



GOVERNOR GREG ABBOTT

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Governor Abbott, Lt. Governor Patrick, Speaker Bonnen, Chairman Taylor, Chairman Huberty Release Statement On School Re-Openings

AUSTIN – Governor Greg Abbott, Lieutenant Governor Dan Patrick, Speaker Dennis Bonnen, Senate Education Chairman Larry Taylor, and House Education Chairman Dan Huberty released the following statement on school re-openings this fall:

"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. 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.

"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.

"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.

"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.

"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.

"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. 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."

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