

## Texas Education Agency (TEA) Inclement Weather Update

February 18, 2021

In addition to the flexibilities provided this week, for the week of Monday, February 22 through Friday, February 26, local education agencies (LEAs) have the following three options:

- Continue with in-person instruction.
- If your LEA continues to experience infrastructure issues because of outages and its related impacts, it may provide 100% remote instruction. Your LEA must submit an “Other” waiver through the Waivers application via the TEA Login (TEAL) to claim full day minutes for any remote day.
- If your LEA continues to experience infrastructure issues because of outages and its related impacts that prevents it from providing remote instruction, the LEA may close completely. Please submit these Missed School Day waiver requests through the Waivers Application via TEAL, with supporting documentation, following the closure event.

Additional FAQs and prior communications from TEA can be found below. Please email [waivers@tea.texas.gov](mailto:waivers@tea.texas.gov) with questions or call the Superintendent Hotline for urgent support.

### **1. Is the Missed School Day Waiver and the “Other” waiver in TEAL the same waiver?**

No, these are two different waivers, but both are submitted through the Waivers Application following the event. The Missed School Day Waiver applies to complete campus/LEA closure when no instruction is provided, and the “Other” waiver applies when a district shifts to 100% remote instruction. Both waivers require board approval, and the waiver can be approved at your next board meeting following the weather event.

### **2. What should be submitted as supporting documentation for the missed school day waivers for outages and infrastructure issues?**

There is not one specific piece of documentation; however, any documentation that supports the request based on electrical outages and related issues that required the closure should be provided for each day you are closed. This could be something from the electrical utility company, emails from the city or service providers, news articles, etc.

**3. How do I fill out the “Other” waiver for remote instruction?**

Should it be determined that the waiver is needed, please answer all the questions posted on the general “Other” waiver application in the Waivers Application as it applies to your LEA and the specific situation for the days being requested. For question 1, please make certain to include the specific dates to which the waiver request applies and to which campus(es). For question 3, cite to Texas Education Code (TEC), §48.005.

**4. If my LEA provided remote instruction during on Friday, 2/12/21 and the week of 2/15/21 and experienced low attendance, can I claim a low attendance waiver along with an ‘Other’ asynchronous waiver for the day?**

You may not claim two waivers on the same day; however, if your LEA did provide remote instruction but had low attendance due to electrical outages or related issues, you may instead request a missed school day waiver for the day or days impacted. Please include supporting documentation related to the electrical outages and related issues that caused the low attendance.

**5. If my LEA plans to provide remote instruction during the week of 2/22/21 and experiences low attendance because of infrastructure issues, can I claim a low attendance waiver along with an ‘Other’ asynchronous waiver for the day?**

You may not claim two waivers on the same day; however, if your LEA did provide remote instruction but has low attendance due to infrastructure issues, you may instead request a missed school day waiver for the day or days impacted. Please include supporting documentation related to the infrastructure issues that caused the low attendance.

**6. Do the missed school day waivers granted for this storm and its related impacts apply to the 4,200-minute waiver cap?**

No, missed school day waivers granted for this specific storm do not apply to the 4,200-minute waiver cap.

**7. Due to extensive damage, my LEA may require additional closures or remote instruction beyond Friday, February 26, 2021 – what are my options?**

LEAs that anticipate additional closure days or continuing to provide 100% remote instruction due to infrastructure issues beyond February 26, 2021, should individually contact [waivers@tea.texas.gov](mailto:waivers@tea.texas.gov) with details related to their specific situation.

- 8. If my LEA has an asynchronous staff development or teacher planning and preparation day waiver planned during the week of 2/22/21, can I now claim a missed school day waiver or “Other” remote instruction waiver for that date and move my asynchronous PD day to another week?**

No. If you already have a day during this week scheduled for asynchronous PD/teacher planning/prep waiver for this week, continue to utilize it. For related questions, please email [waivers@tea.texas.gov](mailto:waivers@tea.texas.gov).

- 9. For the period of 2/15/21 - 2/26/21, do missed school days and remote instruction days count towards the Additional Day School Year (ADSY) 180-day requirement?**

Yes, missed school days and remote-only instruction days for the period of 2/15/21 – 2/26/21 count towards the ADSY 180-day requirement under [TEC, Sec. 48.0051\(c\)](#), in response to weather system guidance sent by TEA. For this weather system only, LEAs do *not* need to make up the first two missed days before qualifying for a missed school day waiver that counts towards the 180-day requirement. ADSY districts must still submit requests for a waiver using TEA’s Waivers Application, which is available through TEAL.

- 10. Will LEAs have to file a resolution to pay staff during the LEA closure during the inclement weather days and the extended electrical outage days?**

This is a local determination. LEAs should confer with their local counsel regarding the legal and constitutional issues associated with such a resolution and its effects.

- 11. Will there be some financial assistance for LEAs experiencing major damage?**

This weather event has been declared an Emergency Declaration but, as of the publication of this document, is not yet a Major Declaration. In anticipation of it becoming a Major Declaration and the financial assistance from FEMA that comes with that designation, we strongly encourage districts to document all expenses and to share this information with their local counties now. There may be reimbursement support for districts that have utilized their campuses as shelters or mass care centers.

It is possible federal disaster grant funds may be made available in the future for this disaster. If so, you will have a quick turnaround to provide TEA with the following data:

- List of campuses that were closed (i.e. not open for operations for professional development or workshops, instruction, teacher work days), and the number of days closed.
- List of allowable expenditures and estimated or actual cost of these activities to restart or reopen campuses
- Numbers of students displaced from their home campus who officially enrolled in a different campus within your LEA (do not count students who left your LEA).
- Track these displaced students specifically by 1) LEP status, 2) students receiving Special Education services, and 3) students who are not-LEP and not receiving Special Ed services. Also identify each displaced student as either Homeless or not.

