



September 24, 2020

The Honorable Dan Huberty  
Chairman, House Public Education Committee  
P.O. Box 2910  
Austin, TX 78768

Re: Request for Information, Interim Charge 2

Dear Chairman Huberty:

The Texas Public Charter School Association (“TPCSA”) is the statewide membership organization for effective charter schools of all types, proudly representing nearly 330,000 students at more than 700 open-enrollment charter school campuses. We appreciate the opportunity to submit a response to Interim Charge 2.

The Texas response to COVID-19 revealed several barriers to providing a high-quality digital learning environment for all children, as well as some unrealized opportunities. We consider some of them below:

1. Limited access to internet service and devices

As schools shut down buildings, districts worked with the Texas Education Agency (“TEA”) to create remote learning plans for the spring and fall. During this time, many districts struggled to ensure every student had access to the internet and to devices such as tablets and laptops. TEA organized a mass procurement plan to negotiate prices and facilitate the distribution of devices, in addition to permitting districts to use several funding sources to subsidize internet service for students at home. These efforts, though still ongoing, have proven successful. Most public charter schools, for example, report that 85% to 95% of students log in virtually for school each day.

However, it is unclear TEA will continue to provide this support past the 2020-21 school year. **TPCSA advocates for continued support from TEA in the procurement of electronic devices to ensure the lowest prices possible, as well as extended permission for school districts to use state funding to subsidize internet services at home for low-income families.**

Any gaps in access to the internet and technology will have serious adverse consequences for student learning. Some public charter schools report that recent orders for devices cannot be fulfilled by manufacturers until well into 2021 — delays that widen the “digital divide” separating low-income students (the majority of those enrolled at charters) and their more affluent peers. These charters, as well as ISDs, need the most support possible from the state in order to maximize buying power and canvass all potential vendors.

Additionally, some public charter schools report difficulty obtaining CARES Act Coronavirus Relief Fund (“CRF”) dollars that were intended by TEA to be made available to schools as part of Operation Connectivity, an effort to boost connectivity during the pandemic. One suburb of Dallas, for example, rejected a charter school on the basis that all CRF dollars had been allocated to the local ISD. This is not acceptable. **TPCSA urges lawmakers and TEA to provide oversight that ensures equal access to these important relief funds by all public schools.** Children must be able to learn, regardless of the type of public school they attend.

## 2. Threat of monopoly pricing for digital learning software

As many school districts prepared to provide mostly virtual learning for fall 2020, TEA used CARES Act funding to purchase an online learning program called "Schoolology/Power School" for districts to use free-of-charge during 2020-21. Because this program is free and many are using it, districts will likely become accustomed to it.

TEA has no plan currently to continue this contract, and those who used the software for free may find it too expensive to continue if (due to the program's popularity) it becomes a de facto monopoly and engages in monopoly pricing. **TPCSA advocates for TEA to negotiate for Texas public schools the lowest price possible for "Schoolology/Power School" after the agency's current contract expires.**

## 3. Flexibility for funding digital learning infrastructure

Much of the technology and instructional materials school districts have used to facilitate digital learning since March 2020 have been funded by the CARES Act. This funding will soon run out and may not be renewed, despite the potential for the pandemic to linger. Many schools, including public charter schools, anticipate the need for virtual learning will persist even as the number of students learning on campus increases.

If school districts seek to preserve student access to virtual learning, the Technology and Instructional Materials Allotment (TIMA) or other funding streams will need to compensate for what school districts are not receiving in CARES Act funding. TPCSA advocates two measures in response:

- **An increase to TIMA funds for school districts that provide a substantial portion of student learning on digital platforms.**
- **Freedom and flexibility for school districts to use allotments in TEC Chapter 48 to fund costs related to digital learning.** For example, school districts should be able to use funding from their compensatory education allotment to pay private companies such as Spectrum and

AT&T to set up basic home internet services for eligible students to complete lessons and schoolwork at home.

#### 4. Regulations that hamstring schools providing virtual learning

We acknowledge the need for strong accountability and the challenge faced by TEA when rules and regulations are stretched by rapidly changing circumstances. However, we also know — from what families across the state are telling us — that virtual instruction is here to stay. Schools need clear and sensible rules going forward for running high-quality remote learning programs.

This is especially true for charter schools, which are adaptable and nimble by design. Many of our member schools have created programs during the pandemic that will serve children well long into the future. They need the freedom to execute these programs and remain innovative.

To that end, TPCSA calls for:

- **Making the temporary lifting of charter boundaries for fully online-programs permanent.** Some of our member schools, such as ILTexas, took advantage of short-term flexibility offered by TEA to create fully-virtual programs open to students anywhere in Texas. This allowed children and families to access another great educational option. Many children, including those in areas where ISDs did not launch strong virtual programming quickly, are now enrolled in a great school suited to their needs.

There is no reason this type of program shouldn't be available after the pandemic ends to families who want it. Because ISDs can already become "open enrollment" (even for in-person instruction), the state should create a permanent framework for public charters to do the same.

- **Eliminating unhelpful restrictions to virtual programs. The state should:**
  - Provide full funding for remote synchronous learning for Pre-K through second grade.
  - Provide full funding for remote synchronous and asynchronous for private and homeschool students.
  - Permanently remove the lift of charter school boundaries for online learning.
  - Exempt full-time virtual charter students from being counted toward a charter school's enrollment cap.
  - Allow attendance to be taken weekly for synchronous and asynchronous remote instruction and include weekends to be counted toward daily engagement.
- **Increasing flexibility for Additional Days School Year funding.** Elementary schools that provide more than 180 days of instruction are eligible for up to one month's worth of additional funding. This eligibility takes on heightened importance in light of COVID-19. Significant interruptions to the 2019-20 school year likely worsened the "summer slide," or learning loss when school is out of session.

Currently, eligibility depends on calendar days of instruction, rather than instructional minutes. If the unit of measurement were changed, elementary schools could qualify for

this funding more easily by counting days during which students are learning from home while teachers are participating in professional development. Now that we know elementary schools can effectively provide learning online, they should be eligible for these funds on the same structure as middle and high schools.

- **Allowing schools to “share” teachers.** The state should allow teachers to instruct students on different campuses within the same district, as well as across districts, using high-quality virtual programs. This practice should be available to both charters and ISDs.

One under-appreciated advantage of remote learning is its potential to make exceptional or highly-specialized programming available to more students. For example, some campuses may not offer courses in art history or advanced physics. If those courses would interest students and further their education, Texas ought to encourage great teachers to offer them on an online platform.

TPCSA would like to thank lawmakers for their leadership to date in an exceptionally challenging environment. We look forward to partnering with you on continuing to smooth the pathway to high-quality remote and hybrid learning for Texas families.

Sincerely,

Starlee Coleman  
Chief Executive Officer  
Texas Public Charter School Association  
3801 S Capital of Texas Hwy, Ste. 330, Austin, TX 78704  
[scoleman@txcharterschools.org](mailto:scoleman@txcharterschools.org)  
(512) 584-8272

Cc: House Public Education Members