

Subject: PIR # 67107-Email-(Haddix- American Oversight)-Office of Attorney General Decision-Partial Release and Release of Additional Information Extended
Date: Friday, May 10, 2024 at 11:51:37 AM Eastern Daylight Time
From: PIR <PIR@tea.texas.gov>
To: AO Records <records@americanoversight.org>
CC: MediaRelations <MediaRelations@tea.texas.gov>
Attachments: image001.png, image002.png, image003.png, image004.png, OR2024-015779.pdf, 67107 Partial Release.zip, PIR # 67107-Email-(Haddix- American Oversight)- Updated Cost Estimate 10 Day Paper Timeline for Partial Release .eml, PIR 67107 Original Request.pdf

EXTERNAL SENDER

**Public Information Request
Office of Attorney General Decision
Partial Release and Release of Additional Information Extended
May 10, 2024**

Mariuxi Pintado Ms. Elizabeth Haddix
American Oversight

TEA PIR #67107

Dear Ms. Mariuxi Pintado Ms. Elizabeth Haddix:

On February 16, 2024, the Texas Education Agency (TEA) received your request for public information. Because TEA wished to withhold certain information it believed to be confidential or excepted from disclosure to you under the Texas Public Information Act (Act), TEA requested a decision from the Office of the Texas Attorney General (OAG).

On May 9, 2024, the Texas Education Agency (TEA) received the decision of the Texas Attorney General OR2024-015779 regarding your public information request. The Office of the Attorney General concluded TEA must release the court-filed documents marked by OAG (552.022(a)(17)), withhold the information as indicated under sections 552.103, and 552.111. sent you a copy of the decision, as well.

In accordance with the attached determination from the Office of the Attorney General, TEA is withholding the information at issue from public disclosure. TEA is currently reviewing and processing the information required to release. TEA anticipates that the partial release of information will be released to you on or before: June 3, 2024.

If you have any questions or wish to discuss this matter further, please contact me at (512) 463-3464 or by email at PIR@tea.texas.gov.

Sincerely,



Sherry Mansell

Public Information Coordinator

Office of General Counsel



512-463-3464



pir@tea.texas.gov



www.tea.texas.gov

AMERICAN
OVERSIGHT



THE SECRETARY OF EDUCATION
WASHINGTON, DC 20202

September 6, 2023

Dear Chief State School Officers:

As a nation predominantly of immigrants, America has benefited from the vitality, resolve, and enthusiasm of those seeking the American dream. Our history is enriched by people from all over the world who have brought their culture, language, and religion to our great nation. Immigrant students, including those seeking asylum, contribute to the very fabric of our country, and schools play a significant role in helping immigrant students adapt and thrive in their new communities. I write to you today to affirm school districts' responsibilities to serve immigrant students, announce our recently updated 2023 Newcomer Toolkit, and share federal resources that may support such students.

As you know, the Supreme Court of the United States held more than 40 years ago in the case of *Plyler v. Doe*, 457 U.S. 202 (1982) that all children in the United States have an equal right to enroll and participate in public elementary and secondary schools without regard to their or their parents' or guardians' immigration status.¹ Public school districts may not deny access to an education to any child based on immigration status. It is a violation of federal law for districts to prohibit or discourage children from enrolling in public schools because the children or their parents or guardians are not U.S. citizens or do not have immigration documentation. Therefore, a local educational agency (LEA) must provide such a student with equal access to a public elementary and secondary education, regardless of their or their parent's actual or perceived national origin, citizenship, or immigration status, and determine whether the student is eligible, on the same basis as any other student, to participate in programs supported with local, State, and federal funds.

Recently, the Department of Education (Department) re-released the [Newcomer Toolkit](#), originally published in September 2016. This toolkit is a resource for State, local, and school leaders in supporting multilingual learners and general education educators who directly serve immigrant and refugee students. Each chapter includes (1) discussion of topics relevant to understanding, supporting, and engaging newcomer students and their families or guardians; (2) tools, research-based strategies, and examples of classroom and schoolwide practices in action;

¹ For more information, see U.S. Department of Justice & U.S. Department of Education, *Dear Colleague Letter to School Districts to Ensure Equal Access for All Children to Public Schools Regardless of Immigration Status*, May 2014, available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201405.pdf>; U.S. Department of Justice & U.S. Department of Education, *Confronting Discrimination Based on National Origin and Immigration Status*, August 2021, available at <https://www2.ed.gov/about/offices/list/ocr/docs/confronting-discrimination-national-origin-immigration-status>; U.S. Department of Justice & U.S. Department of Education, *Protecting Access to Education for Migratory Children*, June 2023, available at www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-migratory-children-202306.pdf; U.S. Department of Justice & U.S. Department of Education, *Protecting Access to Education for Unaccompanied Children*, June 2023, available at www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-unaccompanied-children-202306.pdf.

(3) professional learning activities for use in staff meetings or professional learning communities; and (4) resources for further information and assistance. In addition, the toolkit encourages asset-based and trauma-informed approaches and a focus on equity, inclusivity, and features the Dual Capacity Framework for building school-family partnerships. Additionally, the [English Learner toolkit](#) reminds educators of the civil rights of families of newcomer students.

The Department administers several programs, described below, that provide funds that may be used to support immigrant students, including programs for students who are identified as English learners. Each program can be used to provide services for immigrant students and/or English learners. Each has specific requirements and eligibility criteria, and we encourage you to review each program to understand how the program may be used to support these groups of students from pre-kindergarten to 12th grade and beyond.

As the end of the period of availability for the COVID-19 relief funding nears, we remind State educational agencies (SEAs) and their LEAs that they may use funds under the Elementary and Secondary School Emergency Relief (ESSER) Fund and the Governor’s Emergency Education Relief (GEER) Fund to address the impact of the COVID-19 pandemic on immigrant students. These funds may be used to provide professional development, assist with teacher recruitment, and support additional credentialing for educators, such as a bilingual endorsement. SEAs and LEAs may use these funds to provide for translation and interpretation services and to develop culturally and linguistically relevant instructional materials for recently arrived students and develop materials to assess children in their native language, including assessments used in special education evaluations, if needed, as part of the response to the COVID-19 pandemic, including to address learning loss. For example, Central Falls School District in Rhode Island used its American Rescue Plan (ARP) ESSER and ARP State administrative funds to implement afterschool language learning academies across all five of the LEA’s K-12 campuses, adding two hours of English learning to the daily schedule. Funds under the Coronavirus Response and Relief Supplemental Appropriations Act must be obligated no later than September 30, 2023, whereas funds under the ARP Act must be obligated no later than September 30, 2024.

Additionally, the American Rescue Plan Elementary and Secondary School Emergency Relief – Homeless Children and Youth (ARP-HCY) funds provide \$800 million for SEAs and LEAs to identify and support students experiencing homelessness, including immigrant, refugee, and asylee students (if identified as homeless by a homeless liaison or designee). These funds may be used by States to address urgent needs of children and youth experiencing homelessness—including academic, social, emotional, and mental health needs. The funds must be obligated by September 30, 2024. Of this funding, up to 25 percent may be reserved by the SEA for State activities, which could include serving the unique needs of immigrant students who are experiencing homelessness. For more information on allowability, see this [letter](#); for additional information on serving immigrant, asylum and evacuee students under the McKinney-Vento Homeless Assistance Act please see this [letter](#).

The Elementary and Secondary Education Act of 1965 (ESEA) and the Individuals with Disabilities Education Act (IDEA) also establish a number of programs under which funds may be used to provide supports and services to immigrant students, including those also identified as students with disabilities. Additionally, Title II of the Workforce Innovation and Opportunity Act

(WIOA) provides federal funding for adult education and literacy activities, including English language acquisition and integrated English literacy and civics education.² For more information about how some of the Department’s largest grant programs can be used to support the needs of immigrant children, please see the Department’s January 2022 [letter](#) regarding serving students who are Afghan evacuees. While the guidance in this letter was focused on Afghan evacuees, the information provided is applicable to supporting all immigrant students.

Select programs that may support immigrant students include:

- **Title I, Part A of the ESEA.** Under Title I, Part A (Title I) SEAs award subgrant to LEAs to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps. All immigrant students, including newly arrived students, are entitled to participate in Title I on the same basis as any other student. Therefore, a school must not consider a student’s immigration status in determining eligibility for Title I services (i.e., all students in a schoolwide program under ESEA section 1114 and low-achieving students in a targeted assistance program under ESEA section 1115).

Under ESEA section 1115(e)(2), a Title I school that operates a targeted assistance program may use a portion of its Title I funds to provide comprehensive services, such as health, nutrition, and other social services, if such services are not otherwise available to eligible students. In doing so, the school must have engaged in a comprehensive needs assessment and established a collaborative partnership with local service providers and determined that no other funds from other sources are reasonably available to provide such services.

- **English Language Acquisition Program (Title III, Part A of the ESEA).** Under Title III, Part A, SEAs award subgrants to LEAs to provide supplemental services to English learners, which may include immigrant students.³ Among other activities, Title III, Part A funds can be used to supplement language instruction educational programs (LIEPs) and activities that increase the knowledge and skills of teachers who serve English learners. In addition, each SEA is required to reserve funds (up to fifteen percent of its Title III allocation) to make at least one subgrant to an LEA that experienced a significant

² An individual is eligible for services under Title II of WIOA if they are at least 16 years of age; are not enrolled or required to be enrolled in secondary school under State law; and are basic skills deficient, do not have a secondary school diploma or its recognized equivalent, or are an English language learner. Section 203(4) of WIOA.

³ English learner – The term “English learner,” when used with respect to an individual, means an individual — (A) who is aged 3 through 21; (B) who is enrolled or preparing to enroll in an elementary school or secondary school; (C)(i) who was not born in the United States or whose native language is a language other than English; (ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and (II) who comes from an environment where a language other than English has had a significant impact on the individual’s level of English language proficiency; or (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual — (i) the ability to meet the challenging State academic standards; (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or (iii) the opportunity to participate fully in society. (ESEA section 8101(20)). English learners with disabilities – The phrase “English learners with disabilities” refers to English learners who are also “children with disabilities” under the IDEA, as defined in section 602(3) of that Act and 34 C.F.R. § 300.8.

increase in the percentage or number of immigrant children and youth (ESEA section 3114(d)).⁴ These subgrants help support immigrant children and youth to attain English proficiency and develop high levels of academic achievement in English. SEAs have flexibility in determining what constitutes a “significant increase” in immigrant children and youth.

- **Education for Homeless Children and Youth (EHCY).** The Education for Homeless Children and Youth (EHCY) program is authorized under Title VII-B of the McKinney-Vento Homeless Assistance Act (McKinney-Vento Act). The purpose of the EHCY program is to ensure that children and youth experiencing homelessness have equal access to the same free, appropriate public education, including a public preschool education, as other children and youth. Under the McKinney-Vento Act, children and youth are considered to be experiencing homelessness—and therefore eligible for McKinney-Vento services—if they “lack a fixed, regular, and adequate nighttime residence,” which includes children and youth who are sharing the housing of others due to loss of housing, economic hardship, or a similar reason; living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; living in emergency or transitional shelters; or living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings. (McKinney Vento Act section 725(2)). Immigrant, refugee, and asylee students who meet this definition may be served under EHCY subgrant awards. Some allowable uses of funds include: (1) defraying the excess cost of school of origin transportation, including for school-sponsored extracurricular and family engagement activities; (2) tutoring, counseling, and management of referrals to health care and other necessary services; and (3) the provision of other extraordinary or emergency assistance needed to enable children and youth experiencing homelessness to attend school and participate fully in school activities, which can include items such as hygiene products, school supplies, and clothing. (McKinney-Vento Act section 723(d)). Additionally, each SEA can reserve up to 25 percent of its McKinney-Vento funds each year for State-level activities, which the State may use to support targeted programs that address the needs of immigrant children experiencing homelessness.
- **Student Support and Academic Enrichment Program (Title IV-A of the ESEA).** The Title IV-A program is intended to improve students’ academic achievement by increasing the capacity of States, LEAs, schools, and local communities to (1) provide all students with access to a well-rounded education, (2) improve school conditions for student learning, and (3) improve the use of technology in order to improve the academic achievement and digital literacy of all students. LEAs may use Title IV-A funds to support immigrant students depending on activity type.
- **Discretionary Grants.** The Department has a number of competitive grant programs that support activities that can serve immigrant children. These include programs that fund full-service community schools, mental health professionals in schools, and

⁴ Section 3201(5) of the ESEA defines “immigrant children and youth” as individuals who: (A) are aged 3 through 21; (B) were not born in any State; and (C) have not been attending one or more schools in any one or more States for more than 3 full academic years. Note that “State” is defined in section 3201(13) of the ESEA to include the 50 States, the District of Columbia, and Puerto Rico.

comprehensive services. LEAs and other eligible entities can apply for these programs and provide services to immigrant students with the funding they are awarded. For example, the [National Professional Development](#) (NPD) grants program under Title III of the ESEA supports professional development activities that are designed to improve classroom instruction for students who are English learners and assist educational personnel working with such children to meet high professional standards, including standards for certification and licensure as teachers who work in LIEPs or serve students who are ELs. These grants may be used to help train teachers and school leaders on how to best serve immigrant children who are English learners.

- **Workforce Innovation and Opportunity Act.** Title II of WIOA, the Adult Education and Family Literacy Act, funds adult education and literacy activities, including adult basic and secondary education, English language acquisition, and integrated English literacy and civics education. Immigrants are eligible regardless of immigration status or employment authorization, unless restricted by the State, provided they meet the law's eligibility requirements.

SEAs and LEAs are also encouraged to coordinate efforts with State and local agencies for additional funding and housing, health, and child welfare services that may be available to support immigrant students. Furthermore, LEAs are encouraged to provide whole child supports for students, including mental health supports for students who may have experienced trauma.

Thank you for your work to advance the educational needs of our students. We are eager to continue to partner with you as you address the needs of your school communities, including recently arrived immigrant students and their families.

Sincerely,

A handwritten signature in blue ink that reads "Miguel A. Cardona". The signature is fluid and cursive, with the first name "Miguel" being the most prominent part.

Miguel A. Cardona, Ed.D.
U.S. Secretary of Education

From: [Lopez, Cal](#)
To: [Green, Cory](#)
Cc: [Davis, Nick](#)
Subject: FW: Letter from Secretary Cardona re: Serving Immigrant Students
Date: Monday, September 11, 2023 8:39:00 AM
Attachments: [image001.png](#)
[2023.09.06 Immigrant DCL.pdf](#)

Good morning,

I didn't know if you had received the email below. Wanted to make sure and send it your way.

Thanks,

Cal

From: ECHY State Coordinators <EHCYSTATECOORDINATORS@LISTSERV.ED.GOV> **On Behalf Of** Rooney, Patrick
Sent: Wednesday, September 6, 2023 10:21 AM
To: EHCYSTATECOORDINATORS@LISTSERV.ED.GOV
Subject: Letter from Secretary Cardona re: Serving Immigrant Students

[EXTERNAL EMAIL]

Dear colleagues,

Please see the letter below that was sent to chief state school officers earlier this morning. It is also available here: <https://oese.ed.gov/files/2023/09/2023.09.06-Immigrant-DCL.pdf>.

Best,
Patrick

From: Honeysett, Adam <Adam.Honeysett@ed.gov>
Sent: Wednesday, September 6, 2023 9:06 AM
Subject: Letter from Secretary Cardona re: Serving Immigrant Students

September 6, 2023

Dear Chief State School Officers:

As a nation predominantly of immigrants, America has benefited from the vitality, resolve, and enthusiasm of those seeking the American dream. Our history is enriched by people from all over the world who have brought their culture, language, and religion to our great nation. Immigrant students, including those seeking asylum, contribute to the very fabric of our country, and schools play a significant role in helping immigrant students adapt and thrive in their new communities. I write to you today to affirm school districts' responsibilities to serve immigrant students, announce our recently updated 2023 Newcomer Toolkit, and share federal resources that may support such students.

As you know, the Supreme Court of the United States held more than 40 years ago in the case of *Plyler v. Doe*, 457 U.S. 202 (1982) that all children in the United States have an equal right

to enroll and participate in public elementary and secondary schools without regard to their or their parents' or guardians' immigration status.¹ Public school districts may not deny access to an education to any child based on immigration status. It is a violation of federal law for districts to prohibit or discourage children from enrolling in public schools because the children or their parents or guardians are not U.S. citizens or do not have immigration documentation. Therefore, a local educational agency (LEA) must provide such a student with equal access to a public elementary and secondary education, regardless of their or their parent's actual or perceived national origin, citizenship, or immigration status, and determine whether the student is eligible, on the same basis as any other student, to participate in programs supported with local, State, and federal funds.

Recently, the Department of Education (Department) re-released the [Newcomer Toolkit](#), originally published in September 2016. This toolkit is a resource for State, local, and school leaders in supporting multilingual learners and general education educators who directly serve immigrant and refugee students. Each chapter includes (1) discussion of topics relevant to understanding, supporting, and engaging newcomer students and their families or guardians; (2) tools, research-based strategies, and examples of classroom and schoolwide practices in action; (3) professional learning activities for use in staff meetings or professional learning communities; and (4) resources for further information and assistance. In addition, the toolkit encourages asset-based and trauma-informed approaches and a focus on equity, inclusivity, and features the Dual Capacity Framework for building school-family partnerships. Additionally, the [English Learner toolkit](#) reminds educators of the civil rights of families of newcomer students.

The Department administers several programs, described below, that provide funds that may be used to support immigrant students, including programs for students who are identified as English learners. Each program can be used to provide services for immigrant students and/or English learners. Each has specific requirements and eligibility criteria, and we encourage you to review each program to understand how the program may be used to support these groups of students from pre-kindergarten to 12th grade and beyond.

As the end of the period of availability for the COVID-19 relief funding nears, we remind State educational agencies (SEAs) and their LEAs that they may use funds under the Elementary and Secondary School Emergency Relief (ESSER) Fund and the Governor's Emergency Education Relief (GEER) Fund to address the impact of the COVID-19 pandemic on immigrant students.

These funds may be used to provide professional development, assist with teacher recruitment, and support additional credentialing for educators, such as a bilingual endorsement. SEAs and LEAs may use these funds to provide for translation and interpretation services and to develop culturally and linguistically relevant instructional materials for recently arrived students and develop materials to assess children in their native language, including assessments used in special education evaluations, if needed, as part of the response to the COVID-19 pandemic, including to address learning loss. For example, Central Falls School District in Rhode Island used its American Rescue Plan (ARP) ESSER and ARP State administrative funds to implement afterschool language learning academies across all five of the LEA's K-12 campuses, adding two hours of English learning to the daily schedule. Funds under the Coronavirus Response and Relief Supplemental Appropriations Act must be obligated no later than September 30, 2023, whereas funds under the ARP Act must be obligated no later than September 30, 2024.

Additionally, the American Rescue Plan Elementary and Secondary School Emergency Relief – Homeless Children and Youth (ARP-HCY) funds provide \$800 million for SEAs and LEAs to identify and support students experiencing homelessness, including immigrant, refugee, and asylee students (if identified as homeless by a homeless liaison or designee). These funds may be used by States to address urgent needs of children and youth experiencing homelessness—including academic, social, emotional, and mental health needs. The funds must be obligated by September 30, 2024. Of this funding, up to 25 percent may be reserved by the SEA for State activities, which could include serving the unique needs of immigrant students who are experiencing homelessness. For more information on allowability, see this [letter](#); for additional information on serving immigrant, asylum and evacuee students under the McKinney-Vento Homeless Assistance Act please see this [letter](#).

The Elementary and Secondary Education Act of 1965 (ESEA) and the Individuals with Disabilities Education Act (IDEA) also establish a number of programs under which funds may be used to provide supports and services to immigrant students, including those also identified as students with disabilities. Additionally, Title II of the Workforce Innovation and Opportunity Act (WIOA) provides federal funding for adult education and literacy activities, including English language acquisition and integrated English literacy and civics education.² For more information about how some of the Department’s largest grant programs can be used to support the needs of immigrant children, please see the Department’s January 2022 [letter](#) regarding serving students who are Afghan evacuees. While the guidance in this letter was focused on Afghan evacuees, the information provided is applicable to supporting all immigrant students.

Select programs that may support immigrant students include:

- **Title I, Part A of the ESEA.** Under Title I, Part A (Title I) SEAs award subgrant to LEAs to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps. All immigrant students, including newly arrived students, are entitled to participate in Title I on the same basis as any other student. Therefore, a school must not consider a student’s immigration status in determining eligibility for Title I services (i.e., all students in a schoolwide program under ESEA section 1114 and low-achieving students in a targeted assistance program under ESEA section 1115).

Under ESEA section 1115(e)(2), a Title I school that operates a targeted assistance program may use a portion of its Title I funds to provide comprehensive services, such as health, nutrition, and other social services, if such services are not otherwise available to eligible students. In doing so, the school must have engaged in a comprehensive needs assessment and established a collaborative partnership with local service providers and determined that no other funds from other sources are reasonably available to provide such services.

- **English Language Acquisition Program (Title III, Part A of the ESEA).** Under Title III, Part A, SEAs award subgrants to LEAs to provide supplemental services to English learners, which may include immigrant students.³ Among other activities, Title III, Part A funds can be used to supplement language instruction educational programs (LIEPs) and activities that increase the knowledge and skills of teachers who serve English

learners. In addition, each SEA is required to reserve funds (up to fifteen percent of its Title III allocation) to make at least one subgrant to an LEA that experienced a significant increase in the percentage or number of immigrant children and youth (ESEA section 3114(d)).⁴ These subgrants help support immigrant children and youth to attain English proficiency and develop high levels of academic achievement in English. SEAs have flexibility in determining what constitutes a “significant increase” in immigrant children and youth.

