.89 billion positive year-end balance originally projected in the October 2019 CRE. In a July 20th letter to state leadership, Hegar said the state will have \$110.19 billion in General Revenue-related (GR-R) funds available for general-purpose spending for the 2020-21 biennium, down from a projected \$121.76 billion in the October 2019 CRE. The ending balance does not include the impact of instructions from state leadership directing most agencies to reduce their spending by 5 percent of 2020-21 GR-R appropriations. Any of those savings will reduce the projected shortfall. The balance also does not assume any further financial assistance from the federal government as both the prospect and nature of such assistance remain uncertain. Comptroller Hegar said, “The economic contraction associated with COVID-19 has resulted in revenue collections this fiscal year that are much lower than our earlier CRE projections. It’s important to note that this revised estimate carries unprecedented uncertainty. We’re assuming the state will effectively manage the outbreak and that infection rates won’t overwhelm our health care system. This estimate also assumes that restrictions on businesses and individuals will be lifted before the end of this calendar year and that economic activity will strengthen but not return to pre-pandemic levels by the end of this biennium. The pandemic hit tax revenues hard across the board, particularly hotel, motor vehicle sales, severance and mixed beverage taxes. The state’s sales tax, its largest source of tax revenue, has held up better than some taxes, but still has fallen significantly. Fiscal 2020’s sales tax revenues, buoyed by strong collections in the first half of the year, are expected to finish about 1 percent below fiscal 2019 totals, followed by a drop of more than 4 percent in fiscal 2021. In the coming months, some economic indicators will establish new records for rates of growth, but those records will be on the back of this year’s unprecedented declines. The rebound will leave many measures of economic health below pre-pandemic levels. Consumers and businesses must be confident the virus is controlled before economic output, employment and revenues return to pre-pandemic levels. There are substantial risks to this forecast on both the upside and downside. If the spread of the virus slows or stops sooner than anticipated, if consumers and businesses return to pre-pandemic levels of economic activity more readily than assumed or if the federal government provides more aid, Texas may finish the 2020-21 biennium with more revenue than projected today. On the other hand, if COVID-19 case counts continue to increase or accelerate, if there is a substantial new wave of infections nationally or in Texas in the fall or winter or if

consumers and businesses are slower to resume economic activity than assumed, revenue collected this biennium could fall short, perhaps far short, of this updated forecast.”

Rainy Day Fund and State Highway Fund - The Economic Stabilization Fund (ESF, or the state's “Rainy Day Fund”) and the State Highway Fund (SHF) both receive funding from oil and natural gas severance taxes. In fiscal 2021, the ESF and SHF each will receive \$1.1 billion in transfers from the General Revenue Fund for severance taxes collected in fiscal 2020. Severance tax collections in fiscal 2021 are expected to drop significantly from fiscal 2020, resulting in smaller fiscal 2022 transfers to the ESF and SHF of about \$620 million each. After accounting for appropriations and investment and interest earnings, the estimate projects an ESF fiscal 2021 ending balance of \$8.79 billion. Proposition 7, an amendment to the Texas Constitution approved by Texas voters in 2015, requires the first \$2.5 billion in sales tax collections exceeding \$28 billion in any fiscal year to be deposited to the SHF. The SHF will receive \$2.5 billion from sales taxes collected in each year of the biennium, although the final transfer from fiscal 2021 collections will not occur until September 2021, the first month of fiscal 2022.

Senate Finance Committee Chair Jane Nelson said, "It's going to be a difficult budget cycle, however, our commitment to fiscal responsibility over the years makes Texas better equipped than most states to overcome these financial challenges. We will need to tighten our belts, re-establish our priorities and scour the budget to identify savings and efficiencies. Tough decisions must be made, and I know we will get the job done. To help address the shortfall, state agencies have identified five-percent reductions in their current budget. I have advised all agencies that I will be using the principles of zero-based budgeting to develop the Senate's base budget.”

PUBLIC EDUCATION:

Student Engagement in Virtual Learning – On June 30th, Texas Education Agency released a summary of student engagement during the virtual learning necessitated by the COVID-19 pandemic. In order to inform policy makers and support best practices, TEA required Local Education Agencies (LEAs) to submit a crisis code indicator on students impacted by COVID-19. The codes were submitted in June 2020 as part of a regular student data collection cycle. This is preliminary data. LEAs are able to update or submit additional data through July 16, 2020. For each student enrolled on the last day of school, each LEA reported a code representing the degree to which the student was a) engaged (e.g., completing assignments) and b) contactable (e.g. responsive to teacher outreach). The LEA also reported change over time in the student’s pattern of engagement and contact. The preliminary summary results of this data collection are included below, and broken down by the following student group categories: Race/ethnicity, Economic disadvantage, and Grade level.