For more information, contact the Department of Grant Compliance and Administration at [GrantSupport@tea.texas.gov](mailto:GrantSupport@tea.texas.gov) or (512) 463-8992.

**12. Given that we are still experiencing the COVID-19 pandemic, how does this weather event impact public health guidance?**

Districts maintain authority to enforce public health guidelines.

**13. Is there any guidance related to child nutrition and related services?**

Child nutrition programs operated by schools are intended to serve children. Schools that can safely operate may continue to serve meals and obtain reimbursement for meals served to eligible participants. Schools serving adult meals must establish a cost of the meal in accordance with federal guidance.

Program operators that have experienced food losses due to lack of power should work directly with their insurance providers to address any potential claims. Guidance on how to safely donate food and/or supplies can be found on the Texas Department of Agriculture (TDA) website.

Disaster feeding programs are meant to support communities responding to disaster events and provide individuals in need with food and shelter. Schools that are operating as an approved shelter can provide food to those seeking shelter. Details for authorized shelters can be found at: <https://squaremeals.org/Programs/FoodAssistanceforDisasterRelief.aspx>. Disaster response efforts also provide food to organizations like Food Banks and the Red Cross to support in-need individuals.

Guidance from TDA can be found here: <http://squaremeals.org/severewinterstorm>

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**On the dates listed below, the following communications were shared via the ESC Executive Directors and the TEA’s Superintendent Listserv**

Communication from Wednesday, February 17, 2021

Superintendents:

We recognize this has been a very difficult time and appreciate the efforts to keep your communities safe.

If your LEA continues to experience electrical outages and its related impacts, districts may request Missed School Day Waivers for the remainder of this week in addition to the previously communicated maximum of 3 days without make-up days required or having to utilize bad weather days. Please submit these Missed School Day Waiver requests via TEAL, with supporting documentation, following the closure event.

As a reminder, LEAs may continue with remote instruction and must submit an “Other” waiver in TEAL following the weather event – and receive TEA approval of the waiver – to claim full day minutes for any remote day.

Please email [Waivers@tea.texas.org](mailto:Waivers@tea.texas.org) with questions or call the Superintendent Hotline for urgent support.

We will continue to monitor and evaluate the situation to best support LEAs.

Communication from Monday, February 15, 2021

Superintendents:

We hope you are staying safe and warm. If your LEA is experiencing electrical outages and closes completely, districts are eligible to apply for a missed school day waiver following the event for a maximum of 3 days without make-up required or having to utilize bad weather days.

Depending on safety conditions, we encourage LEAs to continue with remote instruction, and must submit an “Other” waiver in TEAL following the weather event – and get the wavier approved by TEA – to claim full day minutes for this remote day.

We will continue to monitor and evaluate the situation in order to best support LEAs.

Communication from Friday, February 12, 2021

In acknowledgement of inclement weather currently facing the state of Texas, an LEA may request an ‘other’ waiver in TEAL to switch to remote learning to claim full-day minutes. Districts would need to provide the Board-approved waiver request with supporting documentation. For districts closing completely and not switching to remote learning, please refer to the SAAH regarding missed school days and closures. This policy is only applicable to the forthcoming inclement weather system, and requests will be handled on a case-by-case basis.

As a follow-up, we compiled some commonly asked questions to better support your superintendents:

1. When do I need submit the waiver and is there a limit to the number of days?
  - a. While there is not a ‘limit,’ this policy is only applicable to the forthcoming inclement weather system, and requests will be handled on a case-by-case basis. These waivers must be submitted after the closure event in order to provide the supporting documentation which would include the dates of closure/switch to remote, board approval documentation, and information specific to the local conditions. Please note that in the instance the weather changed (ex: a day was expected to be icy/rainy and instead was warmer and sunny w/ no ice/rain or
  - b. anything that prevented anyone from getting to school), then if the district had switched to remote and there is no longer valid supporting documentation for the closure/switch to remote, the waiver for that day may not be granted. In that case if the district was remote and did not have an approved waiver, they would only be able to claim ½ of the operational minutes for that day.
2. What is the difference between moving to remote instruction and closing school?
  - a. Districts that move to 100% remote instruction must submit this waiver following the weather event – and get the wavier approved by TEA – to claim full day minutes for this remote day. In this instance, districts should utilize their approved Asynchronous Plan; for districts that do not have an approved Asynchronous Plan, they will need to close completely. Districts that close completely – meaning there is no instruction taking place – cannot claim minutes for this day. In this instance, districts must either use one of their pre-planned bad weather days OR built-in minutes OR make up 100% of the minutes/days missed before the end of the school year. We encourage you to review the SAAH for information related to closures.
3. What if I have low attendance on this day?

- a. A district may not claim two waivers on the same day. If a waiver is requested to go remote on a bad weather day, they may not request a low attendance waiver for the same day.
  
4. How do I fill out the waiver?
  - a. Should it be determined that the waiver is needed, please answer all of the questions posted on the general “other” waiver application in TEAL as it applies to your district and the specific situation for the days being requested. For question 1, please make certain to include the specific dates to which the waiver request applies and to which campus(es). For question 3, cite to TEC §48.005.
  
5. I have more questions, who do I reach out to?
  - a. [Waivers@tea.texas.gov](mailto:Waivers@tea.texas.gov), or for more urgent questions please call the Superintendent Hotline