- **Education for Homeless Children and Youth (EHCY).** The Education for Homeless Children and Youth (EHCY) program is authorized under Title VII-B of the McKinney-Vento Homeless Assistance Act (McKinney-Vento Act). The purpose of the EHCY program is to ensure that children and youth experiencing homelessness have equal access to the same free, appropriate public education, including a public preschool education, as other children and youth. Under the McKinney-Vento Act, children and youth are considered to be experiencing homelessness—and therefore eligible for McKinney-Vento services—if they “lack a fixed, regular, and adequate nighttime residence,” which includes children and youth who are sharing the housing of others due to loss of housing, economic hardship, or a similar reason; living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; living in emergency or transitional shelters; or living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings. (McKinney Vento Act section 725(2)). Immigrant, refugee, and asylee students who meet this definition may be served under EHCY subgrant awards. Some allowable uses of funds include: (1) defraying the excess cost of school of origin transportation, including for school-sponsored extracurricular and family engagement activities; (2) tutoring, counseling, and management of referrals to health care and other necessary services; and (3) the provision of other extraordinary or emergency assistance needed to enable children and youth experiencing homelessness to attend school and participate fully in school activities, which can include items such as hygiene products, school supplies, and clothing. (McKinney-Vento Act section 723(d)). Additionally, each SEA can reserve up to 25 percent of its McKinney-Vento funds each year for State-level activities, which the State may use to support targeted programs that address the needs of immigrant children experiencing homelessness.
- **Student Support and Academic Enrichment Program (Title IV-A of the ESEA).** The Title IV-A program is intended to improve students’ academic achievement by increasing the capacity of States, LEAs, schools, and local communities to (1) provide all students with access to a well-rounded education, (2) improve school conditions for student learning, and (3) improve the use of technology in order to improve the academic achievement and digital literacy of all students. LEAs may use Title IV-A funds to support immigrant students depending on activity type.
- **Discretionary Grants.** The Department has a number of competitive grant programs that support activities that can serve immigrant children. These include programs that fund full-service community schools, mental health professionals in schools, and

comprehensive services. LEAs and other eligible entities can apply for these programs and provide services to immigrant students with the funding they are awarded. For example, the [National Professional Development](#) (NPD) grants program under Title III of the ESEA supports professional development activities that are designed to improve classroom instruction for students who are English learners and assist educational personnel working with such children to meet high professional standards, including standards for certification and licensure as teachers who work in LIEPs or serve students who are ELs. These grants may be used to help train teachers and school leaders on how to best serve immigrant children who are English learners.

- **Workforce Innovation and Opportunity Act.** Title II of WIOA, the Adult Education and Family Literacy Act, funds adult education and literacy activities, including adult basic and secondary education, English language acquisition, and integrated English literacy and civics education. Immigrants are eligible regardless of immigration status or employment authorization, unless restricted by the State, provided they meet the law’s eligibility requirements.

SEAs and LEAs are also encouraged to coordinate efforts with State and local agencies for additional funding and housing, health, and child welfare services that may be available to support immigrant students. Furthermore, LEAs are encouraged to provide whole child supports for students, including mental health supports for students who may have experienced trauma.

Thank you for your work to advance the educational needs of our students. We are eager to continue to partner with you as you address the needs of your school communities, including recently arrived immigrant students and their families.

Sincerely,



Miguel A. Cardona, Ed.D.
U.S. Secretary of Education

[1] For more information, see U.S. Department of Justice & U.S. Department of Education, Dear Colleague Letter to School Districts to Ensure Equal Access for All Children to Public Schools Regardless of Immigration Status, May 2014, available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201405.pdf>; U.S. Department of Justice & U.S. Department of Education, Confronting Discrimination Based on National Origin and Immigration Status, August 2021, available at <https://www2.ed.gov/about/offices/list/ocr/docs/confronting-discrimination-national-origin-immigration-status>; U.S. Department of Justice & U.S. Department of Education, Protecting Access to Education for Migratory Children, June 2023, available at www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-migratory-children-202306.pdf; U.S. Department of Justice & U.S. Department of Education, Protecting Access to Education for Unaccompanied Children, June 2023, available at www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-unaccompanied-children-202306.pdf.

² An individual is eligible for services under Title II of WIOA if they are at least 16 years of age; are not enrolled or required to be enrolled in secondary school under State law; and are basic skills deficient, do not have a secondary school diploma or its recognized equivalent, or are an English language learner. Section 203(4) of WIOA.

³ English learner – The term “English learner,” when used with respect to an individual, means an individual — (A)

who is aged 3 through 21; (B) who is enrolled or preparing to enroll in an elementary school or secondary school; (C)(i) who was not born in the United States or whose native language is a language other than English; (ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and (II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual — (i) the ability to meet the challenging State academic standards; (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or (iii) the opportunity to participate fully in society. (ESEA section 8101(20)). English learners with disabilities – The phrase “English learners with disabilities” refers to English learners who are also “children with disabilities” under the IDEA, as defined in section 602(3) of that Act and 34 C.F.R. § 300.8.

⁴ Section 3201(5) of the ESEA defines “immigrant children and youth” as individuals who: (A) are aged 3 through 21; (B) were not born in any State; and (C) have not been attending one or more schools in any one or more States for more than 3 full academic years. Note that “State” is defined in section 3201(13) of the ESEA to include the 50 States, the District of Columbia, and Puerto Rico.

Subject: CMM Member Meeting
Location: State Insurance Building

Start: Wednesday, October 18, 2023 2:00 PM EDT
End: Wednesday, October 18, 2023 3:00 PM EDT
Show Time As: Tentative

Recurrence: None

Meeting Status: Not yet responded

Organizer: Morath, Mike

Required Attendees: Harrington, Sarah <Sarah.Harrington@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Byer, Von <Von.Byer@tea.texas.gov>; madison.yandell@gov.texas.gov <madison.yandell@gov.texas.gov>

Subject: FW: Meeting

Start: Monday, June 05, 2023 12:00 PM EDT

End: Monday, June 05, 2023 12:30 PM EDT

Show Time As: Tentative

Recurrence: None

Meeting Status: Not yet responded

Organizer: Angela Colmenero

Required Attendees: Marin, Eric <Eric.Marin@tea.texas.gov>

From: Angela Colmenero <Angela.Colmenero@gov.texas.gov>

Sent: Monday, June 5, 2023 2:49:45 PM (UTC) Coordinated Universal Time

To: Angela Colmenero <Angela.Colmenero@gov.texas.gov>; Byer, Von <Von.Byer@tea.texas.gov>; Madison Yandell <madison.yandell@gov.texas.gov>

Subject: Meeting

When: Monday, June 5, 2023 4:00 PM-4:30 PM.

Where:

[EXTERNAL EMAIL]

Madison and Angela will call Von.

From: [Huerta, Jaime](#)
To: [Lashlee, Matt](#)
Subject: FW: Letter from Secretary Cardona re: Serving Immigrant Students
Date: Thursday, September 7, 2023 9:26:00 AM
Attachments: [image001.png](#)
[2023.09.06 Immigrant DCL.pdf](#)
[image005.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Matt,

Just sharing correspondence received from USDE related to serving immigrant students.

Let me know if you have any next steps we should take with this correspondence.

Sincerely,

Jaime



Jaime Huerta

Division Director

State Director – Title I, Part A; Title IV, Part A

Federal Program Compliance Division

512-463-9310

jaime.huerta@tea.texas.gov

TEA.Texas.gov

IMPORTANT NOTICE: This communication, and any attachments may contain confidential or privileged information under §552.139 of the Texas Public Information Act and/or other applicable state and federal laws. Because of the secure content, this message is intended solely for the use of the addressees named above. If you have received this message in error, please notify the sender immediately, delete this email from your system, and destroy any copies you have made of this communication or any attachments. Recipients may not use, copy, disclose, or forward this communication to unauthorized persons, and must segregate copies of this email and any attachments from any publicly accessible records. Unauthorized interception of this email may be prosecuted as a violation of federal criminal law.

From: TITLEIDIRECT <TITLEIDIRECT@LISTSERV.ED.GOV> **On Behalf Of** Rooney, Patrick
Sent: Wednesday, September 6, 2023 10:21 AM
To: TITLEIDIRECT@LISTSERV.ED.GOV
Subject: [TITLEIDIRECT] Letter from Secretary Cardona re: Serving Immigrant Students

[EXTERNAL EMAIL]

Dear colleagues,

Please see the letter below that was sent to chief state school officers earlier this morning. It is also available here: <https://oese.ed.gov/files/2023/09/2023.09.06-Immigrant-DCL.pdf>.

Best,
Patrick

From: Honeysett, Adam <Adam.Honeysett@ed.gov>

Sent: Wednesday, September 6, 2023 9:06 AM

Subject: Letter from Secretary Cardona re: Serving Immigrant Students

September 6, 2023

Dear Chief State School Officers:

As a nation predominantly of immigrants, America has benefited from the vitality, resolve, and enthusiasm of those seeking the American dream. Our history is enriched by people from all over the world who have brought their culture, language, and religion to our great nation. Immigrant students, including those seeking asylum, contribute to the very fabric of our country, and schools play a significant role in helping immigrant students adapt and thrive in their new communities. I write to you today to affirm school districts' responsibilities to serve immigrant students, announce our recently updated 2023 Newcomer Toolkit, and share federal resources that may support such students.

As you know, the Supreme Court of the United States held more than 40 years ago in the case of *Plyler v. Doe*, 457 U.S. 202 (1982) that all children in the United States have an equal right to enroll and participate in public elementary and secondary schools without regard to their or their parents' or guardians' immigration status.¹ Public school districts may not deny access to an education to any child based on immigration status. It is a violation of federal law for districts to prohibit or discourage children from enrolling in public schools because the children or their parents or guardians are not U.S. citizens or do not have immigration documentation. Therefore, a local educational agency (LEA) must provide such a student with equal access to a public elementary and secondary education, regardless of their or their parent's actual or perceived national origin, citizenship, or immigration status, and determine whether the student is eligible, on the same basis as any other student, to participate in programs supported with local, State, and federal funds.

Recently, the Department of Education (Department) re-released the [Newcomer Toolkit](#), originally published in September 2016. This toolkit is a resource for State, local, and school leaders in supporting multilingual learners and general education educators who directly serve immigrant and refugee students. Each chapter includes (1) discussion of topics relevant to understanding, supporting, and engaging newcomer students and their families or guardians; (2) tools, research-based strategies, and examples of classroom and schoolwide practices in action; (3) professional learning activities for use in staff meetings or professional learning communities; and (4) resources for further information and assistance. In addition, the toolkit encourages asset-based and trauma-informed approaches and a focus on equity, inclusivity, and features the Dual Capacity Framework for building school-family partnerships. Additionally, the [English Learner toolkit](#) reminds educators of the civil rights of families of newcomer students.

The Department administers several programs, described below, that provide funds that may be used to support immigrant students, including programs for students who are identified as English learners. Each program can be used to provide services for immigrant students and/or English learners. Each has specific requirements and eligibility criteria, and we encourage you to review each program to understand how the program may be used to support these groups of students from pre-kindergarten to 12th grade and beyond.

As the end of the period of availability for the COVID-19 relief funding nears, we remind State educational agencies (SEAs) and their LEAs that they may use funds under the Elementary and Secondary School Emergency Relief (ESSER) Fund and the Governor’s Emergency Education Relief (GEER) Fund to address the impact of the COVID-19 pandemic on immigrant students.

These funds may be used to provide professional development, assist with teacher recruitment, and support additional credentialing for educators, such as a bilingual endorsement. SEAs and LEAs may use these funds to provide for translation and interpretation services and to develop culturally and linguistically relevant instructional materials for recently arrived students and develop materials to assess children in their native language, including assessments used in special education evaluations, if needed, as part of the response to the COVID-19 pandemic, including to address learning loss. For example, Central Falls School District in Rhode Island used its American Rescue Plan (ARP) ESSER and ARP State administrative funds to implement afterschool language learning academies across all five of the LEA’s K-12 campuses, adding two hours of English learning to the daily schedule. Funds under the Coronavirus Response and Relief Supplemental Appropriations Act must be obligated no later than September 30, 2023, whereas funds under the ARP Act must be obligated no later than September 30, 2024.

Additionally, the American Rescue Plan Elementary and Secondary School Emergency Relief – Homeless Children and Youth (ARP-HCY) funds provide \$800 million for SEAs and LEAs to identify and support students experiencing homelessness, including immigrant, refugee, and asylee students (if identified as homeless by a homeless liaison or designee). These funds may be used by States to address urgent needs of children and youth experiencing homelessness—including academic, social, emotional, and mental health needs. The funds must be obligated by September 30, 2024. Of this funding, up to 25 percent may be reserved by the SEA for State activities, which could include serving the unique needs of immigrant students who are experiencing homelessness. For more information on allowability, see this [letter](#); for additional information on serving immigrant, asylum and evacuee students under the McKinney-Vento Homeless Assistance Act please see this [letter](#).

The Elementary and Secondary Education Act of 1965 (ESEA) and the Individuals with Disabilities Education Act (IDEA) also establish a number of programs under which funds may be used to provide supports and services to immigrant students, including those also identified as students with disabilities. Additionally, Title II of the Workforce Innovation and Opportunity Act (WIOA) provides federal funding for adult education and literacy activities, including English language acquisition and integrated English literacy and civics education.² For more information about how some of the Department’s largest grant programs can be used to support the needs of immigrant children, please see the Department’s January 2022 [letter](#) regarding serving students who are Afghan evacuees. While the guidance in this letter was focused on Afghan evacuees, the information provided is applicable to supporting all immigrant students.

Select programs that may support immigrant students include:

- **Title I, Part A of the ESEA.** Under Title I, Part A (Title I) SEAs award subgrant to LEAs to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps. All immigrant students, including newly arrived students, are entitled to participate in Title I on the

same basis as any other student. Therefore, a school must not consider a student's immigration status in determining eligibility for Title I services (i.e., all students in a schoolwide program under ESEA section 1114 and low-achieving students in a targeted assistance program under ESEA section 1115).

Under ESEA section 1115(e)(2), a Title I school that operates a targeted assistance program may use a portion of its Title I funds to provide comprehensive services, such as health, nutrition, and other social services, if such services are not otherwise available to eligible students. In doing so, the school must have engaged in a comprehensive needs assessment and established a collaborative partnership with local service providers and determined that no other funds from other sources are reasonably available to provide such services.

- **English Language Acquisition Program (Title III, Part A of the ESEA).** Under Title III, Part A, SEAs award subgrants to LEAs to provide supplemental services to English learners, which may include immigrant students.³ Among other activities, Title III, Part A funds can be used to supplement language instruction educational programs (LIEPs) and activities that increase the knowledge and skills of teachers who serve English learners. In addition, each SEA is required to reserve funds (up to fifteen percent of its Title III allocation) to make at least one subgrant to an LEA that experienced a significant increase in the percentage or number of immigrant children and youth (ESEA section 3114(d)).⁴ These subgrants help support immigrant children and youth to attain English proficiency and develop high levels of academic achievement in English. SEAs have flexibility in determining what constitutes a “significant increase” in immigrant children and youth.
- **Education for Homeless Children and Youth (EHCY).** The Education for Homeless Children and Youth (EHCY) program is authorized under Title VII-B of the McKinney-Vento Homeless Assistance Act (McKinney-Vento Act). The purpose of the EHCY program is to ensure that children and youth experiencing homelessness have equal access to the same free, appropriate public education, including a public preschool education, as other children and youth. Under the McKinney-Vento Act, children and youth are considered to be experiencing homelessness—and therefore eligible for McKinney-Vento services—if they “lack a fixed, regular, and adequate nighttime residence,” which includes children and youth who are sharing the housing of others due to loss of housing, economic hardship, or a similar reason; living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; living in emergency or transitional shelters; or living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings. (McKinney Vento Act section 725(2)). Immigrant, refugee, and asylee students who meet this definition may be served under EHCY subgrant awards. Some allowable uses of funds include: (1) defraying the excess cost of school of origin transportation, including for school-sponsored extracurricular and family engagement activities; (2) tutoring, counseling, and management of referrals to health care and other necessary services; and (3) the provision of other extraordinary or emergency assistance needed to enable children and youth experiencing homelessness to attend school and

participate fully in school activities, which can include items such as hygiene products, school supplies, and clothing. (McKinney-Vento Act section 723(d)). Additionally, each SEA can reserve up to 25 percent of its McKinney-Vento funds each year for State-level activities, which the State may use to support targeted programs that address the needs of immigrant children experiencing homelessness.

- **Student Support and Academic Enrichment Program (Title IV-A of the ESEA).** The Title IV-A program is intended to improve students' academic achievement by increasing the capacity of States, LEAs, schools, and local communities to (1) provide all students with access to a well-rounded education, (2) improve school conditions for student learning, and (3) improve the use of technology in order to improve the academic achievement and digital literacy of all students. LEAs may use Title IV-A funds to support immigrant students depending on activity type.
- **Discretionary Grants.** The Department has a number of competitive grant programs that support activities that can serve immigrant children. These include programs that fund full-service community schools, mental health professionals in schools, and comprehensive services. LEAs and other eligible entities can apply for these programs and provide services to immigrant students with the funding they are awarded. For example, the [National Professional Development](#) (NPD) grants program under Title III of the ESEA supports professional development activities that are designed to improve classroom instruction for students who are English learners and assist educational personnel working with such children to meet high professional standards, including standards for certification and licensure as teachers who work in LIEPs or serve students who are ELs. These grants may be used to help train teachers and school leaders on how to best serve immigrant children who are English learners.
- **Workforce Innovation and Opportunity Act.** Title II of WIOA, the Adult Education and Family Literacy Act, funds adult education and literacy activities, including adult basic and secondary education, English language acquisition, and integrated English literacy and civics education. Immigrants are eligible regardless of immigration status or employment authorization, unless restricted by the State, provided they meet the law's eligibility requirements.

SEAs and LEAs are also encouraged to coordinate efforts with State and local agencies for additional funding and housing, health, and child welfare services that may be available to support immigrant students. Furthermore, LEAs are encouraged to provide whole child supports for students, including mental health supports for students who may have experienced trauma.

Thank you for your work to advance the educational needs of our students. We are eager to continue to partner with you as you address the needs of your school communities, including recently arrived immigrant students and their families.

Sincerely,



Miguel A. Cardona, Ed.D.
U.S. Secretary of Education

[1] For more information, see U.S. Department of Justice & U.S. Department of Education, Dear Colleague Letter to School Districts to Ensure Equal Access for All Children to Public Schools Regardless of Immigration Status, May 2014, available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201405.pdf>; U.S. Department of Justice & U.S. Department of Education, Confronting Discrimination Based on National Origin and Immigration Status, August 2021, available at <https://www2.ed.gov/about/offices/list/ocr/docs/confronting-discrimination-national-origin-immigration-status>; U.S. Department of Justice & U.S. Department of Education, Protecting Access to Education for Migratory Children, June 2023, available at www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-migratory-children-202306.pdf; U.S. Department of Justice & U.S. Department of Education, Protecting Access to Education for Unaccompanied Children, June 2023, available at www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-unaccompanied-children-202306.pdf.

² An individual is eligible for services under Title II of WIOA if they are at least 16 years of age; are not enrolled or required to be enrolled in secondary school under State law; and are basic skills deficient, do not have a secondary school diploma or its recognized equivalent, or are an English language learner. Section 203(4) of WIOA.

³ English learner – The term “English learner,” when used with respect to an individual, means an individual — (A) who is aged 3 through 21; (B) who is enrolled or preparing to enroll in an elementary school or secondary school; (C)(i) who was not born in the United States or whose native language is a language other than English; (ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and (II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual — (i) the ability to meet the challenging State academic standards; (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or (iii) the opportunity to participate fully in society. (ESEA section 8101(20)). English learners with disabilities – The phrase “English learners with disabilities” refers to English learners who are also “children with disabilities” under the IDEA, as defined in section 602(3) of that Act and 34 C.F.R. § 300.8.

⁴ Section 3201(5) of the ESEA defines “immigrant children and youth” as individuals who: (A) are aged 3 through 21; (B) were not born in any State; and (C) have not been attending one or more schools in any one or more States for more than 3 full academic years. Note that “State” is defined in section 3201(13) of the ESEA to include the 50 States, the District of Columbia, and Puerto Rico.



THE SECRETARY OF EDUCATION
WASHINGTON, DC 20202

September 6, 2023

Dear Chief State School Officers:

As a nation predominantly of immigrants, America has benefited from the vitality, resolve, and enthusiasm of those seeking the American dream. Our history is enriched by people from all over the world who have brought their culture, language, and religion to our great nation. Immigrant students, including those seeking asylum, contribute to the very fabric of our country, and schools play a significant role in helping immigrant students adapt and thrive in their new communities. I write to you today to affirm school districts' responsibilities to serve immigrant students, announce our recently updated 2023 Newcomer Toolkit, and share federal resources that may support such students.

As you know, the Supreme Court of the United States held more than 40 years ago in the case of *Plyler v. Doe*, 457 U.S. 202 (1982) that all children in the United States have an equal right to enroll and participate in public elementary and secondary schools without regard to their or their parents' or guardians' immigration status.¹ Public school districts may not deny access to an education to any child based on immigration status. It is a violation of federal law for districts to prohibit or discourage children from enrolling in public schools because the children or their parents or guardians are not U.S. citizens or do not have immigration documentation. Therefore, a local educational agency (LEA) must provide such a student with equal access to a public elementary and secondary education, regardless of their or their parent's actual or perceived national origin, citizenship, or immigration status, and determine whether the student is eligible, on the same basis as any other student, to participate in programs supported with local, State, and federal funds.

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¹ For more information, see U.S. Department of Justice & U.S. Department of Education, *Dear Colleague Letter to School Districts to Ensure Equal Access for All Children to Public Schools Regardless of Immigration Status*, May 2014, available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201405.pdf>; U.S. Department of Justice & U.S. Department of Education, *Confronting Discrimination Based on National Origin and Immigration Status*, August 2021, available at <https://www2.ed.gov/about/offices/list/ocr/docs/confronting-discrimination-national-origin-immigration-status>; U.S. Department of Justice & U.S. Department of Education, *Protecting Access to Education for Migratory Children*, June 2023, available at www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-migratory-children-202306.pdf; U.S. Department of Justice & U.S. Department of Education, *Protecting Access to Education for Unaccompanied Children*, June 2023, available at www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-unaccompanied-children-202306.pdf.

(3) professional learning activities for use in staff meetings or professional learning communities; and (4) resources for further information and assistance. In addition, the toolkit encourages asset-based and trauma-informed approaches and a focus on equity, inclusivity, and features the Dual Capacity Framework for building school-family partnerships. Additionally, the [English Learner toolkit](#) reminds educators of the civil rights of families of newcomer students.

The Department administers several programs, described below, that provide funds that may be used to support immigrant students, including programs for students who are identified as English learners. Each program can be used to provide services for immigrant students and/or English learners. Each has specific requirements and eligibility criteria, and we encourage you to review each program to understand how the program may be used to support these groups of students from pre-kindergarten to 12th grade and beyond.