Summary of Student Engagement – All Students

Pattern	% of Students Reported
Fully Engaged	88.72%

Engagement Recovered	2.27%
No or Lost Engagement	7.23%
No or Lost Contact	1.78%

Student Engagement Pattern by Race/Ethnicity

Pattern	Hispanic	Black/ African- American	White	Asian	Hawaiian- Pacific Islander	Two or More Races
Fully Engaged	86.66%	83.13%	93.65%	95.76%	86.90%	90.53%
Engagement Recovered	2.72%	3.27%	1.27%	0.97%	2.37%	1.79%
No or Lost Engagement	8.47%	10.82%	4.22%	2.67%	8.17%	6.17%
No or Lost Contact	2.15%	2.78%	0.86%	0.59%	2.55%	1.50%

Student Engagement Pattern by Economic Disadvantage

Pattern	Economically Disadvantaged	Non-Economically Disadvantaged
Fully Engaged	84.50%	95.18%
Engagement Recovered	3.06%	1.06%
No or Lost Engagement	9.93%	3.10%
No or Lost Contact	2.52%	0.65%

Guidelines for Safety of Schools – On July 7th, the Texas Education Agency announced comprehensive guidelines for students to return to school, prioritizing their health and safety while ensuring that students receive quality instruction, whether they choose to learn in a safe on-campus environment or remotely. Education Commissioner Mike Morath said, “Both as Commissioner and as a public school parent, my number one priority is the health and safety of our students, teachers, and staff. That is why the guidance laid out today will provide flexibility to both parents and districts to make decisions based on the ever-changing conditions of this public health crisis. The state is and remains committed to providing a high-quality education to all Texas students, while ensuring the health and safety of students, teachers, staff, and families.” Commissioner Morath added that, despite what will be a challenging budget year, Governor Greg Abbott, Lt. Governor Dan Patrick, Speaker Dennis Bonnen, and other legislative leaders are committed to fully funding in-class and remote instruction for every child in the upcoming school year. As a result, parents will have more choices than normal this year as they decide which school setting is best for their children, including:

- Daily on-campus learning will be available to all parents who would like their students to learn in school each day.
- Parents will have the option to choose remote learning for their children, initially, or at any point as the year progresses. Parents who choose remote instruction for their students may be asked to commit to remote instruction for

a full grading period (e.g. 6 or 9 weeks), but will not have to make that commitment more than two weeks in advance, so they can make a decision based on the latest public health information.

Health and safety procedures will be in place to support student and teacher safety. Some health procedures are mandated for every school in the state. For example, all students, teachers, staff, and visitors coming to campus must be screened before being allowed on campus. Consistent with the governor's most recent executive order, and assuming that order is still in place, masks will be required while in school buildings, with certain exceptions made. Schools will also be required to follow any forthcoming executive orders issued by the Governor. Additional health procedures are recommended for every school that can reasonably implement those procedures. Districts have the option to establish a phased-in return to on-campus instruction for up to the first three weeks of the school year, to ensure all appropriate health and safety procedures are fully in place. TEA directed schools to:

- **Provide Notice** - Schools must post public notice of plans they will follow to mitigate COVID-19, one week prior to on-campus activities and instruction.
- **Prevent** - To prevent the virus from entering the school, precautionary steps must be taken, such as asking about symptoms or close contact with infected persons.
- **Respond** - If there is a lab-confirmed case, schools must contact the local health department, close and clean the area, and notify teachers, staff and families.
- **Mitigate** - To reduce viral spread on campuses, schools should clean more frequently, limit close contact of students, and may require the use of masks where appropriate.

TEA is providing school systems with resources to ensure a strong start. This includes:

- Reimbursement for extra COVID-19-related expenses incurred during the 2019-20 school year;
- Tens of millions of Personal Protective Equipment (PPE) supplies provided to school systems at no cost to Texas schools;
- Free online, TEKS-aligned learning tools to deliver remote instruction;
- Teacher training provided at no cost to the school system; and Statewide efforts to help bridge the digital divide for students at home, along with other ongoing support.

