



August 19, 2021

SENT VIA ELECTRONIC MAIL

The Honorable Greg Abbott, Governor
State of Texas
P.O. Box 12428
Austin, TX 78711-2428

Dear Governor Abbott:

We write to urgently request that you utilize your statutory power to ensure full funding for virtual instruction so that our local school districts have the support they need now to provide virtual education options to families to ensure that our students are able to continue with their education during rampant COVID-19 outbreaks. The Texas Education Agency ("TEA"), an executive agency under your direction, can and should support full funding for virtual education either through a hold-harmless provision, or a modification to the attendance handbook. In particular, in light of your Executive Order prohibiting school districts from implementing mask requirements - a proven method for helping to mitigate the spread of COVID-19 - the ability for school districts to locally address their particular community's needs for remote instruction is all the more crucial.

Last fall, the TEA announced that the state would fund school districts based on the number of students they projected would attend before the pandemic through a hold-harmless guarantee. That agreement expired in January 2021 and, in March 2021, it was extended through the remainder of the 2020-2021 school year. These steps were taken entirely outside of the legislative process by the TEA and the Office of the Governor. This same action can and should be taken now.

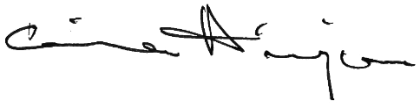
Regarding Commissioner Morath's August 17 response to dozens of lawmakers who sent a letter in late July 2021 requesting that districts have freedom to implement virtual instruction options, we disagree with the Commissioner's assessment made therein. The Commissioner asserted that HB 1525 explicitly prohibits use of disaster authority for more than one school year per disaster or "calamity," so the emergency authority used to provide waiver funding for remote learning last year cannot be used again. However, HB 1525 sections related to hold-harmless do not go into effect until September 1, 2021. Previous hold-harmless decisions prior to the effective date of HB 1525 should not be taken into consideration under the new statute added in by HB 1525 as there are no retroactive or "look-back"

requirements in HB 1525. We are now in a new school year with the new “calamity” of the more infectious Delta Variant of the COVID-19 virus.

Separate from “hold-harmless” authority, the TEA Commissioner has the ability to modify the manner in which attendance is counted in Texas schools. Current state statute ([Texas Education Code § 48.005](#)) gives the Commissioner the power to make rules regarding attendance. In fact, just last week the Commissioner announced to Superintendents across the state that he would be modifying the attendance handbook to allow for any children who are quarantining because of COVID-19 to be counted as present, thus allowing school districts to receive full funding for their virtual instruction. If he had the authority to make this change just last week, then that authority would extend to a change to the attendance handbook to allow local flexibility for families to choose remote instruction through their existing school system.

Finally, the Governor has broad authority to suspend state statutes or state agency rules during a disaster declaration under [Texas Government Code § 418.016](#). This is power that you have utilized to enact many of your priorities. We assert that the safety and welfare of our children and communities is of paramount importance and that the potential increased threat that the Delta Variant of COVID-19 poses to our children merits allowances for full funding of virtual learning. On behalf of more than five million public school students across Texas and their families, we request that you utilize your executive power to help keep our kids safe.

Sincerely,



Gina Hinojosa
State Representative, District 49



Alma Allen
State Representative, District 34



Rafael Anchia
State Representative, District 103



Michelle Beckley
State Representative, District 65



Diego Bernal
State Representative, District 123



Rhett Andrews Bowers
State Representative, District 113



John H. Bucy III
State Representative, District 136



Elizabeth "Liz" Campos
State Representative, District 119



Terry Canales
State Representative, District 40



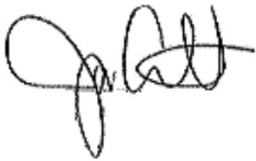
Sheryl Cole
State Representative, District 46



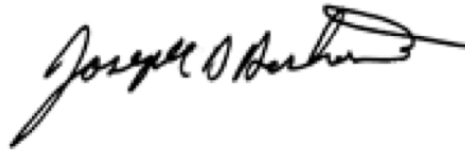
Garnet Coleman
State Representative, District 147



Nicole Collier
State Representative, District 95



Jasmine Crockett
State Representative, District 100



Joe Deshotel
State Representative, District 22



Alex Dominguez
State Representative, District 37



Barbara Gervin-Hawkins
State Representative, District 120



Jessica González
State Representative, District 104



Vikki Goodwin
State Representative, District 47



Bobby Guerra
State Representative, District 41



Ryan Guillen
State Representative, District 31



Ana Hernandez
State Representative, District 143



Donna Howard
State Representative, District 48



Celia Israel
State Representative, District 50



Ann Johnson
State Representative, District 134



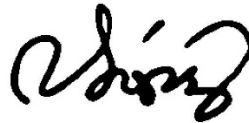
Jarvis Johnson
State Representative, District 139



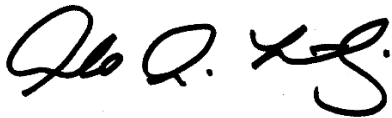
State Representative Julie Johnson
District 115



Oscar Longoria
State Representative, District 35



Ray Lopez
State Representative, District 125



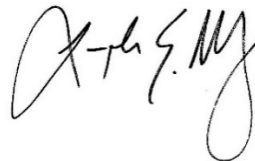
Armando "Mando" Martinez
State Representative, District 39



Trey Martinez Fischer
State Representative, District 116



Ina Minjarez
State Representative, District 124



Joe Moody
State Representative, District 78



Christina Morales
State Representative, District 145



Penny Morales Shaw
State Representative, District 148

Claudia Ordaz Perez
State Representative, District 76

Lina Ortega
State Representative, District 77

Mary Ann Perez
State Representative, District 144

Ana-Maria Ramos
State Representative, District 102

Richard Peña Raymond
State Representative, District 42

Ron Reynolds
State Representative, District 27

Eddie Rodriguez
State Representative, District 51

Ramon Romero, Jr.
State Representative, District 90

Jon Rosenthal
State Representative, District 135

Carl Sherman, Sr.
State Representative, District 109

James Talarico
State Representative, District 52

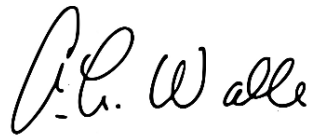
Shawn Thierry
State Representative, District 146

Senfronia Thompson
State Representative, District 141

Chris Turner
State Representative, District 101



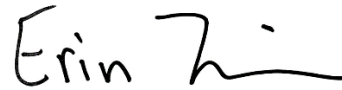
Hubert Vo
State Representative, District 149



Armando Walle
State Representative, District 140



Gene Wu
State Representative, District 137



Erin Zwiener
State Representative, District 45