As the end of the period of availability for the COVID-19 relief funding nears, we remind State educational agencies (SEAs) and their LEAs that they may use funds under the Elementary and Secondary School Emergency Relief (ESSER) Fund and the Governor’s Emergency Education Relief (GEER) Fund to address the impact of the COVID-19 pandemic on immigrant students. These funds may be used to provide professional development, assist with teacher recruitment, and support additional credentialing for educators, such as a bilingual endorsement. SEAs and LEAs may use these funds to provide for translation and interpretation services and to develop culturally and linguistically relevant instructional materials for recently arrived students and develop materials to assess children in their native language, including assessments used in special education evaluations, if needed, as part of the response to the COVID-19 pandemic, including to address learning loss. For example, Central Falls School District in Rhode Island used its American Rescue Plan (ARP) ESSER and ARP State administrative funds to implement afterschool language learning academies across all five of the LEA’s K-12 campuses, adding two hours of English learning to the daily schedule. Funds under the Coronavirus Response and Relief Supplemental Appropriations Act must be obligated no later than September 30, 2023, whereas funds under the ARP Act must be obligated no later than September 30, 2024.

Additionally, the American Rescue Plan Elementary and Secondary School Emergency Relief – Homeless Children and Youth (ARP-HCY) funds provide \$800 million for SEAs and LEAs to identify and support students experiencing homelessness, including immigrant, refugee, and asylee students (if identified as homeless by a homeless liaison or designee). These funds may be used by States to address urgent needs of children and youth experiencing homelessness—including academic, social, emotional, and mental health needs. The funds must be obligated by September 30, 2024. Of this funding, up to 25 percent may be reserved by the SEA for State activities, which could include serving the unique needs of immigrant students who are experiencing homelessness. For more information on allowability, see this [letter](#); for additional information on serving immigrant, asylum and evacuee students under the McKinney-Vento Homeless Assistance Act please see this [letter](#).

The Elementary and Secondary Education Act of 1965 (ESEA) and the Individuals with Disabilities Education Act (IDEA) also establish a number of programs under which funds may be used to provide supports and services to immigrant students, including those also identified as students with disabilities. Additionally, Title II of the Workforce Innovation and Opportunity Act

(WIOA) provides federal funding for adult education and literacy activities, including English language acquisition and integrated English literacy and civics education.² For more information about how some of the Department’s largest grant programs can be used to support the needs of immigrant children, please see the Department’s January 2022 [letter](#) regarding serving students who are Afghan evacuees. While the guidance in this letter was focused on Afghan evacuees, the information provided is applicable to supporting all immigrant students.

Select programs that may support immigrant students include:

- **Title I, Part A of the ESEA.** Under Title I, Part A (Title I) SEAs award subgrant to LEAs to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps. All immigrant students, including newly arrived students, are entitled to participate in Title I on the same basis as any other student. Therefore, a school must not consider a student’s immigration status in determining eligibility for Title I services (i.e., all students in a schoolwide program under ESEA section 1114 and low-achieving students in a targeted assistance program under ESEA section 1115).

Under ESEA section 1115(e)(2), a Title I school that operates a targeted assistance program may use a portion of its Title I funds to provide comprehensive services, such as health, nutrition, and other social services, if such services are not otherwise available to eligible students. In doing so, the school must have engaged in a comprehensive needs assessment and established a collaborative partnership with local service providers and determined that no other funds from other sources are reasonably available to provide such services.

- **English Language Acquisition Program (Title III, Part A of the ESEA).** Under Title III, Part A, SEAs award subgrants to LEAs to provide supplemental services to English learners, which may include immigrant students.³ Among other activities, Title III, Part A funds can be used to supplement language instruction educational programs (LIEPs) and activities that increase the knowledge and skills of teachers who serve English learners. In addition, each SEA is required to reserve funds (up to fifteen percent of its Title III allocation) to make at least one subgrant to an LEA that experienced a significant

² An individual is eligible for services under Title II of WIOA if they are at least 16 years of age; are not enrolled or required to be enrolled in secondary school under State law; and are basic skills deficient, do not have a secondary school diploma or its recognized equivalent, or are an English language learner. Section 203(4) of WIOA.

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increase in the percentage or number of immigrant children and youth (ESEA section 3114(d)).⁴ These subgrants help support immigrant children and youth to attain English proficiency and develop high levels of academic achievement in English. SEAs have flexibility in determining what constitutes a “significant increase” in immigrant children and youth.

- **Education for Homeless Children and Youth (EHCY).** The Education for Homeless Children and Youth (EHCY) program is authorized under Title VII-B of the McKinney-Vento Homeless Assistance Act (McKinney-Vento Act). The purpose of the EHCY program is to ensure that children and youth experiencing homelessness have equal access to the same free, appropriate public education, including a public preschool education, as other children and youth. Under the McKinney-Vento Act, children and youth are considered to be experiencing homelessness—and therefore eligible for McKinney-Vento services—if they “lack a fixed, regular, and adequate nighttime residence,” which includes children and youth who are sharing the housing of others due to loss of housing, economic hardship, or a similar reason; living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; living in emergency or transitional shelters; or living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings. (McKinney Vento Act section 725(2)). Immigrant, refugee, and asylee students who meet this definition may be served under EHCY subgrant awards. Some allowable uses of funds include: (1) defraying the excess cost of school of origin transportation, including for school-sponsored extracurricular and family engagement activities; (2) tutoring, counseling, and management of referrals to health care and other necessary services; and (3) the provision of other extraordinary or emergency assistance needed to enable children and youth experiencing homelessness to attend school and participate fully in school activities, which can include items such as hygiene products, school supplies, and clothing. (McKinney-Vento Act section 723(d)). Additionally, each SEA can reserve up to 25 percent of its McKinney-Vento funds each year for State-level activities, which the State may use to support targeted programs that address the needs of immigrant children experiencing homelessness.
- **Student Support and Academic Enrichment Program (Title IV-A of the ESEA).** The Title IV-A program is intended to improve students’ academic achievement by increasing the capacity of States, LEAs, schools, and local communities to (1) provide all students with access to a well-rounded education, (2) improve school conditions for student learning, and (3) improve the use of technology in order to improve the academic achievement and digital literacy of all students. LEAs may use Title IV-A funds to support immigrant students depending on activity type.
- **Discretionary Grants.** The Department has a number of competitive grant programs that support activities that can serve immigrant children. These include programs that fund full-service community schools, mental health professionals in schools, and

⁴ Section 3201(5) of the ESEA defines “immigrant children and youth” as individuals who: (A) are aged 3 through 21; (B) were not born in any State; and (C) have not been attending one or more schools in any one or more States for more than 3 full academic years. Note that “State” is defined in section 3201(13) of the ESEA to include the 50 States, the District of Columbia, and Puerto Rico.

comprehensive services. LEAs and other eligible entities can apply for these programs and provide services to immigrant students with the funding they are awarded. For example, the [National Professional Development](#) (NPD) grants program under Title III of the ESEA supports professional development activities that are designed to improve classroom instruction for students who are English learners and assist educational personnel working with such children to meet high professional standards, including standards for certification and licensure as teachers who work in LIEPs or serve students who are ELs. These grants may be used to help train teachers and school leaders on how to best serve immigrant children who are English learners.

- **Workforce Innovation and Opportunity Act.** Title II of WIOA, the Adult Education and Family Literacy Act, funds adult education and literacy activities, including adult basic and secondary education, English language acquisition, and integrated English literacy and civics education. Immigrants are eligible regardless of immigration status or employment authorization, unless restricted by the State, provided they meet the law's eligibility requirements.

SEAs and LEAs are also encouraged to coordinate efforts with State and local agencies for additional funding and housing, health, and child welfare services that may be available to support immigrant students. Furthermore, LEAs are encouraged to provide whole child supports for students, including mental health supports for students who may have experienced trauma.

Thank you for your work to advance the educational needs of our students. We are eager to continue to partner with you as you address the needs of your school communities, including recently arrived immigrant students and their families.

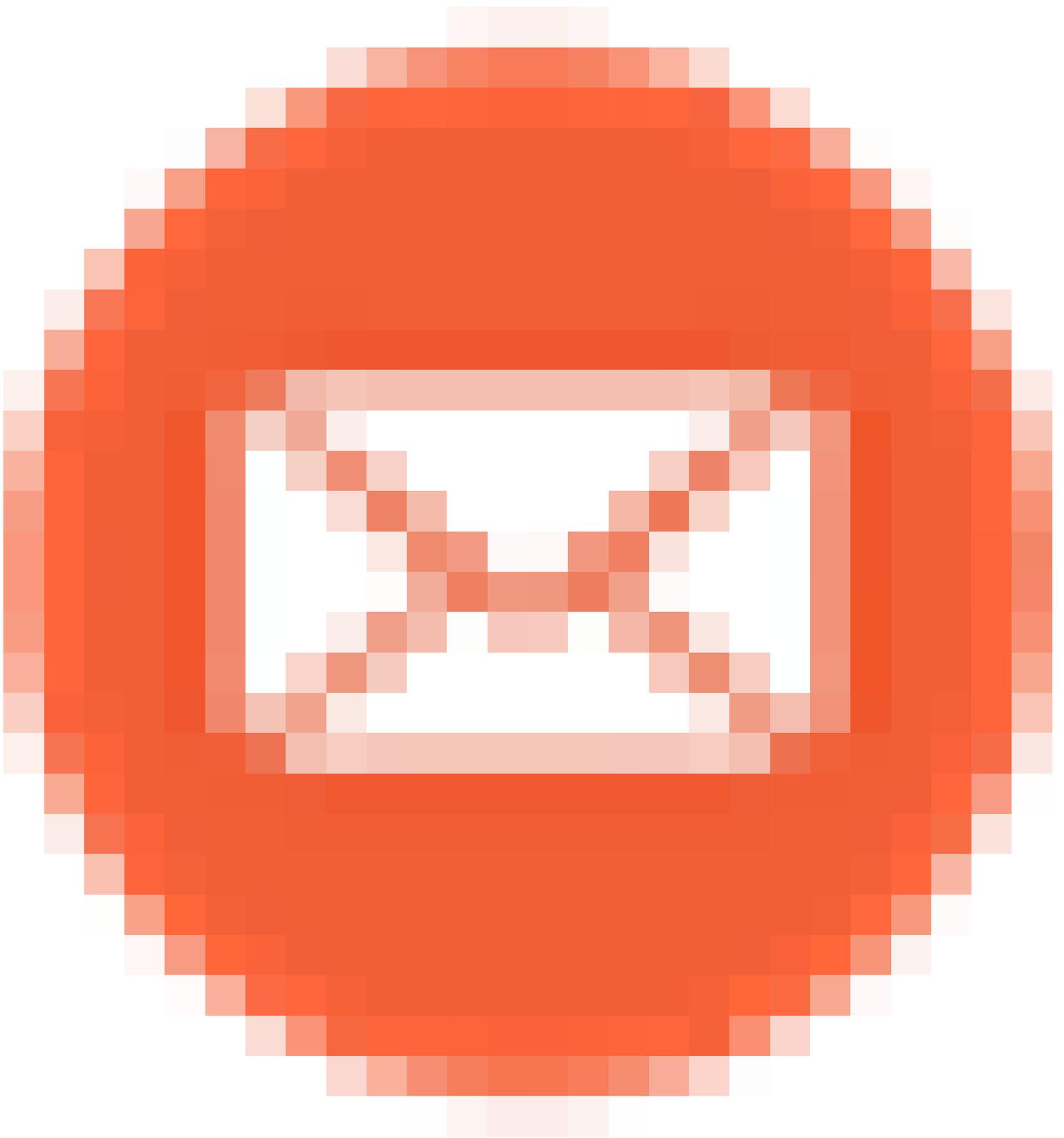
Sincerely,



Miguel A. Cardona, Ed.D.
U.S. Secretary of Education

Miguel A Cardona









From: [Lopez, Cal](#)
To: [Green, Cory](#)
Cc: [Davis, Nick](#)
Subject: FW: Letter from Secretary Cardona re: Serving Immigrant Students
Date: Monday, September 11, 2023 8:39:00 AM
Attachments: [image.png](#)
[2023.09.06-Immigrant-DCL.pdf](#)

Good morning,

I didn't know if you had received the email below. Wanted to make sure and send it your way.

Thanks,

Cal

From: ECHY State Coordinators <EHCYSTATECOORDINATORS@LISTSERV.ED.GOV> **On Behalf Of** Rooney, Patrick
Sent: Wednesday, September 6, 2023 10:21 AM
To: EHCYSTATECOORDINATORS@LISTSERV.ED.GOV
Subject: Letter from Secretary Cardona re: Serving Immigrant Students

[EXTERNAL EMAIL]

Dear colleagues,

Please see the letter below that was sent to chief state school officers earlier this morning. It is also available here: <https://oese.ed.gov/files/2023/09/2023.09.06-Immigrant-DCL.pdf>.

Best,
Patrick

From: Honeysett, Adam <Adam.Honeysett@ed.gov>
Sent: Wednesday, September 6, 2023 9:06 AM
Subject: Letter from Secretary Cardona re: Serving Immigrant Students

September 6, 2023

Dear Chief State School Officers:

As a nation predominantly of immigrants, America has benefited from the vitality, resolve, and enthusiasm of those seeking the American dream. Our history is enriched by people from all over the world who have brought their culture, language, and religion to our great nation. Immigrant students, including those seeking asylum, contribute to the very fabric of our country, and schools play a significant role in helping immigrant students adapt and thrive in their new communities. I write to you today to affirm school districts' responsibilities to serve immigrant students, announce our recently updated 2023 Newcomer Toolkit, and share federal resources that may support such students.

As you know, the Supreme Court of the United States held more than 40 years ago in the case of *Plyler v. Doe*, 457 U.S. 202 (1982) that all children in the United States have an equal right

to enroll and participate in public elementary and secondary schools without regard to their or their parents' or guardians' immigration status.¹ Public school districts may not deny access to an education to any child based on immigration status. It is a violation of federal law for districts to prohibit or discourage children from enrolling in public schools because the children or their parents or guardians are not U.S. citizens or do not have immigration documentation. Therefore, a local educational agency (LEA) must provide such a student with equal access to a public elementary and secondary education, regardless of their or their parent's actual or perceived national origin, citizenship, or immigration status, and determine whether the student is eligible, on the same basis as any other student, to participate in programs supported with local, State, and federal funds.

Recently, the Department of Education (Department) re-released the [Newcomer Toolkit](#), originally published in September 2016. This toolkit is a resource for State, local, and school leaders in supporting multilingual learners and general education educators who directly serve immigrant and refugee students. Each chapter includes (1) discussion of topics relevant to understanding, supporting, and engaging newcomer students and their families or guardians; (2) tools, research-based strategies, and examples of classroom and schoolwide practices in action; (3) professional learning activities for use in staff meetings or professional learning communities; and (4) resources for further information and assistance. In addition, the toolkit encourages asset-based and trauma-informed approaches and a focus on equity, inclusivity, and features the Dual Capacity Framework for building school-family partnerships. Additionally, the [English Learner toolkit](#) reminds educators of the civil rights of families of newcomer students.

The Department administers several programs, described below, that provide funds that may be used to support immigrant students, including programs for students who are identified as English learners. Each program can be used to provide services for immigrant students and/or English learners. Each has specific requirements and eligibility criteria, and we encourage you to review each program to understand how the program may be used to support these groups of students from pre-kindergarten to 12th grade and beyond.

As the end of the period of availability for the COVID-19 relief funding nears, we remind State educational agencies (SEAs) and their LEAs that they may use funds under the Elementary and Secondary School Emergency Relief (ESSER) Fund and the Governor's Emergency Education Relief (GEER) Fund to address the impact of the COVID-19 pandemic on immigrant students.

These funds may be used to provide professional development, assist with teacher recruitment, and support additional credentialing for educators, such as a bilingual endorsement. SEAs and LEAs may use these funds to provide for translation and interpretation services and to develop culturally and linguistically relevant instructional materials for recently arrived students and develop materials to assess children in their native language, including assessments used in special education evaluations, if needed, as part of the response to the COVID-19 pandemic, including to address learning loss. For example, Central Falls School District in Rhode Island used its American Rescue Plan (ARP) ESSER and ARP State administrative funds to implement afterschool language learning academies across all five of the LEA's K-12 campuses, adding two hours of English learning to the daily schedule. Funds under the Coronavirus Response and Relief Supplemental Appropriations Act must be obligated no later than September 30, 2023, whereas funds under the ARP Act must be obligated no later than September 30, 2024.

Additionally, the American Rescue Plan Elementary and Secondary School Emergency Relief – Homeless Children and Youth (ARP-HCY) funds provide \$800 million for SEAs and LEAs to identify and support students experiencing homelessness, including immigrant, refugee, and asylee students (if identified as homeless by a homeless liaison or designee). These funds may be used by States to address urgent needs of children and youth experiencing homelessness—including academic, social, emotional, and mental health needs. The funds must be obligated by September 30, 2024. Of this funding, up to 25 percent may be reserved by the SEA for State activities, which could include serving the unique needs of immigrant students who are experiencing homelessness. For more information on allowability, see this [letter](#); for additional information on serving immigrant, asylum and evacuee students under the McKinney-Vento Homeless Assistance Act please see this [letter](#).

The Elementary and Secondary Education Act of 1965 (ESEA) and the Individuals with Disabilities Education Act (IDEA) also establish a number of programs under which funds may be used to provide supports and services to immigrant students, including those also identified as students with disabilities. Additionally, Title II of the Workforce Innovation and Opportunity Act (WIOA) provides federal funding for adult education and literacy activities, including English language acquisition and integrated English literacy and civics education.² For more information about how some of the Department’s largest grant programs can be used to support the needs of immigrant children, please see the Department’s January 2022 [letter](#) regarding serving students who are Afghan evacuees. While the guidance in this letter was focused on Afghan evacuees, the information provided is applicable to supporting all immigrant students.

Select programs that may support immigrant students include:

- **Title I, Part A of the ESEA.** Under Title I, Part A (Title I) SEAs award subgrant to LEAs to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps. All immigrant students, including newly arrived students, are entitled to participate in Title I on the same basis as any other student. Therefore, a school must not consider a student’s immigration status in determining eligibility for Title I services (i.e., all students in a schoolwide program under ESEA section 1114 and low-achieving students in a targeted assistance program under ESEA section 1115).

Under ESEA section 1115(e)(2), a Title I school that operates a targeted assistance program may use a portion of its Title I funds to provide comprehensive services, such as health, nutrition, and other social services, if such services are not otherwise available to eligible students. In doing so, the school must have engaged in a comprehensive needs assessment and established a collaborative partnership with local service providers and determined that no other funds from other sources are reasonably available to provide such services.

- **English Language Acquisition Program (Title III, Part A of the ESEA).** Under Title III, Part A, SEAs award subgrants to LEAs to provide supplemental services to English learners, which may include immigrant students.³ Among other activities, Title III, Part A funds can be used to supplement language instruction educational programs (LIEPs) and activities that increase the knowledge and skills of teachers who serve English

learners. In addition, each SEA is required to reserve funds (up to fifteen percent of its Title III allocation) to make at least one subgrant to an LEA that experienced a significant increase in the percentage or number of immigrant children and youth (ESEA section 3114(d)).⁴ These subgrants help support immigrant children and youth to attain English proficiency and develop high levels of academic achievement in English. SEAs have flexibility in determining what constitutes a “significant increase” in immigrant children and youth.

- **Education for Homeless Children and Youth (EHCY).** The Education for Homeless Children and Youth (EHCY) program is authorized under Title VII-B of the McKinney-Vento Homeless Assistance Act (McKinney-Vento Act). The purpose of the EHCY program is to ensure that children and youth experiencing homelessness have equal access to the same free, appropriate public education, including a public preschool education, as other children and youth. Under the McKinney-Vento Act, children and youth are considered to be experiencing homelessness—and therefore eligible for McKinney-Vento services—if they “lack a fixed, regular, and adequate nighttime residence,” which includes children and youth who are sharing the housing of others due to loss of housing, economic hardship, or a similar reason; living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; living in emergency or transitional shelters; or living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings. (McKinney Vento Act section 725(2)). Immigrant, refugee, and asylee students who meet this definition may be served under EHCY subgrant awards. Some allowable uses of funds include: (1) defraying the excess cost of school of origin transportation, including for school-sponsored extracurricular and family engagement activities; (2) tutoring, counseling, and management of referrals to health care and other necessary services; and (3) the provision of other extraordinary or emergency assistance needed to enable children and youth experiencing homelessness to attend school and participate fully in school activities, which can include items such as hygiene products, school supplies, and clothing. (McKinney-Vento Act section 723(d)). Additionally, each SEA can reserve up to 25 percent of its McKinney-Vento funds each year for State-level activities, which the State may use to support targeted programs that address the needs of immigrant children experiencing homelessness.
- **Student Support and Academic Enrichment Program (Title IV-A of the ESEA).** The Title IV-A program is intended to improve students’ academic achievement by increasing the capacity of States, LEAs, schools, and local communities to (1) provide all students with access to a well-rounded education, (2) improve school conditions for student learning, and (3) improve the use of technology in order to improve the academic achievement and digital literacy of all students. LEAs may use Title IV-A funds to support immigrant students depending on activity type.
- **Discretionary Grants.** The Department has a number of competitive grant programs that support activities that can serve immigrant children. These include programs that fund full-service community schools, mental health professionals in schools, and

comprehensive services. LEAs and other eligible entities can apply for these programs and provide services to immigrant students with the funding they are awarded. For example, the [National Professional Development](#) (NPD) grants program under Title III of the ESEA supports professional development activities that are designed to improve classroom instruction for students who are English learners and assist educational personnel working with such children to meet high professional standards, including standards for certification and licensure as teachers who work in LIEPs or serve students who are ELs. These grants may be used to help train teachers and school leaders on how to best serve immigrant children who are English learners.

- **Workforce Innovation and Opportunity Act.** Title II of WIOA, the Adult Education and Family Literacy Act, funds adult education and literacy activities, including adult basic and secondary education, English language acquisition, and integrated English literacy and civics education. Immigrants are eligible regardless of immigration status or employment authorization, unless restricted by the State, provided they meet the law’s eligibility requirements.

SEAs and LEAs are also encouraged to coordinate efforts with State and local agencies for additional funding and housing, health, and child welfare services that may be available to support immigrant students. Furthermore, LEAs are encouraged to provide whole child supports for students, including mental health supports for students who may have experienced trauma.