The framework was developed based on the most current science with input from: Governor Greg Abbott's Coronavirus Medical Advisory Team; the Governor's Strike Force to Reopen Texas; Texas school system leaders; ongoing global analysis of school operational practices; ongoing global analysis of research on viral spread in schools; and the latest peer-reviewed viral research studies. Due to the nature of this pandemic, parents and educators should expect to see some campuses close for brief periods during the upcoming school year. If there are significant changes to the public health situation, there may need to be additional changes to the framework as well.

Joint Statement by Chairmen Larry Taylor and Dan Huberty – On July 7th, Senate Education Committee Chairman Larry Taylor and House Public Education

Committee Chairman Dan Huberty issued a joint statement regarding the Texas Education Agency's (TEA) health and safety guidelines for school districts. It said, "Today, Texas Education Commissioner Mike Morath issued TEA's health and safety guidance for school districts to reopen this fall. We appreciate Governor Abbott and Commissioner Morath's leadership through these extremely challenging times and for working with the Members of the House Public Education Committee and Senate Education Committee to find solutions to get our students back to school and back on track educationally. TEA has worked tirelessly to ensure that our children are able to return to the classroom in a responsible, safe, and healthy way. Most importantly, this guidance allows each independent school district the freedom and flexibility to operate in the best way for their local communities. At the end of the day, parents have the final decision on whether or not their children return to campus. As parents ourselves, we understand how critical it is for our students to get back to some sort of normalcy and resume their education, and appreciate TEA offering this guidance. COVID19 continues to pose new challenges for our state and it is vital that we continue to work together to find solutions that will make Texas stronger than ever."

Texas Classroom Teachers Association Response – Texas Classroom Teachers Association issued a statement saying, "The Texas Classroom Teachers Association is alarmed at the insistence by officials at all levels of government that schools should open for in-person instruction next month, while the rates of COVID-19 infection are surging in many parts of Texas. We have many concerns about the guidance issued by Commissioner Morath, chief among which is that districts would be required to offer in-person instruction if even one parent requests it, without regard to whether it can be done safely. These decisions should be made only in conjunction with the recommendations of state and federal health officials, and teachers and other campus employees should be consulted on the policies that will dictate how in-person instruction can be safely implemented. Teachers look forward to getting back into the classroom, but not if it risks their health and that of their students, families and the community."

Supplanting School District State Funding With ESSER Money – On July 13th, Representative Donna Howard (D-Austin) expressed her disagreement with Governor Greg Abbott and his working group's joint decision to supplant school districts' state funding with federal Elementary and Secondary School Emergency Relief Fund (ESSER) dollars. Representative Howard said, "Though the state has the authorization to supplant existing school funding, it also has the option to supplement schools' budgets in preparation for reopening in the fall. Unfortunately, under the direction of Texas Republican leadership, the state exclusively chose the former, and turned a blind eye towards the critical health and safety needs of teachers, students and families. While Texans work to bend the curve again, this is the time for the governor to provide schools with the resources necessary for a safe reopening – whenever that may end up happening. The appropriate date for reopening is a moving target for each of Texas' school districts. Regardless of those dates, however, additional COVID-19 costs for health and safety are already being incurred. The state needs to provide help to districts now, or those costs are going to

be paid for some other way. Teacher layoffs or health and safety compromises are unacceptable.”

TEA Updates to Safe Return to School Guidance – On July 17th, the Texas Education Agency issued an update to its safe return to school guidance. The TEA press release said, “Last week, TEA released public health planning guidance for the 2020-21 academic year in order to well prepare students, teachers, and staff to safely return to school campuses for daily, in-person instruction. Given the latest developments around COVID-19, TEA is issuing important updates to the guidance. In response to the varying public health realities of each Texas community, these changes give the needed flexibility for schools to effectively provide a smooth transition for students, teachers, and staff so that they will experience the safest and least disruptive mode of learning during the beginning of the school year. School systems will now be able to temporarily limit access to on-campus instruction for the first four weeks of school. After the first four weeks, a school system can continue to limit access to on-campus instruction for an additional four weeks, if needed, with a board-approved waiver request to TEA. TEA guidelines include important exceptions for students:

- Any family that lacks Internet access at home and/or requires devices for students learning virtually.
- Any student requiring on-campus instruction during this period - i.e. those who need reliable access to technology - will still be entitled to on-campus instruction every day during this transition period.

