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| <b>DATE:</b>       | <b>November 11, 2021</b>   |
| <b>SUBJECT:</b>    | <b>Official Notification of the 2021–2022 Operational Minutes Adjustment</b> |
| <b>CATEGORY:</b>   | <b>Information Update</b>  |
| <b>NEXT STEPS:</b> | <b>Share with finance staff</b>  |

This letter provides guidance to school districts and open-enrollment charter schools (LEAs) that are eligible for a reduction in the number of required 75,600 minutes of operation<sup>1</sup>. Texas Education Code (TEC), §25.081(b), provides that the commissioner may approve the operation of schools for fewer than 75,600 minutes if a disaster, flood, extreme weather condition, fuel curtailment, or other calamity causes the closing of schools.

### Background

During the 2021–2022 school year, many LEAs may experience losses in average daily attendance (ADA) due to low rates of attendance caused by the ongoing COVID-19 pandemic.

Because ADA is a major component in determining Foundation School Program (FSP) funds, a loss of ADA would normally result in: (1) a loss of FSP funds for affected LEAs during the September 2022 FSP settle-up process; or (2) an increase in recapture obligations.

### Commissioner’s Adjustment to Operational Minutes

To mitigate these potential reductions in FSP funding for the 2021–2022 school year, the agency has worked with state leadership to provide a mechanism to assist LEAs. The commissioner of education is exercising his authority under TEC, §25.081(b), to approve a reduction in the minimum number of required 75,600 minutes of operation for all LEAs during the first six-week attendance reporting period of the 2021–2022 school year. This will result in an adjustment that will ensure stabilized percentage attendance rates comparable to a more typical school year rather than the low percentage attendance rates caused by the ongoing COVID-19 pandemic.

This is a one-time adjustment that will only be made for the 2021–2022 school year.

**Please note that this adjustment to the minimum number of operational minutes does not hold a district harmless for losses of ADA due to enrollment declines.** This adjustment will result in the exclusion of operational minutes during instructional days with low percentage attendance rates. To minimize confusion and error, this automatic adjustment will be operationalized at the agency level and communications about this adjustment will be focused on identifying each LEA’s target percentage attendance rate (TPAR) rather than each LEA’s specific reduction of operational minutes and exclusion of associated instructional days. The process and methodology are described below.

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<sup>1</sup> Open-enrollment charter schools that are eligible to generate average daily attendance under TEC, §48.005(k), will receive a comparable adjustment to instructional days as LEAs receiving an operational minutes adjustment.

## Methodology

For each LEA, the agency will calculate a TPAR, which will be the lesser of the following:

1. The LEA's average percentage attendance rate for the first six-week attendance reporting period of the 2019-2020 school year; or
2. The LEA's combined percentage attendance rate average for the final three six-week attendance reporting periods of the 2021-2022 school year.

LEAs that were not in operation during the 2019-2020 school year will be assigned the state average TPAR for the first six-week attendance reporting period of the 2019-2020 school year for purposes of the calculation described above.

The agency will compare each LEA's actual percentage attendance rate for the first six-week attendance reporting period of the 2021-2022 school year with the TPAR. If the agency determines that the LEA's experienced a percentage attendance rate for the first six-week attendance that is less than the TPAR, the agency will adjust operational minutes for that LEA as necessary to increase the percentage attendance rate to the TPAR.

The TPAR for each six-week attendance reporting period is calculated as follows:

$$\text{TPAR} = \text{Total Days Present} \div \text{Total Days Membership, where}$$

$$\text{Total Days Present} = \text{Total Eligible Days Present}^2 + \text{Total Ineligible Days Present, and}$$

$$\text{Total Days Membership} = \text{Total Days Present} + \text{Total Days Absent}$$

## Eligibility

All LEAs will automatically be granted this adjustment to operational minutes for the first six-week attendance reporting period. No application or other action by LEAs is necessary.

## Reporting

LEAs will not be required to adjust their reported instructional days or scheduled operational minutes in their student information system, nor will LEAs be required to adjust this data when reporting it through the Public Education Information Management System (PEIMS).

## Impact on Foundation School Program Funding

LEAs will see the result of the automatic adjustment to operational minutes on their near-final summary of finances report in September 2022. Because this adjustment to operational minutes does not hold a district harmless for losses of ADA due to enrollment declines, LEAs should carefully monitor expenditures and adjust their budget in real-time throughout the year to account for permanent losses of student enrollment.

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<sup>2</sup> Total Eligible Days Present for the 2021-2022 school year will include remote synchronous and remote asynchronous eligible days present.

**Resources**

Further resources regarding this adjustment can be found at the following URL:  
<https://tea.texas.gov/sites/default/files/covid/21-22-covid-waivers-faq.pdf>

If you have questions, please contact us at [sfinance@tea.texas.gov](mailto:sfinance@tea.texas.gov).

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