Thank you for your work to advance the educational needs of our students. We are eager to continue to partner with you as you address the needs of your school communities, including recently arrived immigrant students and their families.

Sincerely,



Miguel A. Cardona, Ed.D.
U.S. Secretary of Education

[1] For more information, see U.S. Department of Justice & U.S. Department of Education, Dear Colleague Letter to School Districts to Ensure Equal Access for All Children to Public Schools Regardless of Immigration Status, May 2014, available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201405.pdf>; U.S. Department of Justice & U.S. Department of Education, Confronting Discrimination Based on National Origin and Immigration Status, August 2021, available at <https://www2.ed.gov/about/offices/list/ocr/docs/confronting-discrimination-national-origin-immigration-status>; U.S. Department of Justice & U.S. Department of Education, Protecting Access to Education for Migratory Children, June 2023, available at www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-migratory-children-202306.pdf; U.S. Department of Justice & U.S. Department of Education, Protecting Access to Education for Unaccompanied Children, June 2023, available at www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-unaccompanied-children-202306.pdf.

² An individual is eligible for services under Title II of WIOA if they are at least 16 years of age; are not enrolled or required to be enrolled in secondary school under State law; and are basic skills deficient, do not have a secondary school diploma or its recognized equivalent, or are an English language learner. Section 203(4) of WIOA.

³ English learner – The term “English learner,” when used with respect to an individual, means an individual — (A)

who is aged 3 through 21; (B) who is enrolled or preparing to enroll in an elementary school or secondary school; (C)(i) who was not born in the United States or whose native language is a language other than English; (ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and (II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual — (i) the ability to meet the challenging State academic standards; (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or (iii) the opportunity to participate fully in society. (ESEA section 8101(20)). English learners with disabilities – The phrase “English learners with disabilities” refers to English learners who are also “children with disabilities” under the IDEA, as defined in section 602(3) of that Act and 34 C.F.R. § 300.8.

⁴ Section 3201(5) of the ESEA defines “immigrant children and youth” as individuals who: (A) are aged 3 through 21; (B) were not born in any State; and (C) have not been attending one or more schools in any one or more States for more than 3 full academic years. Note that “State” is defined in section 3201(13) of the ESEA to include the 50 States, the District of Columbia, and Puerto Rico.



THE SECRETARY OF EDUCATION
WASHINGTON, DC 20202

September 6, 2023

Dear Chief State School Officers:

As a nation predominantly of immigrants, America has benefited from the vitality, resolve, and enthusiasm of those seeking the American dream. Our history is enriched by people from all over the world who have brought their culture, language, and religion to our great nation. Immigrant students, including those seeking asylum, contribute to the very fabric of our country, and schools play a significant role in helping immigrant students adapt and thrive in their new communities. I write to you today to affirm school districts' responsibilities to serve immigrant students, announce our recently updated 2023 Newcomer Toolkit, and share federal resources that may support such students.

As you know, the Supreme Court of the United States held more than 40 years ago in the case of *Plyler v. Doe*, 457 U.S. 202 (1982) that all children in the United States have an equal right to enroll and participate in public elementary and secondary schools without regard to their or their parents' or guardians' immigration status.¹ Public school districts may not deny access to an education to any child based on immigration status. It is a violation of federal law for districts to prohibit or discourage children from enrolling in public schools because the children or their parents or guardians are not U.S. citizens or do not have immigration documentation. Therefore, a local educational agency (LEA) must provide such a student with equal access to a public elementary and secondary education, regardless of their or their parent's actual or perceived national origin, citizenship, or immigration status, and determine whether the student is eligible, on the same basis as any other student, to participate in programs supported with local, State, and federal funds.

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¹ For more information, see U.S. Department of Justice & U.S. Department of Education, *Dear Colleague Letter to School Districts to Ensure Equal Access for All Children to Public Schools Regardless of Immigration Status*, May 2014, available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201405.pdf>; U.S. Department of Justice & U.S. Department of Education, *Confronting Discrimination Based on National Origin and Immigration Status*, August 2021, available at <https://www2.ed.gov/about/offices/list/ocr/docs/confronting-discrimination-national-origin-immigration-status>; U.S. Department of Justice & U.S. Department of Education, *Protecting Access to Education for Migratory Children*, June 2023, available at www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-migratory-children-202306.pdf; U.S. Department of Justice & U.S. Department of Education, *Protecting Access to Education for Unaccompanied Children*, June 2023, available at www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-unaccompanied-children-202306.pdf.

(3) professional learning activities for use in staff meetings or professional learning communities; and (4) resources for further information and assistance. In addition, the toolkit encourages asset-based and trauma-informed approaches and a focus on equity, inclusivity, and features the Dual Capacity Framework for building school-family partnerships. Additionally, the [English Learner toolkit](#) reminds educators of the civil rights of families of newcomer students.

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Additionally, the American Rescue Plan Elementary and Secondary School Emergency Relief – Homeless Children and Youth (ARP-HCY) funds provide \$800 million for SEAs and LEAs to identify and support students experiencing homelessness, including immigrant, refugee, and asylee students (if identified as homeless by a homeless liaison or designee). These funds may be used by States to address urgent needs of children and youth experiencing homelessness—including academic, social, emotional, and mental health needs. The funds must be obligated by September 30, 2024. Of this funding, up to 25 percent may be reserved by the SEA for State activities, which could include serving the unique needs of immigrant students who are experiencing homelessness. For more information on allowability, see this [letter](#); for additional information on serving immigrant, asylum and evacuee students under the McKinney-Vento Homeless Assistance Act please see this [letter](#).

The Elementary and Secondary Education Act of 1965 (ESEA) and the Individuals with Disabilities Education Act (IDEA) also establish a number of programs under which funds may be used to provide supports and services to immigrant students, including those also identified as students with disabilities. Additionally, Title II of the Workforce Innovation and Opportunity Act

(WIOA) provides federal funding for adult education and literacy activities, including English language acquisition and integrated English literacy and civics education.² For more information about how some of the Department’s largest grant programs can be used to support the needs of immigrant children, please see the Department’s January 2022 [letter](#) regarding serving students who are Afghan evacuees. While the guidance in this letter was focused on Afghan evacuees, the information provided is applicable to supporting all immigrant students.

Select programs that may support immigrant students include:

- **Title I, Part A of the ESEA.** Under Title I, Part A (Title I) SEAs award subgrant to LEAs to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps. All immigrant students, including newly arrived students, are entitled to participate in Title I on the same basis as any other student. Therefore, a school must not consider a student’s immigration status in determining eligibility for Title I services (i.e., all students in a schoolwide program under ESEA section 1114 and low-achieving students in a targeted assistance program under ESEA section 1115).

Under ESEA section 1115(e)(2), a Title I school that operates a targeted assistance program may use a portion of its Title I funds to provide comprehensive services, such as health, nutrition, and other social services, if such services are not otherwise available to eligible students. In doing so, the school must have engaged in a comprehensive needs assessment and established a collaborative partnership with local service providers and determined that no other funds from other sources are reasonably available to provide such services.

- **English Language Acquisition Program (Title III, Part A of the ESEA).** Under Title III, Part A, SEAs award subgrants to LEAs to provide supplemental services to English learners, which may include immigrant students.³ Among other activities, Title III, Part A funds can be used to supplement language instruction educational programs (LIEPs) and activities that increase the knowledge and skills of teachers who serve English learners. In addition, each SEA is required to reserve funds (up to fifteen percent of its Title III allocation) to make at least one subgrant to an LEA that experienced a significant

² An individual is eligible for services under Title II of WIOA if they are at least 16 years of age; are not enrolled or required to be enrolled in secondary school under State law; and are basic skills deficient, do not have a secondary school diploma or its recognized equivalent, or are an English language learner. Section 203(4) of WIOA.

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increase in the percentage or number of immigrant children and youth (ESEA section 3114(d)).⁴ These subgrants help support immigrant children and youth to attain English proficiency and develop high levels of academic achievement in English. SEAs have flexibility in determining what constitutes a “significant increase” in immigrant children and youth.

- **Education for Homeless Children and Youth (EHCY).** The Education for Homeless Children and Youth (EHCY) program is authorized under Title VII-B of the McKinney-Vento Homeless Assistance Act (McKinney-Vento Act). The purpose of the EHCY program is to ensure that children and youth experiencing homelessness have equal access to the same free, appropriate public education, including a public preschool education, as other children and youth. Under the McKinney-Vento Act, children and youth are considered to be experiencing homelessness—and therefore eligible for McKinney-Vento services—if they “lack a fixed, regular, and adequate nighttime residence,” which includes children and youth who are sharing the housing of others due to loss of housing, economic hardship, or a similar reason; living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; living in emergency or transitional shelters; or living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings. (McKinney Vento Act section 725(2)). Immigrant, refugee, and asylee students who meet this definition may be served under EHCY subgrant awards. Some allowable uses of funds include: (1) defraying the excess cost of school of origin transportation, including for school-sponsored extracurricular and family engagement activities; (2) tutoring, counseling, and management of referrals to health care and other necessary services; and (3) the provision of other extraordinary or emergency assistance needed to enable children and youth experiencing homelessness to attend school and participate fully in school activities, which can include items such as hygiene products, school supplies, and clothing. (McKinney-Vento Act section 723(d)). Additionally, each SEA can reserve up to 25 percent of its McKinney-Vento funds each year for State-level activities, which the State may use to support targeted programs that address the needs of immigrant children experiencing homelessness.
- **Student Support and Academic Enrichment Program (Title IV-A of the ESEA).** The Title IV-A program is intended to improve students’ academic achievement by increasing the capacity of States, LEAs, schools, and local communities to (1) provide all students with access to a well-rounded education, (2) improve school conditions for student learning, and (3) improve the use of technology in order to improve the academic achievement and digital literacy of all students. LEAs may use Title IV-A funds to support immigrant students depending on activity type.
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⁴ Section 3201(5) of the ESEA defines “immigrant children and youth” as individuals who: (A) are aged 3 through 21; (B) were not born in any State; and (C) have not been attending one or more schools in any one or more States for more than 3 full academic years. Note that “State” is defined in section 3201(13) of the ESEA to include the 50 States, the District of Columbia, and Puerto Rico.

comprehensive services. LEAs and other eligible entities can apply for these programs and provide services to immigrant students with the funding they are awarded. For example, the [National Professional Development](#) (NPD) grants program under Title III of the ESEA supports professional development activities that are designed to improve classroom instruction for students who are English learners and assist educational personnel working with such children to meet high professional standards, including standards for certification and licensure as teachers who work in LIEPs or serve students who are ELs. These grants may be used to help train teachers and school leaders on how to best serve immigrant children who are English learners.

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SEAs and LEAs are also encouraged to coordinate efforts with State and local agencies for additional funding and housing, health, and child welfare services that may be available to support immigrant students. Furthermore, LEAs are encouraged to provide whole child supports for students, including mental health supports for students who may have experienced trauma.

Thank you for your work to advance the educational needs of our students. We are eager to continue to partner with you as you address the needs of your school communities, including recently arrived immigrant students and their families.

Sincerely,

A handwritten signature in blue ink that reads "Miguel A. Cardona". The signature is fluid and cursive, with the first name "Miguel" being the most prominent.

Miguel A. Cardona, Ed.D.
U.S. Secretary of Education

Miguel A Cardona

From: [Lashlee, Matt](#)
To: [Green, Cory](#)
Subject: FW: MEP/Leg.
Date: Tuesday, March 28, 2023 10:52:49 AM
Attachments: [MEP One-pager.pdf](#)
[image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)
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MEP website

<https://tea.texas.gov/finance-and-grants/grants/essa-program/title-i-part-c-education-of-migratory-children>

MEP one-pager

<https://tea.texas.gov/sites/default/files/meponepager.pdf>

This gives an overview of the program. The funding amounts need to be updated. For FY2023 that amount was an estimate from USDE funding tables. The amount is \$22,789,662. For FY2024 it is \$23,060,028.

MEP Program Guide

<https://tea.texas.gov/sites/default/files/T1CProgramGuide.pdf>

For the undocumented language, this if from Office of Migrant Education (OME)

<https://results.ed.gov/idr-manual/article/appendix-i-legal-issues/access-to-services>

School Attendance Regardless of Civil Status (Plyler vs. Doe). The U.S. Supreme Court ruled 5-4 in the case of *Plyler vs. Doe*, 457 U.S. 202 (1982) that the State of Texas could not deny to undocumented immigrant students a free public education that other students enjoy (i.e., the Court ruled that these undocumented children have the same right to a free, public education as U.S. citizens and permanent residents). Faced with minor children who had entered the United States from Mexico illegally with their parents, the Supreme Court concluded that while Congress had the authority to act on issues involving the nation's immigration laws, it had not done so with regard to the eligibility of undocumented students to attend school. In the absence of any clear Congressional policy to the contrary, the Court therefore found that the Constitutional protections of due process and equal protection demanded that these children not be penalized because of the actions of their parents. As a result of this decision, public schools and school personnel are prohibited from adopting policies or taking actions that would deny such minor students access to education based on their immigration status. (The decision does not affect the right of school district officials to require adequate evidence that any student—including immigrant students— resides within the area that the school district serves.)

If you need explanation on any of these please let me know. The most valuable document will be the one-pager.



Didi Garcia

Assistant Division Director
State Director – MEP/SRSA/RLIS/USCO
Federal Program Compliance Division



512-463-9147



Didi.Garcia@TEA.Texas.gov



TEA.Texas.gov

From: Villarreal, Anita <Anita.Villarreal@tea.texas.gov>

Sent: Monday, March 27, 2023 5:27 PM

To: Lashlee, Matt <Matt.Lashlee@tea.texas.gov>; Garcia, Didi <Didi.Garcia@tea.texas.gov>

Subject: MEP/Leg.

Matt,

I spoke with Didi about the information you shared with me. This is her cell phone # 512-940-9684.

Didi, this is Matt's cell phone #737-243-2230 .

Good luck, let me know if I can be of assistance.

Thank you.

Anita



Anita Villarreal

Division Director
Federal Program Compliance Division



512-463-9244



Anita.Villarreal@TEA.Texas.gov



TEA.Texas.gov

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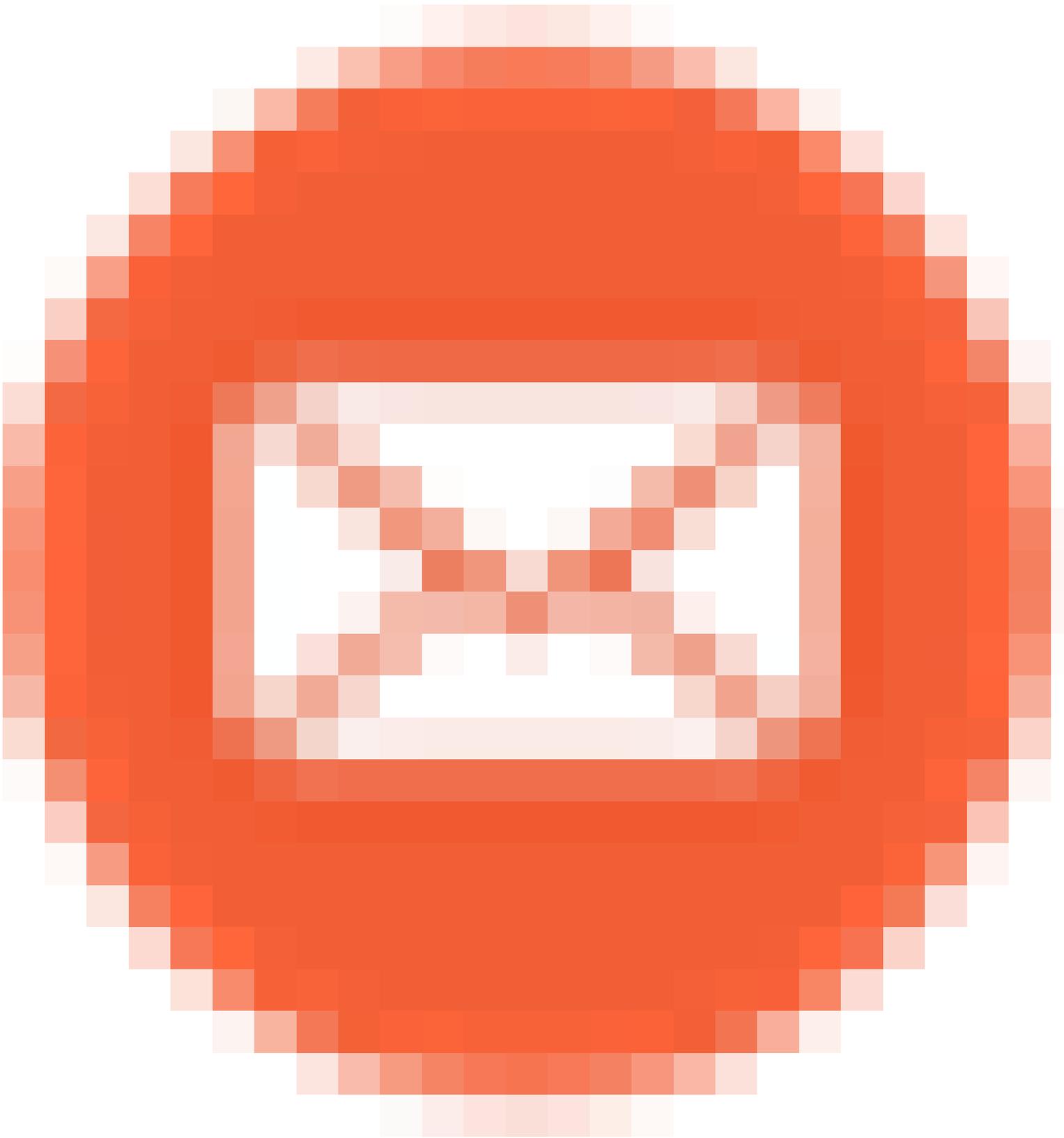














General Description:

The purpose of the Title I, Part C – Migrant Education Program (MEP) is to design and support programs that help migratory students (who moved with, to join or as migratory agricultural or fishing workers) overcome the challenges of mobility, cultural and language barriers, social isolation, and other difficulties associated with a migratory lifestyle. These efforts are aimed at helping migratory students succeed in school and successfully transition to postsecondary education or employment.



Authority:

Elementary and Secondary and Secondary Act (ESEA) as amended by the Every Student Succeeds Act (ESSA) of 2015

Eligibility for Funding:

Funding is based on the number of identified migratory children.

Requirements to Receive Funding:

The Migrant Education Program is a state operated and administered program to address the unique educational needs of migratory children statewide. The statewide requirements for this program include: Identification and Recruitment (ID&R), Intra- and Interstate Coordination and Transfer of Student Records through the Texas New Generation System (TX-NGS), Parental Involvement, Service Delivery (Program Services), and Program Monitoring and Evaluation.



Funding:

To provide statewide support and infrastructure for the MEP, TEA provides grants to eligible LEAs and allocates funds to 20 Education Service Centers (ESCs) that serve as an extension of TEA by providing technical assistance and professional development to the LEAs.

TEA also funds the following contracts and grants to carry out program requirements, including:

- Comprehensive Needs Assessment (CNA)
- Service Delivery Plan (SDP)
- Program Evaluation
- TX-NGS Managed Services
- State Parent Advisory Council (PAC)
- Texas Migrant Interstate Program (TMIP)
- Migrant Student Information Exchange (MSIX)/TX-NGS Helpdesk
- Identification and Recruitment (ID&R) Online Courses
- ID&R and TX-NGS Focus Groups
- Migrant Early Literacy Program

Program Highlights

- Texas MEP is the 4th largest in the country and sends students to about 40 states annually.
- Approximately 60% of Texas' migratory families reside in the Rio Grande Valley.
- Large numbers of migratory families also reside in the areas of San Felipe-Del Rio, Eagle Pass, El Paso, Amarillo, and Brownfield

Migratory Student Counts

School Year	Count
2019-2020	25,405
2020-2021	22,773
2021-2022	20,779
2022-2023 (to date)	17,242

Title I, Part C – Education of Migratory Children



- Project SMART (Summer Migrant Access Resources Through Technology)
- Continuity of Education Services Guidebook
- Migrant Resource Portal
- Assisting Intra/Interstate Mobile Students (AIIMS) Project

A comprehensive performance measurement system is in place and carried out through statewide planning, implementation and program evaluation on a three-year cycle to support all program activities.

Fiscal Year	Funding Cycle	Amount
FY 2020	July 1, 2019 to September 30, 2020	\$42,669,699
FY 2021	July 1, 2020 to September 30, 2021	\$28,334,233
FY 2022	July 1, 2021 to September 30, 2022	\$25,849,395
FY 2023	July 1, 2022 to September 30, 2023	\$23,060,028
FY 2024*	July 1, 2023 to September 30, 2024	\$22,789,662

* planning amount

Subject: Meeting

Start: Monday, June 05, 2023 12:00 PM EDT

End: Monday, June 05, 2023 12:30 PM EDT

Show Time As: Tentative

Recurrence: None

Meeting Status: Not yet responded

Organizer: Angela Colmenero

Required Attendees: Byer, Von <Von.Byer@tea.texas.gov>; Madison Yandell <madison.yandell@gov.texas.gov>

[EXTERNAL EMAIL]

Madison and Angela will call Von.