Local school boards for districts in areas with high levels of community spread also retain the flexibility to delay the start of the school year. Additional changes provide school systems with the ability to convert high schools - with school board approval - to a full-time hybrid model once students have transitioned back to on-campus instruction. This model will provide for a more socially distanced school experience, where students receive a portion of their instruction on-campus and a portion of their instruction remotely at home. One week prior to the start of on-campus activities and instruction, school systems must post for parents and the general public a summary of the plan—developed in consultation with their teachers, staff, and parents—that they will follow to mitigate COVID-19 spread in their schools based on the requirements and recommendations outlined in TEA’s updated public health planning guidance.

eLearning Devices and Home Internet Solutions – On July 17th, Governor Greg Abbott, Lt. Governor Dan Patrick, Speaker Dennis Bonnen, Senate Finance Committee Chair Jane Nelson, Vice Chair Juan "Chuy" Hinojosa, and House Appropriations Committee Chair Giovanni Capriglione and Vice Chair Oscar Longoria announced that the State of Texas will allocate \$200 million in Coronavirus Aid, Relief, and Economic Security (CARES) Act funding to the Texas Education Agency (TEA) for the purchase of eLearning devices and home internet solutions to enable remote learning during the COVID-19 pandemic for Texas students that lack connectivity. With this funding, the TEA will purchase and distribute devices, hotspots, routers, and more based on specific needs identified by local education

agencies (LEAs). The funding will be used to establish a reimbursement program with a matching fund component tied to locally controlled Coronavirus Relief Funds (CRF) or LEA local funding. This funding is in addition to a previously announced distribution of up to \$400 million of CRF to reimburse districts for COVID expenses incurred during the 2019-2020 school year. This funding will also establish a reimbursement program for devices and home internet costs incurred by LEAs from May 21st through September 1st.

Governor Greg Abbott said, "As school districts delay the start of in-person instruction for the 2020-2021 school year due to COVID-19, it is essential that we work to provide Texas students with the devices they need to connect and communicate online for classroom instruction. As we continue to combat COVID-19 in Texas, we are committed to providing reliable and effective solutions that will help students academically succeed while protecting public health."

Lt. Governor Dan Patrick said, "While getting our students back to school is our top priority, many local districts are also developing a variety of virtual learning plans to ensure that students do not lose valuable learning time as we continue to fight COVID-19. This funding is an essential step in closing the digital gap for students by making access to technology available to every child who needs it."

Speaker Dennis Bonnen said, "The onset of COVID-19 has yielded unprecedented educational challenges in the State of Texas, and the embrace of new technologies and virtual learning methods will be instrumental in our effort to provide quality instructional continuity for all students. This funding will go a long way to close existing technology gaps and improve connectivity statewide, and in doing so, our students will be equipped with the tools needed for success in the upcoming school year."

Operation Connectivity Guidance – The announcement about funding for eLearning and internet connectivity by the governor, lieutenant governor, speaker and legislative leaders came in response to the Texas Education Agency's release on July 15th of initial guidance for local education agencies (LEA's) implementing Operation Connectivity. The guidance came with a caution that says, "LEAs should stay vigilant to protect confidential student information. Practice caution when handling student data, especially in interactions and negotiations with outside parties (e.g., vendors, ISPs, etc.). Consider security implications with all new digital solutions and procurement practices." Here is a summary of the report and guidance.

Operation Connectivity – Operation Connectivity is a partnership between Governor Greg Abbott, the Dallas Independent School District, and the Texas Education Agency to connect all of Texas's 5.5 million public school students with a device and reliable internet connection. Consisting of an executive committee and six working teams, Operation Connectivity addresses key topics such as technology, policy, and funding to provide a pathway for LEAs to connect their students.

Findings:

- LEA survey suggests 17 percent of Texas students lack access to high speed internet and 30 percent lack a dedicated and adequate learning device at home.

- Recent parent sentiment surveys reveal between 35 percent and 65 percent of parents are unsure about sending their kids back to school in the fall.
- LEAs will need to triage the immediate need of students without connectivity for those that choose to do remote learning.
- At-home internet gives advantage for online assignments – 70 percent of students in grades 6-12 are required to use the internet for homework multiple times per week; and 64 percent of students with no home internet access report they regularly cannot complete homework due to lack of internet.
- Access to internet at home determines level of digital skills - After controlling for variation in home Internet access, there is no difference in the level of digital skills reported by low income, minority students, or students from single parent households.
- At home connectivity drives higher academic performance – Students with fast home internet access report an overall GPA of approximately 0.5 points higher than students with no access; students who are dependent on a cellphone for their home internet access averaged 5 points lower on the SAT/PSAT; and in Texas, there is a correlation between LEA A-F scores and the percent of household connected to the internet.
- Connectivity is critical to mitigate learning gaps during ongoing disruption – The 2019-2020 school year is projected to yield 63 – 68 percent of the learning gains in Reading relative to a typical year and 37 – 50 percent of the learning gains in Math; and a survey of 800 parents shows 89 percent of parents are concerned about their child’s safety at school in relation to COVID-196. ^[L]_[SEP]

