

Action Required

September 20, 2017

TO THE ADMINISTRATOR ADDRESSED:

SUBJECT: Requirements for campuses operating over capacity because of Hurricane Harvey

The Texas Education Agency (TEA) is aware that some school districts and open-enrollment charter schools are providing instruction to students displaced by Hurricane Harvey. Some campuses are operating over their normal capacity and may have changed their operational schedules to accommodate additional students. For example, an elementary school may be operating for 240 minutes in the morning for one campus (e.g. Campus 101) set of students, and for 240 minutes in the afternoon for a second campus (e.g. Campus 102) set of students.

School districts and open-enrollment charter schools operating doubled-up campuses that are using this alternative schedule are to be commended for doing everything possible to provide instruction to all students. However, the alternative schedule will likely cause the affected campuses to fall below the requirement to provide 75,600 operational minutes for each campus sharing the available building space. To avoid a funding reduction, the school district or open-enrollment charter school must apply to TEA for an **operational minutes waiver**. Approved waivers will allow a school district or charter school to operate two campuses of students with minimum instructional sessions: a morning instruction session (e.g. Campus 101) and an afternoon instruction session (e.g. Campus 102). The *waivers are required* for any school district and open-enrollment charter school with a school facility that is operating over capacity and cannot provide the required number of operational minutes for all students attending the campus because of one of the following situations:

1. The damage to another facility within the district.
2. The damage to a facility in a neighboring district.

TEA's *Student Attendance Accounting Handbook* (SAAH) defines operational minutes as the time from the first school bell to the last school bell (bell to bell). Examples of operational minutes include the time students pass in between classes, at lunch, and in study hall.

The Commissioner of Education has the authority to waive a campus's operational minutes requirement under the Texas Education Code (TEC), Section 25.081(b), Subsection (a), if disaster, flood, extreme weather conditions, fuel curtailment, or another calamity causes the closing of schools.

Waiver Instructions

School districts and open-enrollment charter schools with campuses that are operating over capacity should apply for operational minutes waivers as soon as possible. The applications are available online in TEA's waiver system, accessible through the [Texas Education Agency Login \(TEAL\)](#). You should select the "Other Waiver" type, then complete and submit the application.

As part of the waiver application, you must submit evidence that your board has approved the application for a waiver and a calendar that shows how you will maximize the education of all students on the campus.

Instructional Minutes and Other Requirements

Please note that if TEA approves your requests for operational minutes waivers, each campus operating in the overcapacity facility *must comply with* the minimum instructional minutes requirements in TEA's SAAH. Each campus set of students must still be provided with the minimum number of instructional minutes each school day to retain a student's classification as a half-day student (at least two hours of instruction each school day) or a full-day student (at least four hours of instruction each school day) to generate average daily attendance (ADA) and state funding.

TEA's SAAH defines instructional minutes as "the portion of the school day in which instruction takes place, along with certain other exceptions, and are considered a subset of operational minutes."

Campuses that provide instruction to students from other campuses are responsible for providing the same services to students that were provided before Hurricane Harvey, including, but not limited to, free and reduced price lunch, transportation, special education services, career and technical services, work-based learning opportunities, and bilingual or English as a Second Language (ESL) services.

For purposes of funding, accountability, student data reporting, and other matters, the additional students should continue to be identified and reported with their original campus number designation.

The local decision-making authority of each school district or open-enrollment charter school is responsible for the specific details regarding the scheduling of classes for different sets (campuses) of students.

For More Information

TEA recognizes that each school district and open-enrollment charter school was affected differently by Hurricane Harvey and may have unique situations. If you have additional questions, or need help completing the operational minutes waiver, please contact Chanda Williams at (512) 475-2012 or David Marx at (512) 463-2945, or send an email to attendance@tea.texas.gov.

On August 29 and September 1, 2017, TEA published other guidance related to Hurricane Harvey. This guidance is available on the [TEA Correspondence Page](#).

Sincerely,

Mike Morath
Commissioner