Subject: Mtg: Texas Education Agency, OOG
Location: GPCR//Dial in: 877-226-9790; Access Code: 1979766#

Start: Tuesday, May 24, 2022 3:30 PM EDT
End: Tuesday, May 24, 2022 4:30 PM EDT
Show Time As: Tentative

Recurrence: Monthly

Meeting Status: Not yet responded

Organizer: Amy Bannatyne

Required Attendees: Byer, Von <Von.Byer@tea.texas.gov>; Morath, Mike <Mike.Morath@tea.texas.gov>; Rosser, Cathie <Cathie.Rosser@tea.texas.gov>; Sarah Hicks <sarah.hicks@gov.texas.gov>; Laux, Lily <Lily.Laux@tea.texas.gov>; Meyer, Mike <Mike.Meyer@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Jordan Hale <Jordan.Hale@gov.texas.gov>; Madison Yandell <madison.yandell@gov.texas.gov>; Sydney Gaitan <sydni.gaitan@gov.texas.gov>; Renae Eze <Renae.Eze@gov.texas.gov>; James Sullivan <James.Sullivan@gov.texas.gov>; Delgado, Alejandro <Alejandro.Delgado@tea.texas.gov>; Young, Tracy <Tracy.Young@tea.texas.gov>; Angela Colmenero <Angela.Colmenero@gov.texas.gov>; Tabatha Vasquez <Tabatha.Vasquez@gov.texas.gov>; Lecholop, Steve <Steve.Lecholop@tea.texas.gov>; Toby Baker <toby.baker@gov.texas.gov>; Shayne Woodard <shayne.woodard@gov.texas.gov>; Jimmy Anderson <jimmy.anderson@gov.texas.gov>; Andrew Mahaleris <andrew.mahaleris@gov.texas.gov>; Christman, Cari <Cari.Christman@tea.texas.gov>; Rivera, Nicole <Nicole.Rivera@tea.texas.gov>

Optional Attendees: Michael Hull <Michael.Hull@gov.texas.gov>; Sydney Scott <Sydney.Scott@gov.texas.gov>; Gardner Pate <gardner.pate@gov.texas.gov>; Julie Frank <julie.frank@gov.texas.gov>; Aime Bordeaux <aime.bordeaux@gov.texas.gov>; Austin Holder <austin.holder@gov.texas.gov>; Michelle Watts <Michelle.Watts@gov.texas.gov>; Cory Fish <Cory.Fish@gov.texas.gov>

[EXTERNAL EMAIL]

OOG and TEA

Updated Access Code: **1979766#**

Alejandro Delgado, new Deputy Commissioner of Operations and Tracy Young, new Executive Director for Media Relations.

18772269790,,1979766#

Subject: Mtg: Texas Education Agency, OOG

Location: IN - PERSON - TX Capitol , Room 2S.2 -GPCR//Dial in: 877-226-9790; Access Code: 1979766#; (if needed)

Start: Wednesday, December 20, 2023 3:30 PM EST

End: Wednesday, December 20, 2023 4:30 PM EST

Show Time As: Tentative

Recurrence: None

Meeting Status: Not yet responded

Organizer: Amy Bannatyne

Required Attendees: Byer, Von <Von.Byer@tea.texas.gov>; Morath, Mike <Mike.Morath@tea.texas.gov>; Rosser, Cathie <Cathie.Rosser@tea.texas.gov>; Sarah Hicks <sarah.hicks@gov.texas.gov>; Laux, Lily <Lily.Laux@tea.texas.gov>; Meyer, Mike <Mike.Meyer@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Madison Yandell <madison.yandell@gov.texas.gov>; Sydney Gaitan <sydni.gaitan@gov.texas.gov>; Renae Eze <Renae.Eze@gov.texas.gov>; James Sullivan <James.Sullivan@gov.texas.gov>; Delgado, Alejandro <Alejandro.Delgado@tea.texas.gov>; Young, Tracy <Tracy.Young@tea.texas.gov>; Angela Colmenero <Angela.Colmenero@gov.texas.gov>; Tabatha Vasquez <Tabatha.Vasquez@gov.texas.gov>; Lecholop, Steve <Steve.Lecholop@tea.texas.gov>; Toby Baker <toby.baker@gov.texas.gov>; Shayne Woodard <shayne.woodard@gov.texas.gov>; Jimmy Anderson <jimmy.anderson@gov.texas.gov>; Andrew Mahaleris <andrew.mahaleris@gov.texas.gov>; Christman, Cari <Cari.Christman@tea.texas.gov>; Rivera, Nicole <Nicole.Rivera@tea.texas.gov>; Jordan Hale <Jordan.Hale@gov.texas.gov>

Optional Attendees: Gardner Pate <gardner.pate@gov.texas.gov>; Julie Frank <julie.frank@gov.texas.gov>; Aime Bordeaux <aime.bordeaux@gov.texas.gov>; Austin Holder <austin.holder@gov.texas.gov>; Michelle Watts <Michelle.Watts@gov.texas.gov>; Cory Fish <Cory.Fish@gov.texas.gov>

[EXTERNAL EMAIL]

OOG and TEA

Updated Access Code: **1979766#**

Alejandro Delgado, new Deputy Commissioner of Operations and Tracy Young, new Executive Director for Media Relations.

18772269790,,1979766#

Subject: Mtg: Texas Education Agency, OOG
Location: GPCR//Dial in: 877-226-9790; Access Code: 5160644#

Start: Friday, January 26, 2024 2:30 PM EST
End: Friday, January 26, 2024 3:30 PM EST
Show Time As: Tentative

Recurrence: None

Meeting Status: Not yet responded

Organizer: Amy Bannatyne

Required Attendees: Byer, Von <Von.Byer@tea.texas.gov>; Morath, Mike <Mike.Morath@tea.texas.gov>; Rosser, Cathie <Cathie.Rosser@tea.texas.gov>; Sarah Hicks <sarah.hicks@gov.texas.gov>; Laux, Lily <Lily.Laux@tea.texas.gov>; Meyer, Mike <Mike.Meyer@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Jordan Hale <Jordan.Hale@gov.texas.gov>; Madison Yandell <madison.yandell@gov.texas.gov>; Sydney Gaitan <sydni.gaitan@gov.texas.gov>; Renae Eze <Renae.Eze@gov.texas.gov>; James Sullivan <James.Sullivan@gov.texas.gov>; Delgado, Alejandro <Alejandro.Delgado@tea.texas.gov>; Young, Tracy <Tracy.Young@tea.texas.gov>; Angela Colmenero <Angela.Colmenero@gov.texas.gov>; Tabatha Vasquez <Tabatha.Vasquez@gov.texas.gov>; Lecholop, Steve <Steve.Lecholop@tea.texas.gov>; Toby Baker <toby.baker@gov.texas.gov>; Shayne Woodard <shayne.woodard@gov.texas.gov>; Jimmy Anderson <jimmy.anderson@gov.texas.gov>; Andrew Mahaleris <andrew.mahaleris@gov.texas.gov>; Christman, Cari <Cari.Christman@tea.texas.gov>; Rivera, Nicole <Nicole.Rivera@tea.texas.gov>

Optional Attendees: Gardner Pate <gardner.pate@gov.texas.gov>; Julie Frank <julie.frank@gov.texas.gov>; Aime Bordeaux <aime.bordeaux@gov.texas.gov>; Austin Holder <austin.holder@gov.texas.gov>; Michelle Watts <Michelle.Watts@gov.texas.gov>; Cory Fish <Cory.Fish@gov.texas.gov>

[EXTERNAL EMAIL]

OOG and TEA

Updated Access Code: **1979766#**

Alejandro Delgado, new Deputy Commissioner of Operations and Tracy Young, new Executive Director for Media Relations.

18772269790,,1979766#

Subject: Mtg: Texas Education Agency, OOG

Location: IN - PERSON - TX Capitol , Room 2S.2 -GPCR//Dial in: 877-226-9790; Access Code: 1979766#; (if needed)

Start: Monday, December 18, 2023 3:30 PM EST

End: Monday, December 18, 2023 4:30 PM EST

Show Time As: Tentative

Recurrence: None

Meeting Status: Not yet responded

Organizer: Amy Bannatyne

Required Attendees: Byer, Von <Von.Byer@tea.texas.gov>; Morath, Mike <Mike.Morath@tea.texas.gov>; Rosser, Cathie <Cathie.Rosser@tea.texas.gov>; Sarah Hicks <sarah.hicks@gov.texas.gov>; Laux, Lily <Lily.Laux@tea.texas.gov>; Meyer, Mike <Mike.Meyer@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Jordan Hale <Jordan.Hale@gov.texas.gov>; Madison Yandell <madison.yandell@gov.texas.gov>; Sydney Gaitan <sydni.gaitan@gov.texas.gov>; Renae Eze <Renae.Eze@gov.texas.gov>; James Sullivan <James.Sullivan@gov.texas.gov>; Delgado, Alejandro <Alejandro.Delgado@tea.texas.gov>; Young, Tracy <Tracy.Young@tea.texas.gov>; Angela Colmenero <Angela.Colmenero@gov.texas.gov>; Tabatha Vasquez <Tabatha.Vasquez@gov.texas.gov>; Lecholop, Steve <Steve.Lecholop@tea.texas.gov>; Toby Baker <toby.baker@gov.texas.gov>; Shayne Woodard <shayne.woodard@gov.texas.gov>; Jimmy Anderson <jimmy.anderson@gov.texas.gov>; Andrew Mahaleris <andrew.mahaleris@gov.texas.gov>; Christman, Cari <Cari.Christman@tea.texas.gov>; Rivera, Nicole <Nicole.Rivera@tea.texas.gov>

Optional Attendees: Gardner Pate <gardner.pate@gov.texas.gov>; Julie Frank <julie.frank@gov.texas.gov>; Aime Bordeaux <aime.bordeaux@gov.texas.gov>; Austin Holder <austin.holder@gov.texas.gov>; Michelle Watts <Michelle.Watts@gov.texas.gov>; Cory Fish <Cory.Fish@gov.texas.gov>

[EXTERNAL EMAIL]

OOG and TEA

Updated Access Code: **1979766#**

Alejandro Delgado, new Deputy Commissioner of Operations and Tracy Young, new Executive Director for Media Relations.

18772269790,,1979766#

Subject: Mtg: Texas Education Agency, OOG
Location: GPCR//Dial in: 877-226-9790; Access Code: 1437329#

Start: Tuesday, September 26, 2023 3:30 PM EDT
End: Tuesday, September 26, 2023 4:30 PM EDT
Show Time As: Tentative

Recurrence: None

Meeting Status: Not yet responded

Organizer: Amy Bannatyne

Required Attendees: Byer, Von <Von.Byer@tea.texas.gov>; Morath, Mike <Mike.Morath@tea.texas.gov>; Rosser, Cathie <Cathie.Rosser@tea.texas.gov>; Sarah Hicks <sarah.hicks@gov.texas.gov>; Laux, Lily <Lily.Laux@tea.texas.gov>; Meyer, Mike <Mike.Meyer@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Jordan Hale <Jordan.Hale@gov.texas.gov>; Madison Yandell <madison.yandell@gov.texas.gov>; Sydney Gaitan <sydni.gaitan@gov.texas.gov>; Renae Eze <Renae.Eze@gov.texas.gov>; James Sullivan <James.Sullivan@gov.texas.gov>; Delgado, Alejandro <Alejandro.Delgado@tea.texas.gov>; Young, Tracy <Tracy.Young@tea.texas.gov>; Angela Colmenero <Angela.Colmenero@gov.texas.gov>; Tabatha Vasquez <Tabatha.Vasquez@gov.texas.gov>; Lecholop, Steve <Steve.Lecholop@tea.texas.gov>; Toby Baker <toby.baker@gov.texas.gov>; Shayne Woodard <shayne.woodard@gov.texas.gov>; Jimmy Anderson <jimmy.anderson@gov.texas.gov>; Andrew Mahaleris <andrew.mahaleris@gov.texas.gov>; Christman, Cari <Cari.Christman@tea.texas.gov>; Rivera, Nicole <Nicole.Rivera@tea.texas.gov>

Optional Attendees: Michael Hull <Michael.Hull@gov.texas.gov>; Sydney Scott <Sydney.Scott@gov.texas.gov>; Gardner Pate <gardner.pate@gov.texas.gov>; Julie Frank <julie.frank@gov.texas.gov>; Aime Bordeaux <aime.bordeaux@gov.texas.gov>; Austin Holder <austin.holder@gov.texas.gov>; Kobersky, Jake <Jake.Kobersky@tea.texas.gov>

[EXTERNAL EMAIL]

OOG and TEA

Updated Access Code: **1437329#**

Alejandro Delgado, new Deputy Commissioner of Operations and Tracy Young, new Executive Director for Media Relations.

18772269790,,1437329#

Subject: Mtg: Texas Education Agency, OOG
Location: GPCR//Dial in: 877-226-9790; Access Code: 5160644#

Start: Tuesday, May 24, 2022 3:30 PM EDT
End: Tuesday, May 24, 2022 4:30 PM EDT
Show Time As: Tentative

Recurrence: Monthly

Meeting Status: Not yet responded

Organizer: Amy Bannatyne

Required Attendees: Byer, Von <Von.Byer@tea.texas.gov>; Morath, Mike <Mike.Morath@tea.texas.gov>; Rosser, Cathie <Cathie.Rosser@tea.texas.gov>; Sarah Hicks <sarah.hicks@gov.texas.gov>; Laux, Lily <Lily.Laux@tea.texas.gov>; Meyer, Mike <Mike.Meyer@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Jordan Hale <Jordan.Hale@gov.texas.gov>; Madison Yandell <madison.yandell@gov.texas.gov>; Sydney Gaitan <sydni.gaitan@gov.texas.gov>; Renae Eze <Renae.Eze@gov.texas.gov>; James Sullivan <James.Sullivan@gov.texas.gov>; Delgado, Alejandro <Alejandro.Delgado@tea.texas.gov>; Young, Tracy <Tracy.Young@tea.texas.gov>; Angela Colmenero <Angela.Colmenero@gov.texas.gov>; Tabatha Vasquez <Tabatha.Vasquez@gov.texas.gov>; Lecholop, Steve <Steve.Lecholop@tea.texas.gov>; Toby Baker <toby.baker@gov.texas.gov>; Shayne Woodard <shayne.woodard@gov.texas.gov>; Jimmy Anderson <jimmy.anderson@gov.texas.gov>; Andrew Mahaleris <andrew.mahaleris@gov.texas.gov>; Christman, Cari <Cari.Christman@tea.texas.gov>; Rivera, Nicole <Nicole.Rivera@tea.texas.gov>

Optional Attendees: Michael Hull <Michael.Hull@gov.texas.gov>; Sydney Scott <Sydney.Scott@gov.texas.gov>; Gardner Pate <gardner.pate@gov.texas.gov>; Julie Frank <julie.frank@gov.texas.gov>; Aime Bordeaux <aime.bordeaux@gov.texas.gov>; Austin Holder <austin.holder@gov.texas.gov>; Michelle Watts <Michelle.Watts@gov.texas.gov>; Cory Fish <Cory.Fish@gov.texas.gov>

[EXTERNAL EMAIL]

OOG and TEA

Updated Access Code: **5160644#**

Alejandro Delgado, new Deputy Commissioner of Operations and Tracy Young, new Executive Director for Media Relations.

18772269790,,5160644#

Subject: Mtg: Texas Education Agency, OOG

Location: GPCR//Dial in: 877-226-9790; Access Code: 8020821#; * ROOM CHANGE - State Insurance Building, 1100 San Jacinto - West Conference Room 4.106

Start: Wednesday, June 07, 2023 4:30 PM EDT

End: Wednesday, June 07, 2023 5:30 PM EDT

Show Time As: Tentative

Recurrence: None

Meeting Status: Not yet responded

Organizer: Amy Bannatyne

Required Attendees: Myers, Paula <Paula.Myers@tea.texas.gov>; Byer, Von <Von.Byer@tea.texas.gov>; Morath, Mike <Mike.Morath@tea.texas.gov>; Rosser, Cathie <Cathie.Rosser@tea.texas.gov>; Sarah Hicks <sarah.hicks@gov.texas.gov>; Laux, Lily <Lily.Laux@tea.texas.gov>; Meyer, Mike <Mike.Meyer@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Jordan Hale <Jordan.Hale@gov.texas.gov>; Madison Yandell <madison.yandell@gov.texas.gov>; Sydni Gaitan <sydni.gaitan@gov.texas.gov>; Renae Eze <Renae.Eze@gov.texas.gov>; James Sullivan <James.Sullivan@gov.texas.gov>; Delgado, Alejandro <Alejandro.Delgado@tea.texas.gov>; Young, Tracy <Tracy.Young@tea.texas.gov>; Angela Colmenero <Angela.Colmenero@gov.texas.gov>; Tabatha Vasquez <Tabatha.Vasquez@gov.texas.gov>; Lecholop, Steve <Steve.Lecholop@tea.texas.gov>; Toby Baker <toby.baker@gov.texas.gov>; Shayne Woodard <shayne.woodard@gov.texas.gov>; Jimmy Anderson <jimmy.anderson@gov.texas.gov>; Andrew Mahaleris <andrew.mahaleris@gov.texas.gov>; Christman, Cari <Cari.Christman@tea.texas.gov>; Rivera, Nicole <Nicole.Rivera@tea.texas.gov>

Optional Attendees: Michael Hull <Michael.Hull@gov.texas.gov>; Sydney Scott <Sydney.Scott@gov.texas.gov>; Gardner Pate <gardner.pate@gov.texas.gov>; Julie Frank <julie.frank@gov.texas.gov>; Aime Bordeaux <aime.bordeaux@gov.texas.gov>; Austin Holder <austin.holder@gov.texas.gov>; Norma Magirl <Norma.Magirl@gov.texas.gov>

[EXTERNAL EMAIL]

*Note room change – please sign in at front of SIB

OOG and TEA

Updated Access Code: **1396377#**

Alejandro Delgado, new Deputy Commissioner of Operations and Tracy Young, new Executive Director for Media Relations.

Subject: Mtg: Texas Education Agency, OOG
Location: GPCR//Dial in: 877-226-9790; Access Code: 6115373#

Start: Tuesday, May 24, 2022 3:30 PM EDT
End: Tuesday, May 24, 2022 4:30 PM EDT
Show Time As: Busy

Recurrence: Monthly

Meeting Status: Not yet responded

Organizer: Amy Bannatyne

Required Attendees: Amy Bannatyne <Amy.Bannatyne@gov.texas.gov>; Byer, Von <Von.Byer@tea.texas.gov>; Morath, Mike <Mike.Morath@tea.texas.gov>; Rosser, Cathie <Cathie.Rosser@tea.texas.gov>; Sarah Hicks <sarah.hicks@gov.texas.gov>; Laux, Lily <Lily.Laux@tea.texas.gov>; Meyer, Mike <Mike.Meyer@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Jordan Hale <Jordan.Hale@gov.texas.gov>; Madison Yandell <madison.yandell@gov.texas.gov>; Sydni Gaitan <sydni.gaitan@gov.texas.gov>; Renae Eze <Renae.Eze@gov.texas.gov>; James Sullivan <James.Sullivan@gov.texas.gov>; Delgado, Alejandro <Alejandro.Delgado@tea.texas.gov>; Young, Tracy <Tracy.Young@tea.texas.gov>; Angela Colmenero <Angela.Colmenero@gov.texas.gov>; Tabatha Vasquez <Tabatha.Vasquez@gov.texas.gov>; Lecholop, Steve <Steve.Lecholop@tea.texas.gov>; Toby Baker <toby.baker@gov.texas.gov>; Shayne Woodard <shayne.woodard@gov.texas.gov>; Jimmy Anderson <jimmy.anderson@gov.texas.gov>; Andrew Mahaleris <andrew.mahaleris@gov.texas.gov>; Christman, Cari <Cari.Christman@tea.texas.gov>; Rivera, Nicole <Nicole.Rivera@tea.texas.gov>

Optional Attendees: Michael Hull <Michael.Hull@gov.texas.gov>; Gardner Pate <gardner.pate@gov.texas.gov>; Julie Frank <julie.frank@gov.texas.gov>; Aime Bordeaux <aime.bordeaux@gov.texas.gov>; Austin Holder <austin.holder@gov.texas.gov>; Michelle Watts <Michelle.Watts@gov.texas.gov>; Cory Fish <Cory.Fish@gov.texas.gov>

[EXTERNAL EMAIL]

OOG and TEA

Updated Access Code: **6115373#**

Alejandro Delgado, new Deputy Commissioner of Operations and Tracy Young, new Executive Director for Media Relations.

18772269790,,6115373#

Appointment Recurrence Exception

Start: Thursday, June 30, 2022 5:15 PM EDT
End: Thursday, June 30, 2022 6:15 PM EDT

Required Attendees: Amy Bannatyne <Amy.Bannatyne@gov.texas.gov>; Byer, Von <Von.Byer@tea.texas.gov>; Morath, Mike <Mike.Morath@tea.texas.gov>; Rosser, Cathie <Cathie.Rosser@tea.texas.gov>; Sarah Hicks <sarah.hicks@gov.texas.gov>; Laux, Lily <Lily.Laux@tea.texas.gov>; Meyer, Mike <Mike.Meyer@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Jordan Hale <Jordan.Hale@gov.texas.gov>; Madison Yandell <madison.yandell@gov.texas.gov>; Sydni Gaitan <sydni.gaitan@gov.texas.gov>; Renae Eze <Renae.Eze@gov.texas.gov>; James Sullivan <James.Sullivan@gov.texas.gov>; Delgado, Alejandro <Alejandro.Delgado@tea.texas.gov>; Young, Tracy <Tracy.Young@tea.texas.gov>; Angela Colmenero <Angela.Colmenero@gov.texas.gov>; Tabatha Vasquez <Tabatha.Vasquez@gov.texas.gov>; Lecholop, Steve <Steve.Lecholop@tea.texas.gov>; Toby Baker <toby.baker@gov.texas.gov>; Shayne Woodard <shayne.woodard@gov.texas.gov>; Jimmy Anderson <jimmy.anderson@gov.texas.gov>; Andrew Mahaleris <andrew.mahaleris@gov.texas.gov>; Christman, Cari <Cari.Christman@tea.texas.gov>; Rivera, Nicole <Nicole.Rivera@tea.texas.gov>

Optional Attendees: Michael Hull <Michael.Hull@gov.texas.gov>; Gardner Pate <gardner.pate@gov.texas.gov>; Julie Frank <julie.frank@gov.texas.gov>; Aime Bordeaux <aime.bordeaux@gov.texas.gov>; Austin Holder <austin.holder@gov.texas.gov>; Michelle Watts <Michelle.Watts@gov.texas.gov>; Cory Fish <Cory.Fish@gov.texas.gov>

[EXTERNAL EMAIL]

** PLEASE NOTE THE TIME FOR THIS CALL HAS BEEN CHANGED TO 4:15pm.

OOG and TEA CALL - (512) 717-4201// Conference ID: 936-3336

AMERICAN

Appointment Recurrence Exception

Location: Governor's Office //(512) 717-4201// Conference ID: 936-3336

TX-TEA-24-0119-A-000062

Start: Thursday, September 29, 2022 4:00 PM EDT
End: Thursday, September 29, 2022 5:00 PM EDT

Required Attendees: Amy Bannatyne <Amy.Bannatyne@gov.texas.gov>; Byer, Von <Von.Byer@tea.texas.gov>; Morath, Mike <Mike.Morath@tea.texas.gov>; Rosser, Cathie <Cathie.Rosser@tea.texas.gov>; Sarah Hicks <sarah.hicks@gov.texas.gov>; Laux, Lily <Lily.Laux@tea.texas.gov>; Meyer, Mike <Mike.Meyer@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Jordan Hale <Jordan.Hale@gov.texas.gov>; Madison Yandell <madison.yandell@gov.texas.gov>; Sydney Gaitan <sydni.gaitan@gov.texas.gov>; Renae Eze <Renae.Eze@gov.texas.gov>; James Sullivan <James.Sullivan@gov.texas.gov>; Delgado, Alejandro <Alejandro.Delgado@tea.texas.gov>; Young, Tracy <Tracy.Young@tea.texas.gov>; Angela Colmenero <Angela.Colmenero@gov.texas.gov>; Tabatha Vasquez <Tabatha.Vasquez@gov.texas.gov>; Lecholop, Steve <Steve.Lecholop@tea.texas.gov>; Toby Baker <toby.baker@gov.texas.gov>; Shayne Woodard <shayne.woodard@gov.texas.gov>; Jimmy Anderson <jimmy.anderson@gov.texas.gov>; Andrew Mahaleris <andrew.mahaleris@gov.texas.gov>; Christman, Cari <Cari.Christman@tea.texas.gov>; Rivera, Nicole <Nicole.Rivera@tea.texas.gov>

Optional Attendees: Michael Hull <Michael.Hull@gov.texas.gov>; Gardner Pate <gardner.pate@gov.texas.gov>; Julie Frank <julie.frank@gov.texas.gov>; Aime Bordeaux <aime.bordeaux@gov.texas.gov>; Austin Holder <austin.holder@gov.texas.gov>; Michelle Watts <Michelle.Watts@gov.texas.gov>; Cory Fish <Cory.Fish@gov.texas.gov>

[EXTERNAL EMAIL]

*OOG and TEA – please note the location of this meeting is going to be in the Governor’s Office so please come to the Governor’s Public Reception Room 2S.1. There will be another meeting taking place in the GPCR at the same time. Thank you.