Playbook Objectives:

- Operation Connectivity's initial playbook is for LEA use in consideration as they continue to triage and solve the immediate connectivity needs of their students. It is not prescriptive or mandatory, but can serve as a guide to whatever degree an LEA sees fit.
- This is an iterative document that will continue to be improved and expanded as Operation Connectivity gathers more best practices from LEAs, ESCs, and subject matter experts.

Actions Recommended:

- Identify and Track Specific Student Needs - Identify and size the immediate connectivity gap through surveys; and continuously collect student connectivity information.
- Identify Possible Funding Solutions - Identify funds available for immediate use, for example: LEA reserve fund balance; Technology and Instructional Materials Allotment; and Private sector and philanthropic partnerships ^[L]_[SEP]
- Collect reliable data to diagnose and track the connectivity gap.

Solutions:

Short term - Estimated 80-95 percent of student need can be met with hotspots and preexisting fixed internet infrastructure.

Medium term - Explore creative solutions to bring online concentrated areas of students with no internet.

Long term - Opportunity to pursue infrastructure builds to permanently bring students online with sustainable connection.

Broadband Solutions:

- **Deploy Hotspots** - Provides connectivity (that does not require a fixed receiver) through mobile broadband provider.
- **ISP Payments** – Assist families to connect to fixed locations with wired technology (DSL/ADSL, cable, fiber, fixed wireless) options: ISP services paid for by LEAs - services for given address pre-paid directly to ISPs by LEAs; ISP services subsidized by LEAs - vouchers provided to parents to pay ISPs for home service; or Share low-cost ISP info with families - Identify and provide low-cost ISP information to families to connect to fixed locations with wired technology (DSL/ADSL, cable, fiber, fixed wireless).
- **Supplemental Options** - Various solutions (Cellular on Wheels, Wi-Fi buses, meshed network, satellite, microcells) to address areas where other options are not viable

Learning Device Solutions - Three device types most often used by LEAs – Chromebooks, laptops, and tablets. The guidance provides options and pros and cons for each option and provides considerations regarding procurement and deployment and management of devices.

STAAR Grade Promotion Requirement Waived – On July 27th, Governor Greg Abbott announced that the grade promotion requirement related to the State of Texas Assessments of Academic Readiness (STAAR) test for students in grades 5 and 8 has been waived for the upcoming school year. Typically, school systems must take into account a student’s score on the STAAR test to determine whether the student can be promoted to the next grade level. The traditional A-F rating system will remain in place, albeit with certain adjustments due to COVID-19. Typically, students enrolled in grades 5 and 8 are required to re-take a STAAR test late in the school year, and sometimes again in the summer, if they do not meet grade level when taken during the spring. With this waiver, there will only be one administration of the STAAR grades 5 and 8 mathematics and reading assessments for the 2020–21 school year. The test will be administered in May to coincide with the administration of other STAAR grades 3-8 assessments.

AG Guidance on Opening of Local Schools – On July 28th, Attorney General Ken Paxton issued guidance on the opening of local schools for the upcoming school year, during the ongoing COVID-19 pandemic, responding to a request from Stephenville Mayor Doug Svien. While playing an important role in protecting the health of school children and employees, local health authorities may not issue sweeping orders closing schools for the sole purpose of preventing future COVID-19 infections. Rather, their role is limited by statute to addressing specific, actual outbreaks of disease. School officials, both public and private, are the appropriate ones to decide whether, when, and how to open school. General Paxton said, “Education of our children is an essential Texas value and there is no current statewide order prohibiting any school from opening. While local health authorities may possess some authority to close schools in limited circumstances, they may not

issue blanket orders closing all schools on a purely preventative basis. That decision rightfully remains with school system leaders.”