09/20/2022 – Time change to 3pm.

08/15/2022 - Date change at request of TEA.

08/30/2022 – Date change at the request of TEA.

Alejandro Delgado, new Deputy Commissioner of Operations and Tracy Young, new Executive Director for Media Relations.

Appointment Recurrence Exception

Subject: Mtg: Texas Education Agency, OOG

Location: Updated Conference Line - 877-226-9790//Access Code: 2539244#/Host 2791#

Start: Wednesday, January 04, 2023 11:00 AM EST

End: Wednesday, January 04, 2023 12:00 PM EST

Required Attendees: Amy Bannatyne <Amy.Bannatyne@gov.texas.gov>; Byer, Von <Von.Byer@tea.texas.gov>; Morath, Mike <Mike.Morath@tea.texas.gov>; Rosser, Cathie <Cathie.Rosser@tea.texas.gov>; Sarah Hicks <sarah.hicks@gov.texas.gov>; Laux, Lily <Lily.Laux@tea.texas.gov>; Meyer, Mike <Mike.Meyer@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Jordan Hale <Jordan.Hale@gov.texas.gov>; Madison Yandell <madison.yandell@gov.texas.gov>; Sydney Gaitan <sydni.gaitan@gov.texas.gov>; Renae Eze <Renae.Eze@gov.texas.gov>; James Sullivan <James.Sullivan@gov.texas.gov>; Delgado, Alejandro <Alejandro.Delgado@tea.texas.gov>; Young, Tracy <Tracy.Young@tea.texas.gov>; Angela Colmenero <Angela.Colmenero@gov.texas.gov>; Tabatha Vasquez <Tabatha.Vasquez@gov.texas.gov>; Lecholop, Steve <Steve.Lecholop@tea.texas.gov>; Toby Baker <toby.baker@gov.texas.gov>; Shayne Woodard <shayne.woodard@gov.texas.gov>; Jimmy Anderson <jimmy.anderson@gov.texas.gov>; Andrew Mahaleris <andrew.mahaleris@gov.texas.gov>; Christman, Cari <Cari.Christman@tea.texas.gov>; Rivera, Nicole <Nicole.Rivera@tea.texas.gov>

Optional Attendees: Michael Hull <Michael.Hull@gov.texas.gov>; Gardner Pate <gardner.pate@gov.texas.gov>; Julie Frank <julie.frank@gov.texas.gov>; Aime Bordeaux <aime.bordeaux@gov.texas.gov>; Austin Holder <austin.holder@gov.texas.gov>; Michelle Watts <Michelle.Watts@gov.texas.gov>; Cory Fish <Cory.Fish@gov.texas.gov>

[EXTERNAL EMAIL]

OOG and TEA

Alejandro Delgado, new Deputy Commissioner of Operations and Tracy Young, new Executive Director for Media Relations.

AMERICAN
OVERSIGHT

TX-TEA-24-0119-A-000063

Appointment Recurrence Exception

Location: GPCR//Dial in: 512-717-4201; Access 867-5308

Start: Tuesday, February 28, 2023 3:30 PM EST

End: Tuesday, February 28, 2023 4:30 PM EST

Required Attendees: Amy Bannatyne <Amy.Bannatyne@gov.texas.gov>; Byer, Von <Von.Byer@tea.texas.gov>; Morath, Mike <Mike.Morath@tea.texas.gov>; Rosser, Cathie <Cathie.Rosser@tea.texas.gov>; Sarah Hicks <sarah.hicks@gov.texas.gov>; Laux, Lily <Lily.Laux@tea.texas.gov>; Meyer, Mike <Mike.Meyer@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Jordan Hale <Jordan.Hale@gov.texas.gov>; Madison Yandell <madison.yandell@gov.texas.gov>; Sydney Gaitan <sydni.gaitan@gov.texas.gov>; Renae Eze <Renae.Eze@gov.texas.gov>; James Sullivan <James.Sullivan@gov.texas.gov>; Delgado, Alejandro <Alejandro.Delgado@tea.texas.gov>; Young, Tracy <Tracy.Young@tea.texas.gov>; Angela Colmenero <Angela.Colmenero@gov.texas.gov>; Tabatha Vasquez <Tabatha.Vasquez@gov.texas.gov>; Lecholop, Steve <Steve.Lecholop@tea.texas.gov>; Toby Baker <toby.baker@gov.texas.gov>; Shayne Woodard <shayne.woodard@gov.texas.gov>; Jimmy Anderson <jimmy.anderson@gov.texas.gov>; Andrew Mahaleris <andrew.mahaleris@gov.texas.gov>; Christman, Cari <Cari.Christman@tea.texas.gov>; Rivera, Nicole <Nicole.Rivera@tea.texas.gov>

Optional Attendees: Michael Hull <Michael.Hull@gov.texas.gov>; Gardner Pate <gardner.pate@gov.texas.gov>; Julie Frank <julie.frank@gov.texas.gov>; Aime Bordeaux <aime.bordeaux@gov.texas.gov>; Austin Holder <austin.holder@gov.texas.gov>; Michelle Watts <Michelle.Watts@gov.texas.gov>; Cory Fish <Cory.Fish@gov.texas.gov>

[EXTERNAL EMAIL]

02/28/2023: Updated conference line for today's meeting.

Appointment Recurrence Exception

Location: Dial in: 877-226-9790; Access Code: 8020821#; * ROOM CHANGE - State Insurance Building, 1100 San Jacinto - West Conference Room 4.106

Start: Wednesday, June 07, 2023 4:30 PM EDT

End: Wednesday, June 07, 2023 5:30 PM EDT

Required Attendees: Amy Bannatyne <Amy.Bannatyne@gov.texas.gov>; Byer, Von <Von.Byer@tea.texas.gov>; Morath, Mike <Mike.Morath@tea.texas.gov>; Rosser, Cathie <Cathie.Rosser@tea.texas.gov>; Sarah Hicks <sarah.hicks@gov.texas.gov>; Laux, Lily <Lily.Laux@tea.texas.gov>; Meyer, Mike <Mike.Meyer@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Jordan Hale <Jordan.Hale@gov.texas.gov>; Madison Yandell <madison.yandell@gov.texas.gov>; Sydney Gaitan <sydni.gaitan@gov.texas.gov>; Renae Eze <Renae.Eze@gov.texas.gov>; James Sullivan <James.Sullivan@gov.texas.gov>; Delgado, Alejandro <Alejandro.Delgado@tea.texas.gov>; Young, Tracy <Tracy.Young@tea.texas.gov>; Angela Colmenero <Angela.Colmenero@gov.texas.gov>; Tabatha Vasquez <Tabatha.Vasquez@gov.texas.gov>; Lecholop, Steve <Steve.Lecholop@tea.texas.gov>; Toby Baker <toby.baker@gov.texas.gov>; Shayne Woodard <shayne.woodard@gov.texas.gov>; Jimmy Anderson <jimmy.anderson@gov.texas.gov>; Andrew Mahaleris <andrew.mahaleris@gov.texas.gov>; Christman, Cari <Cari.Christman@tea.texas.gov>; Rivera, Nicole <Nicole.Rivera@tea.texas.gov>

Optional Attendees: Michael Hull <Michael.Hull@gov.texas.gov>; Gardner Pate <gardner.pate@gov.texas.gov>; Julie Frank <julie.frank@gov.texas.gov>; Aime Bordeaux <aime.bordeaux@gov.texas.gov>; Austin Holder <austin.holder@gov.texas.gov>; Michelle Watts <Michelle.Watts@gov.texas.gov>; Cory Fish <Cory.Fish@gov.texas.gov>

[EXTERNAL EMAIL]

*Note room change – please sign in at front of SIB

Dial in: 877-226-9790; Access Code: 8020821#; * ROOM CHANGE - State Insurance Building, 1100 San Jacinto - West Conference Room 4.106

OOG and TEA

Alejandro Delgado, new Deputy Commissioner of Operations and Tracy Young, new Executive Director for Media Relations.

Start: Monday, August 21, 2023 12:00 PM EDT

End: Monday, August 21, 2023 1:00 PM EDT

Required Attendees: Amy Bannatyne <Amy.Bannatyne@gov.texas.gov>; Byer, Von <Von.Byer@tea.texas.gov>; Morath, Mike <Mike.Morath@tea.texas.gov>; Rosser, Cathie <Cathie.Rosser@tea.texas.gov>; Sarah Hicks <sarah.hicks@gov.texas.gov>; Laux, Lily <Lily.Laux@tea.texas.gov>; Meyer, Mike <Mike.Meyer@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Jordan Hale <Jordan.Hale@gov.texas.gov>; Madison Yandell <madison.yandell@gov.texas.gov>; Sydni Gaitan <sydni.gaitan@gov.texas.gov>; Renae Eze <Renae.Eze@gov.texas.gov>; James Sullivan <James.Sullivan@gov.texas.gov>; Delgado, Alejandro <Alejandro.Delgado@tea.texas.gov>; Young, Tracy <Tracy.Young@tea.texas.gov>; Angela Colmenero <Angela.Colmenero@gov.texas.gov>; Tabatha Vasquez <Tabatha.Vasquez@gov.texas.gov>; Lecholop, Steve <Steve.Lecholop@tea.texas.gov>; Toby Baker <toby.baker@gov.texas.gov>; Shayne Woodard <shayne.woodard@gov.texas.gov>; Jimmy Anderson <jimmy.anderson@gov.texas.gov>; Andrew Mahaleris <andrew.mahaleris@gov.texas.gov>; Christman, Cari <Cari.Christman@tea.texas.gov>; Rivera, Nicole <Nicole.Rivera@tea.texas.gov>

Optional Attendees: Michael Hull <Michael.Hull@gov.texas.gov>; Gardner Pate <gardner.pate@gov.texas.gov>; Julie Frank <julie.frank@gov.texas.gov>; Aime Bordeaux <aime.bordeaux@gov.texas.gov>; Austin Holder <austin.holder@gov.texas.gov>; Michelle Watts <Michelle.Watts@gov.texas.gov>; Cory Fish <Cory.Fish@gov.texas.gov>

[EXTERNAL EMAIL]

Meeting Rescheduled on 8/1/2023 per TEA's request

OOG and TEA

Updated Access Code: 9416256#

Alejandro Delgado, new Deputy Commissioner of Operations and Tracy Young, new Executive Director for Media Relations.

Appointment Recurrence Exception

Start: Tuesday, September 26, 2023 3:30 PM EDT

End: Tuesday, September 26, 2023 4:30 PM EDT

Required Attendees: Amy Bannatyne <Amy.Bannatyne@gov.texas.gov>; Byer, Von <Von.Byer@tea.texas.gov>; Morath, Mike <Mike.Morath@tea.texas.gov>; Rosser, Cathie <Cathie.Rosser@tea.texas.gov>; Sarah Hicks <sarah.hicks@gov.texas.gov>; Laux, Lily <Lily.Laux@tea.texas.gov>; Meyer, Mike <Mike.Meyer@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Jordan Hale <Jordan.Hale@gov.texas.gov>; Madison Yandell <madison.yandell@gov.texas.gov>; Sydni Gaitan <sydni.gaitan@gov.texas.gov>; Renae Eze <Renae.Eze@gov.texas.gov>; James Sullivan <James.Sullivan@gov.texas.gov>; Delgado, Alejandro <Alejandro.Delgado@tea.texas.gov>; Young, Tracy <Tracy.Young@tea.texas.gov>; Angela Colmenero <Angela.Colmenero@gov.texas.gov>; Tabatha Vasquez <Tabatha.Vasquez@gov.texas.gov>; Lecholop, Steve <Steve.Lecholop@tea.texas.gov>; Toby Baker <toby.baker@gov.texas.gov>; Shayne Woodard <shayne.woodard@gov.texas.gov>; Jimmy Anderson <jimmy.anderson@gov.texas.gov>; Andrew Mahaleris <andrew.mahaleris@gov.texas.gov>; Christman, Cari <Cari.Christman@tea.texas.gov>; Rivera, Nicole <Nicole.Rivera@tea.texas.gov>

Optional Attendees: Michael Hull <Michael.Hull@gov.texas.gov>; Gardner Pate <gardner.pate@gov.texas.gov>; Julie Frank <julie.frank@gov.texas.gov>; Aime Bordeaux <aime.bordeaux@gov.texas.gov>; Austin Holder <austin.holder@gov.texas.gov>; Michelle Watts <Michelle.Watts@gov.texas.gov>; Cory Fish <Cory.Fish@gov.texas.gov>

Appointment Recurrence Exception

Location: IN - PERSON - TX Capitol , Room 2S.2 -GPCR//Dial in: 877-226-9790; Access Code: 1979766#; (if needed)

Start: Wednesday, December 20, 2023 3:30 PM EST

End: Wednesday, December 20, 2023 4:30 PM EST

Required Attendees: Amy Bannatyne <Amy.Bannatyne@gov.texas.gov>; Byer, Von <Von.Byer@tea.texas.gov>; Morath, Mike <Mike.Morath@tea.texas.gov>; Rosser, Cathie <Cathie.Rosser@tea.texas.gov>; Sarah Hicks <sarah.hicks@gov.texas.gov>; Laux, Lily <Lily.Laux@tea.texas.gov>; Meyer, Mike <Mike.Meyer@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Jordan Hale <Jordan.Hale@gov.texas.gov>; Madison Yandell <madison.yandell@gov.texas.gov>; Sydni Gaitan <sydni.gaitan@gov.texas.gov>; Renae Eze <Renae.Eze@gov.texas.gov>; James Sullivan <James.Sullivan@gov.texas.gov>; Delgado, Alejandro

IX-TEA-24-0119-A-000065

<Alejandro.Delgado@tea.texas.gov>; Young, Tracy <Tracy.Young@tea.texas.gov>; Angela Colmenero <Angela.Colmenero@gov.texas.gov>; Tabatha Vasquez <Tabatha.Vasquez@gov.texas.gov>; Lecholop, Steve <Steve.Lecholop@tea.texas.gov>; Toby Baker <toby.baker@gov.texas.gov>; Shayne Woodard <shayne.woodard@gov.texas.gov>; Jimmy Anderson <jimmy.anderson@gov.texas.gov>; Andrew Mahaleris <andrew.mahaleris@gov.texas.gov>; Christman, Cari <Cari.Christman@tea.texas.gov>; Rivera, Nicole <Nicole.Rivera@tea.texas.gov>

Optional Attendees: Michael Hull <Michael.Hull@gov.texas.gov>; Gardner Pate <gardner.pate@gov.texas.gov>; Julie Frank <julie.frank@gov.texas.gov>; Aime Bordeaux <aime.bordeaux@gov.texas.gov>; Austin Holder <austin.holder@gov.texas.gov>; Michelle Watts <Michelle.Watts@gov.texas.gov>; Cory Fish <Cory.Fish@gov.texas.gov>

Appointment Recurrence Exception

Start: Friday, January 26, 2024 2:30 PM EST

End: Friday, January 26, 2024 3:30 PM EST

Required Attendees: Amy Bannatyne <Amy.Bannatyne@gov.texas.gov>; Byer, Von <Von.Byer@tea.texas.gov>; Morath, Mike <Mike.Morath@tea.texas.gov>; Rosser, Cathie <Cathie.Rosser@tea.texas.gov>; Sarah Hicks <sarah.hicks@gov.texas.gov>; Laux, Lily <Lily.Laux@tea.texas.gov>; Meyer, Mike <Mike.Meyer@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Jordan Hale <Jordan.Hale@gov.texas.gov>; Madison Yandell <madison.yandell@gov.texas.gov>; Sydney Gaitan <sydni.gaitan@gov.texas.gov>; Renae Eze <Renae.Eze@gov.texas.gov>; James Sullivan <James.Sullivan@gov.texas.gov>; Delgado, Alejandro <Alejandro.Delgado@tea.texas.gov>; Young, Tracy <Tracy.Young@tea.texas.gov>; Angela Colmenero <Angela.Colmenero@gov.texas.gov>; Tabatha Vasquez <Tabatha.Vasquez@gov.texas.gov>; Lecholop, Steve <Steve.Lecholop@tea.texas.gov>; Toby Baker <toby.baker@gov.texas.gov>; Shayne Woodard <shayne.woodard@gov.texas.gov>; Jimmy Anderson <jimmy.anderson@gov.texas.gov>; Andrew Mahaleris <andrew.mahaleris@gov.texas.gov>; Christman, Cari <Cari.Christman@tea.texas.gov>; Rivera, Nicole <Nicole.Rivera@tea.texas.gov>

Optional Attendees: Michael Hull <Michael.Hull@gov.texas.gov>; Gardner Pate <gardner.pate@gov.texas.gov>; Julie Frank <julie.frank@gov.texas.gov>; Aime Bordeaux <aime.bordeaux@gov.texas.gov>; Austin Holder <austin.holder@gov.texas.gov>; Michelle Watts <Michelle.Watts@gov.texas.gov>; Cory Fish <Cory.Fish@gov.texas.gov>

[EXTERNAL EMAIL]

OOG and TEA

Updated Access Code: 5160644#

Alejandro Delgado, new Deputy Commissioner of Operations and Tracy Young, new Executive Director for Media Relations.

18772269790,,5160644#

Subject: Mtg: Texas Education Agency, OOG
Location: GPCR//Dial in: 877-226-9790; Access Code: 1979766#

Start: Friday, January 26, 2024 2:30 PM EST
End: Friday, January 26, 2024 3:30 PM EST
Show Time As: Tentative

Recurrence: None

Meeting Status: Not yet responded

Organizer: Amy Bannatyne

Required Attendees: Byer, Von <Von.Byer@tea.texas.gov>; Morath, Mike <Mike.Morath@tea.texas.gov>; Rosser, Cathie <Cathie.Rosser@tea.texas.gov>; Sarah Hicks <sarah.hicks@gov.texas.gov>; Laux, Lily <Lily.Laux@tea.texas.gov>; Meyer, Mike <Mike.Meyer@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Jordan Hale <Jordan.Hale@gov.texas.gov>; Madison Yandell <madison.yandell@gov.texas.gov>; Sydney Gaitan <sydni.gaitan@gov.texas.gov>; Renae Eze <Renae.Eze@gov.texas.gov>; James Sullivan <James.Sullivan@gov.texas.gov>; Delgado, Alejandro <Alejandro.Delgado@tea.texas.gov>; Young, Tracy <Tracy.Young@tea.texas.gov>; Angela Colmenero <Angela.Colmenero@gov.texas.gov>; Tabatha Vasquez <Tabatha.Vasquez@gov.texas.gov>; Lecholop, Steve <Steve.Lecholop@tea.texas.gov>; Toby Baker <toby.baker@gov.texas.gov>; Shayne Woodard <shayne.woodard@gov.texas.gov>; Jimmy Anderson <jimmy.anderson@gov.texas.gov>; Andrew Mahaleris <andrew.mahaleris@gov.texas.gov>; Christman, Cari <Cari.Christman@tea.texas.gov>; Rivera, Nicole <Nicole.Rivera@tea.texas.gov>

Optional Attendees: Gardner Pate <gardner.pate@gov.texas.gov>; Julie Frank <julie.frank@gov.texas.gov>; Aime Bordeaux <aime.bordeaux@gov.texas.gov>; Austin Holder <austin.holder@gov.texas.gov>; Michelle Watts <Michelle.Watts@gov.texas.gov>; Cory Fish <Cory.Fish@gov.texas.gov>

[EXTERNAL EMAIL]

OOG and TEA

Updated Access Code: **1979766#**

Alejandro Delgado, new Deputy Commissioner of Operations and Tracy Young, new Executive Director for Media Relations.

18772269790,,1979766#

Subject: Mtg: Texas Education Agency, OOG
Location: GPCR//Dial in: 877-226-9790; Access Code: 1784482#

Start: Tuesday, May 24, 2022 3:30 PM EDT
End: Tuesday, May 24, 2022 4:30 PM EDT
Show Time As: Tentative

Recurrence: Monthly

Meeting Status: Not yet responded

Organizer: Amy Bannatyne

Required Attendees: Myers, Paula <Paula.Myers@tea.texas.gov>; Byer, Von <Von.Byer@tea.texas.gov>; Morath, Mike <Mike.Morath@tea.texas.gov>; Rosser, Cathie <Cathie.Rosser@tea.texas.gov>; Sarah Hicks <sarah.hicks@gov.texas.gov>; Laux, Lily <Lily.Laux@tea.texas.gov>; Meyer, Mike <Mike.Meyer@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Jordan Hale <Jordan.Hale@gov.texas.gov>; Madison Yandell <madison.yandell@gov.texas.gov>; Sydni Gaitan <sydni.gaitan@gov.texas.gov>; Renae Eze <Renae.Eze@gov.texas.gov>; James Sullivan <James.Sullivan@gov.texas.gov>; Delgado, Alejandro <Alejandro.Delgado@tea.texas.gov>; Young, Tracy <Tracy.Young@tea.texas.gov>; Angela Colmenero <Angela.Colmenero@gov.texas.gov>; Tabatha Vasquez <Tabatha.Vasquez@gov.texas.gov>; Lecholop, Steve <Steve.Lecholop@tea.texas.gov>; Toby Baker <toby.baker@gov.texas.gov>; Shayne Woodard <shayne.woodard@gov.texas.gov>; Jimmy Anderson <jimmy.anderson@gov.texas.gov>; Andrew Mahaleris <andrew.mahaleris@gov.texas.gov>; Christman, Cari <Cari.Christman@tea.texas.gov>

Optional Attendees: Michael Hull <Michael.Hull@gov.texas.gov>; Sydney Scott <Sydney.Scott@gov.texas.gov>; Gardner Pate <gardner.pate@gov.texas.gov>; Julie Frank <julie.frank@gov.texas.gov>

[EXTERNAL EMAIL]

OOG and TEA

Updated Access Code: 1784482#

Alejandro Delgado, new Deputy Commissioner of Operations and Tracy Young, new Executive Director for Media Relations.

Subject: Mtg: Texas Education Agency, OOG
Location: GPCR//Dial in: 877-226-9790; Access Code: 1396377#

Start: Wednesday, June 07, 2023 2:00 PM EDT
End: Wednesday, June 07, 2023 3:00 PM EDT
Show Time As: Tentative

Recurrence: None

Meeting Status: Not yet responded

Organizer: Amy Bannatyne

Required Attendees: Myers, Paula <Paula.Myers@tea.texas.gov>; Byer, Von <Von.Byer@tea.texas.gov>; Morath, Mike <Mike.Morath@tea.texas.gov>; Rosser, Cathie <Cathie.Rosser@tea.texas.gov>; Sarah Hicks <sarah.hicks@gov.texas.gov>; Laux, Lily <Lily.Laux@tea.texas.gov>; Meyer, Mike <Mike.Meyer@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Jordan Hale <Jordan.Hale@gov.texas.gov>; Madison Yandell <madison.yandell@gov.texas.gov>; Sydney Gaitan <sydni.gaitan@gov.texas.gov>; Renae Eze <Renae.Eze@gov.texas.gov>; James Sullivan <James.Sullivan@gov.texas.gov>; Delgado, Alejandro <Alejandro.Delgado@tea.texas.gov>; Young, Tracy <Tracy.Young@tea.texas.gov>; Angela Colmenero <Angela.Colmenero@gov.texas.gov>; Tabatha Vasquez <Tabatha.Vasquez@gov.texas.gov>; Lecholop, Steve <Steve.Lecholop@tea.texas.gov>; Toby Baker <toby.baker@gov.texas.gov>; Shayne Woodard <shayne.woodard@gov.texas.gov>; Jimmy Anderson <jimmy.anderson@gov.texas.gov>; Andrew Mahaleris <andrew.mahaleris@gov.texas.gov>; Christman, Cari <Cari.Christman@tea.texas.gov>

Optional Attendees: Michael Hull <Michael.Hull@gov.texas.gov>; Sydney Scott <Sydney.Scott@gov.texas.gov>; Gardner Pate <gardner.pate@gov.texas.gov>; Julie Frank <julie.frank@gov.texas.gov>; Aime Bordeaux <aime.bordeaux@gov.texas.gov>; Austin Holder <austin.holder@gov.texas.gov>

[EXTERNAL EMAIL]

OOG and TEA

Updated Access Code: **1396377#**

Alejandro Delgado, new Deputy Commissioner of Operations and Tracy Young, new Executive Director for Media Relations.

Subject: Mtg: Texas Education Agency, OOG
Location: GPCR//Dial in: 877-226-9790; Access Code: 1396377#

Start: Tuesday, May 24, 2022 3:30 PM EDT
End: Tuesday, May 24, 2022 4:30 PM EDT
Show Time As: Tentative

Recurrence: Monthly

Meeting Status: Not yet responded

Organizer: Amy Bannatyne

Required Attendees: Myers, Paula <Paula.Myers@tea.texas.gov>; Byer, Von <Von.Byer@tea.texas.gov>; Morath, Mike <Mike.Morath@tea.texas.gov>; Rosser, Cathie <Cathie.Rosser@tea.texas.gov>; Sarah Hicks <sarah.hicks@gov.texas.gov>; Laux, Lily <Lily.Laux@tea.texas.gov>; Meyer, Mike <Mike.Meyer@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Jordan Hale <Jordan.Hale@gov.texas.gov>; Madison Yandell <madison.yandell@gov.texas.gov>; Sydni Gaitan <sydni.gaitan@gov.texas.gov>; Renae Eze <Renae.Eze@gov.texas.gov>; James Sullivan <James.Sullivan@gov.texas.gov>; Delgado, Alejandro <Alejandro.Delgado@tea.texas.gov>; Young, Tracy <Tracy.Young@tea.texas.gov>; Angela Colmenero <Angela.Colmenero@gov.texas.gov>; Tabatha Vasquez <Tabatha.Vasquez@gov.texas.gov>; Lecholop, Steve <Steve.Lecholop@tea.texas.gov>; Toby Baker <toby.baker@gov.texas.gov>; Shayne Woodard <shayne.woodard@gov.texas.gov>; Jimmy Anderson <jimmy.anderson@gov.texas.gov>; Andrew Mahaleris <andrew.mahaleris@gov.texas.gov>; Christman, Cari <Cari.Christman@tea.texas.gov>

Optional Attendees: Michael Hull <Michael.Hull@gov.texas.gov>; Sydney Scott <Sydney.Scott@gov.texas.gov>; Gardner Pate <gardner.pate@gov.texas.gov>; Julie Frank <julie.frank@gov.texas.gov>; Aime Bordeaux <aime.bordeaux@gov.texas.gov>; Austin Holder <austin.holder@gov.texas.gov>

[EXTERNAL EMAIL]

OOG and TEA

Updated Access Code: **1396377#**

Alejandro Delgado, new Deputy Commissioner of Operations and Tracy Young, new Executive Director for Media Relations.

Subject: Mtg: Texas Education Agency, OOG
Location: GPCR//Dial in: 877-226-9790; Access Code: 8020821#

Start: Wednesday, June 07, 2023 2:00 PM EDT
End: Wednesday, June 07, 2023 3:00 PM EDT
Show Time As: Tentative

Recurrence: None

Meeting Status: Not yet responded

Organizer: Amy Bannatyne

Required Attendees: Myers, Paula <Paula.Myers@tea.texas.gov>; Byer, Von <Von.Byer@tea.texas.gov>; Morath, Mike <Mike.Morath@tea.texas.gov>; Rosser, Cathie <Cathie.Rosser@tea.texas.gov>; Sarah Hicks <sarah.hicks@gov.texas.gov>; Laux, Lily <Lily.Laux@tea.texas.gov>; Meyer, Mike <Mike.Meyer@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Jordan Hale <Jordan.Hale@gov.texas.gov>; Madison Yandell <madison.yandell@gov.texas.gov>; Sydney Gaitan <sydni.gaitan@gov.texas.gov>; Renae Eze <Renae.Eze@gov.texas.gov>; James Sullivan <James.Sullivan@gov.texas.gov>; Delgado, Alejandro <Alejandro.Delgado@tea.texas.gov>; Young, Tracy <Tracy.Young@tea.texas.gov>; Angela Colmenero <Angela.Colmenero@gov.texas.gov>; Tabatha Vasquez <Tabatha.Vasquez@gov.texas.gov>; Lecholop, Steve <Steve.Lecholop@tea.texas.gov>; Toby Baker <toby.baker@gov.texas.gov>; Shayne Woodard <shayne.woodard@gov.texas.gov>; Jimmy Anderson <jimmy.anderson@gov.texas.gov>; Andrew Mahaleris <andrew.mahaleris@gov.texas.gov>; Christman, Cari <Cari.Christman@tea.texas.gov>
Optional Attendees: Michael Hull <Michael.Hull@gov.texas.gov>; Sydney Scott <Sydney.Scott@gov.texas.gov>; Gardner Pate <gardner.pate@gov.texas.gov>; Julie Frank <julie.frank@gov.texas.gov>; Aime Bordeaux <aime.bordeaux@gov.texas.gov>; Austin Holder <austin.holder@gov.texas.gov>; Renae Eze <Renae.Eze@gov.texas.gov>

[EXTERNAL EMAIL]

OOG and TEA

Updated Access Code: **1396377#**

Alejandro Delgado, new Deputy Commissioner of Operations and Tracy Young, new Executive Director for Media Relations.

Subject: Mtg: Texas Education Agency, OOG

Location: Dial in: 877-226-9790; Access Code: 8020821#; * ROOM CHANGE - State Insurance Building, 1100 San Jacinto - West Conference Room 4.106

Start: Wednesday, June 07, 2023 4:30 PM EDT

End: Wednesday, June 07, 2023 5:30 PM EDT

Show Time As: Tentative

Recurrence: None

Meeting Status: Not yet responded

Organizer: Amy Bannatyne

Required Attendees: Myers, Paula <Paula.Myers@tea.texas.gov>; Byer, Von <Von.Byer@tea.texas.gov>; Morath, Mike <Mike.Morath@tea.texas.gov>; Rosser, Cathie <Cathie.Rosser@tea.texas.gov>; Sarah Hicks <sarah.hicks@gov.texas.gov>; Laux, Lily <Lily.Laux@tea.texas.gov>; Meyer, Mike <Mike.Meyer@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Jordan Hale <Jordan.Hale@gov.texas.gov>; Madison Yandell <madison.yandell@gov.texas.gov>; Sydni Gaitan <sydni.gaitan@gov.texas.gov>; Renae Eze <Renae.Eze@gov.texas.gov>; James Sullivan <James.Sullivan@gov.texas.gov>; Delgado, Alejandro <Alejandro.Delgado@tea.texas.gov>; Young, Tracy <Tracy.Young@tea.texas.gov>; Angela Colmenero <Angela.Colmenero@gov.texas.gov>; Tabatha Vasquez <Tabatha.Vasquez@gov.texas.gov>; Lecholop, Steve <Steve.Lecholop@tea.texas.gov>; Toby Baker <toby.baker@gov.texas.gov>; Shayne Woodard <shayne.woodard@gov.texas.gov>; Jimmy Anderson <jimmy.anderson@gov.texas.gov>; Andrew Mahaleris <andrew.mahaleris@gov.texas.gov>; Christman, Cari <Cari.Christman@tea.texas.gov>; Rivera, Nicole <Nicole.Rivera@tea.texas.gov>

Optional Attendees: Michael Hull <Michael.Hull@gov.texas.gov>; Sydney Scott <Sydney.Scott@gov.texas.gov>; Gardner Pate <gardner.pate@gov.texas.gov>; Julie Frank <julie.frank@gov.texas.gov>; Aime Bordeaux <aime.bordeaux@gov.texas.gov>; Austin Holder <austin.holder@gov.texas.gov>; Norma Magirl <Norma.Magirl@gov.texas.gov>

[EXTERNAL EMAIL]

*Note room change – please sign in at front of SIB

Dial in: 877-226-9790; Access Code: 8020821#; * ROOM CHANGE - State Insurance Building, 1100 San Jacinto - West Conference Room 4.106

OOG and TEA

Alejandro Delgado, new Deputy Commissioner of Operations and Tracy Young, new Executive Director for Media Relations.

Subject: Mtg: Texas Education Agency, OOG
Location: GPCR//Dial in: 877-226-9790; Access Code: 9416256#

Start: Tuesday, May 24, 2022 3:30 PM EDT
End: Tuesday, May 24, 2022 4:30 PM EDT
Show Time As: Tentative

Recurrence: Monthly

Meeting Status: Not yet responded

Organizer: Amy Bannatyne

Required Attendees: Myers, Paula <Paula.Myers@tea.texas.gov>; Byer, Von <Von.Byer@tea.texas.gov>; Morath, Mike <Mike.Morath@tea.texas.gov>; Rosser, Cathie <Cathie.Rosser@tea.texas.gov>; Sarah Hicks <sarah.hicks@gov.texas.gov>; Laux, Lily <Lily.Laux@tea.texas.gov>; Meyer, Mike <Mike.Meyer@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Jordan Hale <Jordan.Hale@gov.texas.gov>; Madison Yandell <madison.yandell@gov.texas.gov>; Sydni Gaitan <sydni.gaitan@gov.texas.gov>; Renae Eze <Renae.Eze@gov.texas.gov>; James Sullivan <James.Sullivan@gov.texas.gov>; Delgado, Alejandro <Alejandro.Delgado@tea.texas.gov>; Young, Tracy <Tracy.Young@tea.texas.gov>; Angela Colmenero <Angela.Colmenero@gov.texas.gov>; Tabatha Vasquez <Tabatha.Vasquez@gov.texas.gov>; Lecholop, Steve <Steve.Lecholop@tea.texas.gov>; Toby Baker <toby.baker@gov.texas.gov>; Shayne Woodard <shayne.woodard@gov.texas.gov>; Jimmy Anderson <jimmy.anderson@gov.texas.gov>; Andrew Mahaleris <andrew.mahaleris@gov.texas.gov>; Christman, Cari <Cari.Christman@tea.texas.gov>; Rivera, Nicole <Nicole.Rivera@tea.texas.gov>; Morgan Wray <morgan.wray@gov.texas.gov>

Optional Attendees: Michael Hull <Michael.Hull@gov.texas.gov>; Sydney Scott <Sydney.Scott@gov.texas.gov>; Gardner Pate <gardner.pate@gov.texas.gov>; Julie Frank <julie.frank@gov.texas.gov>; Aime Bordeaux <aime.bordeaux@gov.texas.gov>; Austin Holder <austin.holder@gov.texas.gov>

[EXTERNAL EMAIL]

OOG and TEA

Updated Access Code: **9416256#**

Alejandro Delgado, new Deputy Commissioner of Operations and Tracy Young, new Executive Director for Media Relations.

Subject: Mtg: Texas Education Agency, OOG
Location: GPCR//Dial in: 877-226-9790; Access Code: 9416256#

Start: Monday, August 21, 2023 12:00 PM EDT
End: Monday, August 21, 2023 1:00 PM EDT
Show Time As: Tentative

Recurrence: None

Meeting Status: Not yet responded

Organizer: Amy Bannatyne

Required Attendees: Byer, Von <Von.Byer@tea.texas.gov>; Morath, Mike <Mike.Morath@tea.texas.gov>; Rosser, Cathie <Cathie.Rosser@tea.texas.gov>; Sarah Hicks <sarah.hicks@gov.texas.gov>; Laux, Lily <Lily.Laux@tea.texas.gov>; Meyer, Mike <Mike.Meyer@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Jordan Hale <Jordan.Hale@gov.texas.gov>; Madison Yandell <madison.yandell@gov.texas.gov>; Sydney Gaitan <sydni.gaitan@gov.texas.gov>; Renae Eze <Renae.Eze@gov.texas.gov>; James Sullivan <James.Sullivan@gov.texas.gov>; Delgado, Alejandro <Alejandro.Delgado@tea.texas.gov>; Young, Tracy <Tracy.Young@tea.texas.gov>; Angela Colmenero <Angela.Colmenero@gov.texas.gov>; Tabatha Vasquez <Tabatha.Vasquez@gov.texas.gov>; Lecholop, Steve <Steve.Lecholop@tea.texas.gov>; Toby Baker <toby.baker@gov.texas.gov>; Shayne Woodard <shayne.woodard@gov.texas.gov>; Jimmy Anderson <jimmy.anderson@gov.texas.gov>; Andrew Mahaleris <andrew.mahaleris@gov.texas.gov>; Christman, Cari <Cari.Christman@tea.texas.gov>; Rivera, Nicole <Nicole.Rivera@tea.texas.gov>; Morgan Wray <morgan.wray@gov.texas.gov>

Optional Attendees: Michael Hull <Michael.Hull@gov.texas.gov>; Sydney Scott <Sydney.Scott@gov.texas.gov>; Gardner Pate <gardner.pate@gov.texas.gov>; Julie Frank <julie.frank@gov.texas.gov>; Aime Bordeaux <aime.bordeaux@gov.texas.gov>; Austin Holder <austin.holder@gov.texas.gov>

[EXTERNAL EMAIL]

Meeting Rescheduled on 8/1/2023 per TEA's request

OOG and TEA

Updated Access Code: **9416256#**

Alejandro Delgado, new Deputy Commissioner of Operations and Tracy Young, new Executive Director for Media Relations.

Subject: Mtg: Texas Education Agency, OOG
Location: GPCR//Dial in: 512-717-4201; Access 867-5308

Start: Tuesday, February 28, 2023 3:30 PM EST
End: Tuesday, February 28, 2023 4:30 PM EST
Show Time As: Tentative

Recurrence: None

Meeting Status: Not yet responded

Organizer: Amy Bannatyne

Required Attendees: Morath, Mike <Mike.Morath@tea.texas.gov>; Myers, Paula <Paula.Myers@tea.texas.gov>; Byer, Von <Von.Byer@tea.texas.gov>; Rosser, Cathie <Cathie.Rosser@tea.texas.gov>; Sarah Hicks <sarah.hicks@gov.texas.gov>; Laux, Lily <Lily.Laux@tea.texas.gov>; Meyer, Mike <Mike.Meyer@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Jordan Hale <Jordan.Hale@gov.texas.gov>; Madison Yandell <madison.yandell@gov.texas.gov>; Sydney Gaitan <sydni.gaitan@gov.texas.gov>; Renae Eze <Renae.Eze@gov.texas.gov>; James Sullivan <James.Sullivan@gov.texas.gov>; Delgado, Alejandro <Alejandro.Delgado@tea.texas.gov>; Young, Tracy <Tracy.Young@tea.texas.gov>; Angela Colmenero <Angela.Colmenero@gov.texas.gov>; Tabatha Vasquez <Tabatha.Vasquez@gov.texas.gov>; Lecholop, Steve <Steve.Lecholop@tea.texas.gov>; Toby Baker <toby.baker@gov.texas.gov>; Shayne Woodard <shayne.woodard@gov.texas.gov>; Jimmy Anderson <jimmy.anderson@gov.texas.gov>; Andrew Mahaleris <andrew.mahaleris@gov.texas.gov>

Optional Attendees: Christman, Cari <Cari.Christman@tea.texas.gov>; Michael Hull <Michael.Hull@gov.texas.gov>; Sydney Scott <Sydney.Scott@gov.texas.gov>; Gardner Pate <gardner.pate@gov.texas.gov>; Julie Frank <julie.frank@gov.texas.gov>; Aime Bordeaux <aime.bordeaux@gov.texas.gov>

[EXTERNAL EMAIL]

02/28/2023: Updated conference line for today's meeting.

Subject: Mtg: Texas Education Agency, OOG
Location: GPCR//Dial in: 877-226-9790; Access Code: 6115373#

Start: Tuesday, May 24, 2022 3:30 PM EDT
End: Tuesday, May 24, 2022 4:30 PM EDT
Show Time As: Tentative

Recurrence: Monthly

Meeting Status: Not yet responded

Organizer: Amy Bannatyne

Required Attendees: Byer, Von <Von.Byer@tea.texas.gov>; Morath, Mike <Mike.Morath@tea.texas.gov>; Rosser, Cathie <Cathie.Rosser@tea.texas.gov>; Sarah Hicks <sarah.hicks@gov.texas.gov>; Laux, Lily <Lily.Laux@tea.texas.gov>; Meyer, Mike <Mike.Meyer@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Jordan Hale <Jordan.Hale@gov.texas.gov>; Madison Yandell <madison.yandell@gov.texas.gov>; Sydney Gaitan <sydni.gaitan@gov.texas.gov>; Renae Eze <Renae.Eze@gov.texas.gov>; James Sullivan <James.Sullivan@gov.texas.gov>; Delgado, Alejandro <Alejandro.Delgado@tea.texas.gov>; Young, Tracy <Tracy.Young@tea.texas.gov>; Angela Colmenero <Angela.Colmenero@gov.texas.gov>; Tabatha Vasquez <Tabatha.Vasquez@gov.texas.gov>; Lecholop, Steve <Steve.Lecholop@tea.texas.gov>; Toby Baker <toby.baker@gov.texas.gov>; Shayne Woodard <shayne.woodard@gov.texas.gov>; Jimmy Anderson <jimmy.anderson@gov.texas.gov>; Andrew Mahaleris <andrew.mahaleris@gov.texas.gov>; Christman, Cari <Cari.Christman@tea.texas.gov>; Rivera, Nicole <Nicole.Rivera@tea.texas.gov>

Optional Attendees: Michael Hull <Michael.Hull@gov.texas.gov>; Gardner Pate <gardner.pate@gov.texas.gov>; Julie Frank <julie.frank@gov.texas.gov>; Aime Bordeaux <aime.bordeaux@gov.texas.gov>; Austin Holder <austin.holder@gov.texas.gov>; Michelle Watts <Michelle.Watts@gov.texas.gov>; Cory Fish <Cory.Fish@gov.texas.gov>

[EXTERNAL EMAIL]

OOG and TEA

Updated Access Code: **6115373#**

Alejandro Delgado, new Deputy Commissioner of Operations and Tracy Young, new Executive Director for Media Relations.