Education Commissioner Mike Morath issued a statement on school openings in response to Attorney General Paxton’s letter. He said, “Over the past month, Texas Education Agency (TEA) announced a funding waiver framework that fully funds schools for remote instruction for the entire year for any family that requests remote instruction. To generate funding for remote instruction, school systems must also provide daily on-campus instruction for families that want to come on campus, with several critical exceptions designed to maximize the health of students, teachers, and staff:

- As part of an 8-week back to school transition period, school systems can offer a solely remote instructional setting, subject to some requirements;
- For up to 5 days if a school building is closed due to a confirmed COVID-19 case on campus, at any point during the school year, schools will be funded for providing remote-only instruction;
- Even beyond this 5-day exception, any day a school building is closed as part of a legally authorized closure order, schools will be funded for providing remote-only instruction;
- High schools can offer an alternating on-campus/remote instructional experience in order to reduce the number of students in campus buildings at one time.

Yesterday, the Texas Attorney General issued guidance that indicated that blanket school building closures ordered by local public health authorities for preventative purposes are not lawful. School systems planning on starting the year with 100 percent remote instruction will still be fully funded in accordance with TEA’s previously announced 8-week back to school transition funding waiver. Lawful building closure orders will continue to enable a school system to be funded when providing remote-only instruction. Also, it’s important to note that the school start date remains at the discretion of local school boards. TEA continues to monitor the public health situation very closely, working in collaboration with school systems, and remains prepared to adjust or adapt its waiver framework as necessary to ensure we keep students, teachers, and staff safe.”

State Leadership Response to TEA’s Guidance for Opening Schools - On July 31st, Governor Greg Abbott, Lieutenant Governor Dan Patrick, Speaker Dennis Bonnen, Senate Education Committee Chairman Larry Taylor, and House Public Education Committee Chairman Dan Huberty released the following statement on school re-openings this fall. The joint statement addressed several issues:

TEA Guidance for Opening Schools - "The Texas Education Agency’s (TEA) guidance for opening public schools in Texas for the 2020-21 school year remains the same as announced two weeks ago. This guidance followed a letter issued jointly by the Governor, Lieutenant Governor, Speaker, and Chairs of the Senate and House Education Committees. The top priority is protecting the safety and health of students, teachers, staff, and families.”

Local School Board Flexibility – “To achieve that goal, the TEA provided local school boards the flexibility they need to open schools in ways that ensure public

safety while also providing the best education options for students during this challenging school year. The TEA guidance applies long-standing state law and Executive Orders to conclude that the authority to make decisions about when and how schools safely open rests with the constitutionally and statutorily established local school boards.”

School Start Dates – “The authority to decide when the school year will begin lies with local school boards. They can choose dates in August, September, or even later. But, whenever the local school board chooses to open, the board must comply with the requirement to provide the necessary number of days and hours of instruction for students.”

Options For School Openings – “The authority to decide how schools will safely open this year, again, lies with local school boards. It can be with students in schools, it can be through remote learning, or a combination of the two. In making that decision, school boards have the ability to base their decisions on advice and recommendations by local public health authorities but are not bound by those recommendations. As the TEA previously announced, school boards have up to a 4-week back to school transition period during which they can offer a solely remote instructional setting if that is deemed needed for the health and safety of students, teachers, staff and parents. After 4 weeks, the school district can extend the transition period up to another 4 weeks with a vote of the school board and receiving a waiver. If any school district believes they need an extension beyond 8 weeks due to COVID-19 related issues, the TEA will review that request on a case-by-case basis.”

School Closings for a Confirmed COVID-19 Case – “If at any time during the school year a COVID-19 case is confirmed on a school campus, the school board has the ability to close the campus for up to 5 days to sanitize the campus. Schools that close under this scenario will continue to be funded for providing remote-only instruction. Additionally, during the course of the school year, a local public health authority may determine that a school building must be closed in response to an outbreak. If that occurs, that school will continue to receive funding for providing remote-only instruction during the period of that closure.”

Alternating On-Campus/Remote Learning for High School Students – “Local school boards also have the flexibility to achieve health and safety goals by offering alternating on-campus/remote instruction for high school students in order to reduce the number of students in campus buildings at one time.”

Role of Local Health Authorities – “The TEA and the Attorney General correctly note that local health authorities play an important role in school closure determinations during the course of a school year if it is determined that a contamination has occurred necessitating closure, but local health authorities do not have the power to issue preemptive, blanket closures of schools weeks or months in advance of when a school may open its doors to students.”

Role of Local School Boards – “Pre-existing Executive Orders have repeatedly made clear that local government operations, such as public schools, are permitted to be open. School boards established by the Texas legislature play a unique and pivotal role in school decisions that must not be superseded by other local authorities unless expressly allowed. It is clear that school boards can and should

work collaboratively with, but not be subject to the advance directives of, local public health authorities, to ensure a safe and effective learning environment for Texas students."