18772269790,,6115373#

Subject: Mtg: Texas Education Agency, OOG
Location: GPCR//Dial in: 877-226-9790; Access Code: 3219790#

Start: Tuesday, May 24, 2022 3:30 PM EDT
End: Tuesday, May 24, 2022 4:30 PM EDT
Show Time As: Tentative

Recurrence: Monthly

Meeting Status: Not yet responded

Organizer: Amy Bannatyne

Required Attendees: Myers, Paula <Paula.Myers@tea.texas.gov>; Byer, Von <Von.Byer@tea.texas.gov>; Morath, Mike <Mike.Morath@tea.texas.gov>; Rosser, Cathie <Cathie.Rosser@tea.texas.gov>; Sarah Hicks <sarah.hicks@gov.texas.gov>; Laux, Lily <Lily.Laux@tea.texas.gov>; Meyer, Mike <Mike.Meyer@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Jordan Hale <Jordan.Hale@gov.texas.gov>; Madison Yandell <madison.yandell@gov.texas.gov>; Sydni Gaitan <sydni.gaitan@gov.texas.gov>; Renae Eze <Renae.Eze@gov.texas.gov>; James Sullivan <James.Sullivan@gov.texas.gov>; Delgado, Alejandro <Alejandro.Delgado@tea.texas.gov>; Young, Tracy <Tracy.Young@tea.texas.gov>; Angela Colmenero <Angela.Colmenero@gov.texas.gov>; Tabatha Vasquez <Tabatha.Vasquez@gov.texas.gov>; Lecholop, Steve <Steve.Lecholop@tea.texas.gov>; Toby Baker <toby.baker@gov.texas.gov>; Shayne Woodard <shayne.woodard@gov.texas.gov>; Jimmy Anderson <jimmy.anderson@gov.texas.gov>; Andrew Mahaleris <andrew.mahaleris@gov.texas.gov>; Christman, Cari <Cari.Christman@tea.texas.gov>

Optional Attendees: Michael Hull <Michael.Hull@gov.texas.gov>; Sydney Scott <Sydney.Scott@gov.texas.gov>; Gardner Pate <gardner.pate@gov.texas.gov>; Julie Frank <julie.frank@gov.texas.gov>; Aime Bordeaux <aime.bordeaux@gov.texas.gov>

[EXTERNAL EMAIL]

OOG and TEA

Updated Access Code: **3219790#**

Alejandro Delgado, new Deputy Commissioner of Operations and Tracy Young, new Executive Director for Media Relations.

Subject: Mtg: Texas Education Agency, OOG
Location: GPCR//Dial in: 877-226-9790; Access Code: 1437329#

Start: Tuesday, May 24, 2022 3:30 PM EDT
End: Tuesday, May 24, 2022 4:30 PM EDT
Show Time As: Tentative

Recurrence: Monthly

Meeting Status: Not yet responded

Organizer: Amy Bannatyne

Required Attendees: Byer, Von <Von.Byer@tea.texas.gov>; Morath, Mike <Mike.Morath@tea.texas.gov>; Rosser, Cathie <Cathie.Rosser@tea.texas.gov>; Sarah Hicks <sarah.hicks@gov.texas.gov>; Laux, Lily <Lily.Laux@tea.texas.gov>; Meyer, Mike <Mike.Meyer@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Jordan Hale <Jordan.Hale@gov.texas.gov>; Madison Yandell <madison.yandell@gov.texas.gov>; Sydney Gaitan <sydni.gaitan@gov.texas.gov>; Renae Eze <Renae.Eze@gov.texas.gov>; James Sullivan <James.Sullivan@gov.texas.gov>; Delgado, Alejandro <Alejandro.Delgado@tea.texas.gov>; Young, Tracy <Tracy.Young@tea.texas.gov>; Angela Colmenero <Angela.Colmenero@gov.texas.gov>; Tabatha Vasquez <Tabatha.Vasquez@gov.texas.gov>; Lecholop, Steve <Steve.Lecholop@tea.texas.gov>; Toby Baker <toby.baker@gov.texas.gov>; Shayne Woodard <shayne.woodard@gov.texas.gov>; Jimmy Anderson <jimmy.anderson@gov.texas.gov>; Andrew Mahaleris <andrew.mahaleris@gov.texas.gov>; Christman, Cari <Cari.Christman@tea.texas.gov>; Rivera, Nicole <Nicole.Rivera@tea.texas.gov>
Optional Attendees: Michael Hull <Michael.Hull@gov.texas.gov>; Sydney Scott <Sydney.Scott@gov.texas.gov>; Gardner Pate <gardner.pate@gov.texas.gov>; Julie Frank <julie.frank@gov.texas.gov>; Aime Bordeaux <aime.bordeaux@gov.texas.gov>; Austin Holder <austin.holder@gov.texas.gov>

[EXTERNAL EMAIL]

OOG and TEA

Updated Access Code: **1437329#**

Alejandro Delgado, new Deputy Commissioner of Operations and Tracy Young, new Executive Director for Media Relations.

18772269790,,1437329#

Subject: Mtg: Texas Education Agency, OOG
Location: GPCR//Dial in: 877-226-9790; Access Code: 5160644#

Start: Friday, January 26, 2024 2:30 PM EST
End: Friday, January 26, 2024 3:30 PM EST
Show Time As: Tentative

Recurrence: None

Meeting Status: Not yet responded

Organizer: Amy Bannatyne

Required Attendees: Byer, Von <Von.Byer@tea.texas.gov>; Morath, Mike <Mike.Morath@tea.texas.gov>; Rosser, Cathie <Cathie.Rosser@tea.texas.gov>; Sarah Hicks <sarah.hicks@gov.texas.gov>; Laux, Lily <Lily.Laux@tea.texas.gov>; Meyer, Mike <Mike.Meyer@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Jordan Hale <Jordan.Hale@gov.texas.gov>; Madison Yandell <madison.yandell@gov.texas.gov>; Sydney Gaitan <sydni.gaitan@gov.texas.gov>; Renae Eze <Renae.Eze@gov.texas.gov>; James Sullivan <James.Sullivan@gov.texas.gov>; Delgado, Alejandro <Alejandro.Delgado@tea.texas.gov>; Young, Tracy <Tracy.Young@tea.texas.gov>; Angela Colmenero <Angela.Colmenero@gov.texas.gov>; Tabatha Vasquez <Tabatha.Vasquez@gov.texas.gov>; Lecholop, Steve <Steve.Lecholop@tea.texas.gov>; Toby Baker <toby.baker@gov.texas.gov>; Shayne Woodard <shayne.woodard@gov.texas.gov>; Jimmy Anderson <jimmy.anderson@gov.texas.gov>; Andrew Mahaleris <andrew.mahaleris@gov.texas.gov>; Christman, Cari <Cari.Christman@tea.texas.gov>; Rivera, Nicole <Nicole.Rivera@tea.texas.gov>

Optional Attendees: Gardner Pate <gardner.pate@gov.texas.gov>; Julie Frank <julie.frank@gov.texas.gov>; Aime Bordeaux <aime.bordeaux@gov.texas.gov>; Austin Holder <austin.holder@gov.texas.gov>; Michelle Watts <Michelle.Watts@gov.texas.gov>; Cory Fish <Cory.Fish@gov.texas.gov>

[EXTERNAL EMAIL]

OOG and TEA

Updated Access Code: **5160644#**

Alejandro Delgado, new Deputy Commissioner of Operations and Tracy Young, new Executive Director for Media Relations.

18772269790,,5160644#

Subject: Mtg: Texas Education Agency, OOG
Location: GPCR//Dial in: 877-226-9790; Access Code: 8020821#

Start: Tuesday, May 24, 2022 3:30 PM EDT
End: Tuesday, May 24, 2022 4:30 PM EDT
Show Time As: Tentative

Recurrence: Monthly

Meeting Status: Not yet responded

Organizer: Amy Bannatyne

Required Attendees: Myers, Paula <Paula.Myers@tea.texas.gov>; Byer, Von <Von.Byer@tea.texas.gov>; Morath, Mike <Mike.Morath@tea.texas.gov>; Rosser, Cathie <Cathie.Rosser@tea.texas.gov>; Sarah Hicks <sarah.hicks@gov.texas.gov>; Laux, Lily <Lily.Laux@tea.texas.gov>; Meyer, Mike <Mike.Meyer@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Jordan Hale <Jordan.Hale@gov.texas.gov>; Madison Yandell <madison.yandell@gov.texas.gov>; Sydni Gaitan <sydni.gaitan@gov.texas.gov>; Renae Eze <Renae.Eze@gov.texas.gov>; James Sullivan <James.Sullivan@gov.texas.gov>; Delgado, Alejandro <Alejandro.Delgado@tea.texas.gov>; Young, Tracy <Tracy.Young@tea.texas.gov>; Angela Colmenero <Angela.Colmenero@gov.texas.gov>; Tabatha Vasquez <Tabatha.Vasquez@gov.texas.gov>; Lecholop, Steve <Steve.Lecholop@tea.texas.gov>; Toby Baker <toby.baker@gov.texas.gov>; Shayne Woodard <shayne.woodard@gov.texas.gov>; Jimmy Anderson <jimmy.anderson@gov.texas.gov>; Andrew Mahaleris <andrew.mahaleris@gov.texas.gov>; Christman, Cari <Cari.Christman@tea.texas.gov>

Optional Attendees: Michael Hull <Michael.Hull@gov.texas.gov>; Sydney Scott <Sydney.Scott@gov.texas.gov>; Gardner Pate <gardner.pate@gov.texas.gov>; Julie Frank <julie.frank@gov.texas.gov>; Aime Bordeaux <aime.bordeaux@gov.texas.gov>; Austin Holder <austin.holder@gov.texas.gov>

[EXTERNAL EMAIL]

OOG and TEA

Updated Access Code: **8020821#**

Alejandro Delgado, new Deputy Commissioner of Operations and Tracy Young, new Executive Director for Media Relations.

Subject: OOG/TEA
Location: Microsoft Teams Meeting

Start: Tuesday, October 03, 2023 3:30 PM EDT
End: Tuesday, October 03, 2023 4:00 PM EDT
Show Time As: Tentative

Recurrence: None

Meeting Status: Not yet responded

Organizer: Madison Yandell

Required Attendees: Angela Colmenero <Angela.Colmenero@gov.texas.gov>; Tabatha Vasquez <Tabatha.Vasquez@gov.texas.gov>; Trevor Ezell <trevor.ezell@gov.texas.gov>; Byer, Von <Von.Byer@tea.texas.gov>; Marin, Eric <Eric.Marin@tea.texas.gov>

[EXTERNAL EMAIL]

Microsoft Teams meeting

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[+1 469-480-5267,,372237039#](#) United States, Dallas

Phone Conference ID:372 237 039#

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Subject: OOG/TEA
Location: Microsoft Teams Meeting

Start: Tuesday, October 03, 2023 3:00 PM EDT
End: Tuesday, October 03, 2023 3:30 PM EDT
Show Time As: Tentative

Recurrence: None

Meeting Status: Not yet responded

Organizer: Madison Yandell

Required Attendees: Angela Colmenero <Angela.Colmenero@gov.texas.gov>; Tabatha Vasquez <Tabatha.Vasquez@gov.texas.gov>; Trevor Ezell <trevor.ezell@gov.texas.gov>; Byer, Von <Von.Byer@tea.texas.gov>; Marin, Eric <Eric.Marin@tea.texas.gov>

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Subject: OOG/TEA
Location: Microsoft Teams Meeting

Start: Tuesday, October 03, 2023 3:00 PM EDT
End: Tuesday, October 03, 2023 3:30 PM EDT
Show Time As: Tentative

Recurrence: None

Meeting Status: Not yet responded

Organizer: Madison Yandell

Required Attendees: Angela Colmenero <Angela.Colmenero@gov.texas.gov>; Tabatha Vasquez <Tabatha.Vasquez@gov.texas.gov>; Trevor Ezell <trevor.ezell@gov.texas.gov>; Byer, Von <Von.Byer@tea.texas.gov>; Marin, Eric <Eric.Marin@tea.texas.gov>

[EXTERNAL EMAIL]

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Page 5 pending OAG Decision Redacted 552.103

ellissboe@gmail.com

From: OPINIONCOMMITTEE <Opinion.Committee024@oag.texas.gov>
Sent: Monday, March 20, 2023 4:49 PM
Subject: Newly Issued Attorney General Opinion
Attachments: KP-0439.pdf

Issued:

Opinion No. KP-0439

Re: Constitutionality of legislation creating a Texas Education Savings Account program for Texas children (RQ-0502-KP)

Opinion Committee
Office of the Attorney General of Texas
(512) 463-2110



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 20, 2023

The Honorable Brandon Creighton
Chair, Senate Committee on Education
Texas State Senate
Post Office Box 12068
Austin, Texas 78711-2068

Opinion No. KP-0439

Re: Constitutionality of legislation creating a Texas Education Savings Account program for Texas children (RQ-0502-KP)

Dear Senator Creighton:

You ask about the constitutionality of Texas’s “Blaine Amendments” and of a Texas Education Savings Account (“ESA”) program.¹ You ask first whether “Texas’s Blaine Amendments violate the Free Exercise Clause of the First Amendment to the U.S. Constitution[.]” Request Letter at 2. Second, you ask whether “an ESA program that makes available education assistance payments to program participants, including for sectarian schools and tutors, violate[s] the Establishment Clause of the First Amendment to the U.S. Constitution[.]” *Id.* Lastly, you ask whether “an ESA program that makes available education assistance payments to program participants in order to achieve a general diffusion of knowledge violate[s] Article VII, [section] 1 or Article VII, [section] 5 of the Texas Constitution[.]”² *Id.*

Texas’s Blaine Amendments violate the First Amendment and are unenforceable.

The original Blaine Amendment was an amendment to the United States Constitution proposed by Congressman James G. Blaine in the 1870s that would have amended the Constitution to bar any federal aid to “sectarian” institutions. *See Espinoza v. Montana Dep’t of Revenue*, 140 S. Ct. 2246, 2268 (2020) (Alito, J., concurring); *Mitchell v. Helms*, 530 U.S. 793, 828 (2000)

¹See Letter from Honorable Brandon Creighton, Chair, Senate Comm. on Higher Educ., Tex. State Senate, to Honorable Ken Paxton, Tex. Att’y Gen. at 1 (March 10, 2023), <https://texasattorneygeneral.gov/sites/default/files/requestfiles/request/2022/RQ0502KP.pdf> (“Request Letter”).

²As an initial matter, we note you do not describe a particular ESA program. *See generally* Request Letter at 1–3. Instead, you focus on the participation in the program by sectarian schools. *See id.* Accordingly, we do not opine on a particular ESA program but limit our opinion to the constitutionality of a program that generally allows participation by sectarian schools. There are several bills currently pending in the Eighty-eighth Legislature that provide for educational savings accounts. *See, e.g.*, Tex. S.B. 8, 88th Leg., R.S. (2023); Tex. H.B. 557, 88th Leg., R.S. (2023).

(disavowing “shameful pedigree” of hostility to aid to “sectarian” schools).³ Although the proposed amendment was never adopted, several states, including Texas, later adopted similar amendments to their state constitutions or enacted comparable state laws.⁴ These provisions are colloquially referred to as “Blaine Amendments.”

Texas’s Blaine Amendments are found in article I, section 7, and article VII, subsection 5(c) of the Texas Constitution. Article I, section 7 of the Texas Constitution provides that

[n]o money shall be appropriated, or drawn from the Treasury for the benefit of any sect, or religious society, theological or religious seminary; nor shall property belonging to the State be appropriated for any such purposes.

TEX. CONST. art. I, § 7. Separately, article VII, subsection 5(c), relating to the permanent and available school funds, provides that “[t]he permanent school fund and the available school fund may not be appropriated to or used for the support of any sectarian school.” *Id.* art. VII, § 5(c).

The First Amendment, which applies to the states through the Fourteenth Amendment and therefore trumps an offending provision of the Texas Constitution,⁵ provides that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof” U.S. CONST. amend. I. The United States Supreme Court has “repeatedly held that a State violates the Free Exercise Clause when it excludes religious observers from otherwise available public benefits.” *Carson v. Makin*, 142 S. Ct. 1987, 1996 (2022) (collecting cases). And since 2017, the Court has on three occasions struck down state policies that discriminated against religious organizations on terms materially indistinguishable from Texas’s Blaine Amendments.⁶ *See Trinity Lutheran Church of Columbia, Inc. v. Comer*, 137 S. Ct. 2012, 2019–20 (2017); *Espinoza*, 140 S. Ct. at 2254; *Carson*, 142 S. Ct. at 1997. A plain reading of the First Amendment and applicable Supreme Court precedent compels the conclusion that Texas’s Blaine Amendments violate the Free Exercise Clause of the First Amendment to the United States Constitution. As such, Texas’s Blaine Amendments are unenforceable and may not be relied on to exclude religious schools from receiving funds through the ESA program that you describe. It follows that any state action, regardless of the validity of Texas’s Blaine Amendments, that excludes religious schools from otherwise available public benefits based solely on religious affiliation violates the Free Exercise Clause.

³“Consideration of the amendment arose at a time of pervasive hostility to the Catholic Church and to Catholics in general, and it was an open secret that ‘sectarian’ was code for ‘Catholic.’” *Mitchell*, 530 U.S. at 828.

⁴*See Espinoza*, 140 S. Ct. at 2269 (Alito, J., concurring) (stating that “[t]hirty-eight States still have these ‘little Blaine Amendments’ today”).

⁵The First Amendment is binding on the states through the Fourteenth Amendment’s due process clause, rendering “the legislatures of the states as incompetent as Congress” to enact laws that infringe on the free exercise of religion. *Cantwell v. Connecticut*, 310 U.S. 296, 303 (1940).

⁶Although the challenged provisions in these cases do not purport to prohibit sectarian schools from receiving funding, the United States Supreme Court has nonetheless recognized that the Free Exercise Clause protects against “indirect coercion or penalties on the free exercise of religion, not just outright prohibitions[.]” *Lyng v. Nw. Indian Cemetery Protective Ass’n*, 485 U.S. 439, 450 (1988).

In 2017, the Court considered a Missouri program that offered grants to qualifying nonprofit organizations to install playground surfaces made from recycled rubber tires. *Trinity Lutheran*, 137 S. Ct. at 2017. The Missouri Department of Natural Resources (“Department”) denied funding to Trinity Lutheran Church Child Learning Center solely because it was a church-operated school pursuant to a policy of denying grants to religious organizations. *See id.* at 2018. The Department argued its policy was compelled by a state constitutional provision providing

[t]hat no money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect or denomination of religion, or in aid of any priest, preacher, minister or teacher thereof[.]

Id. at 2017 (quoting MO. CONST. art. I, § VII). The Court observed that “[t]he Department’s policy expressly discriminates against otherwise eligible recipients by disqualifying them from a public benefit solely because of their religious character.” *Id.* at 2021. As such, the policy “imposes a penalty on the free exercise of religion that must be subjected to the ‘most rigorous’ scrutiny.” *Id.* at 2024. Under strict-scrutiny review, government action “must advance interests of the highest order and must be narrowly tailored in pursuit of those interests.” *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 546 (1993) (quotation marks omitted). In conducting its review, the Court rejected the Department’s stated “policy preference for skating as far as possible from religious establishment concerns,” concluding that “the state interest asserted here—in achieving greater separation of church and State than is already ensured under the Establishment Clause of the Federal Constitution—is limited by the Free Exercise Clause.” *Trinity Lutheran*, 137 S. Ct. at 2024 (quoting *Widmar v. Vincent*, 454 U.S. 263, 276 (1981)). Ultimately, the Court concluded that “the exclusion of Trinity Lutheran from a public benefit for which it is otherwise qualified, solely because it is a church, is odious to our Constitution . . . and cannot stand.” *Id.* at 2025.

Three years later, the Court reached the same conclusion when it considered a Montana policy that excluded religious schools from a program that provided tax credits to donors who provided scholarships for private schools. *See Espinoza*, 140 S. Ct. at 2254. The Montana Legislature directed that the program be administered in accordance with a state constitutional provision providing that

[t]he legislature . . . shall not make any direct or indirect appropriation or payment from any public fund or monies, or any grant of lands or other property for any sectarian purpose or to aid any church, school, academy, seminary, college, university, or other literary or scientific institution, controlled in whole or in part by any church, sect, or denomination.

Id. at 2252 (quoting MONT. CONST. art. X, § 6(1)). The Court observed that “[t]he Montana Constitution discriminate[d] based on religious status just like the Missouri policy in *Trinity Lutheran*,” and applied strict-scrutiny review because the program “bar[red] religious schools from public benefits solely because of the religious character of the schools.” *Id.* at 2255–56. Montana asserted three state interests that, in its opinion, survived strict-scrutiny review: (1) a greater separation of church and state than is guaranteed by the First Amendment; (2) promotion of

religious freedom “by ensuring that . . . taxes are not directed to religious organizations and . . . keeping the government out of [religious organizations’] operations”; and (3) advancement of public education “by ensuring that government support is not diverted to private schools.” *Id.* at 2260–61. The Court rejected each argument, noting that a state’s interest in achieving a greater separation of church and state than is guaranteed by the First Amendment “cannot qualify as compelling in the face of the infringement of free exercise [of religion].” *Id.* at 2260 (quotation mark omitted). Similarly, it rejected the argument that the no-aid provision promoted religious freedom because an infringement of First Amendment rights “cannot be justified by a State’s alternative view that the infringement advances religious liberty.” *Id.* Finally, it concluded that any argument relying on the state’s interest in public education was undermined by the program’s inclusion of secular private schools. *See id.* at 2261.

Finally, just last year the Court considered a Maine program that supplied tuition assistance for parents who live in school districts that do not provide secondary schools. *See Carson*, 142 S. Ct. at 1993–94. Under the program, parents could select either a public or “nonsectarian” private secondary school for their child to attend and the school district transmitted payments to that school. *See id.* at 1994. The Court again observed that private, religious schools were disqualified “solely because of their religious character.” *Id.* at 1997 (quoting *Trinity Lutheran*, 137 S. Ct. at 2021). Further, “[b]y condition[ing] the availability of benefits in that manner, Maine’s tuition assistance program—like the program in *Trinity Lutheran*—effectively penalizes the free exercise of religion.” *Id.* (quotation marks omitted). The Court again subjected the challenged provision to strict-scrutiny review and—as in *Trinity Lutheran* and *Espinoza*—rejected Maine’s stated interest in avoiding an Establishment Clause violation. *See id.* at 1997–98. The Court ultimately held that a “State need not subsidize private education. But once a State decides to do so, it cannot disqualify some private schools solely because they are religious.” *Id.* at 2000 (quoting *Espinoza*, 140 S. Ct. at 2261).

The Court’s analysis in *Trinity Lutheran*, *Espinoza*, and *Carson* compels the conclusion that Texas’s Blaine Amendments found in article I, section 7, and article VII, subsection 5(c), and any laws, actions, or policies implementing them, violate the Free Exercise Clause to the First Amendment of the United States Constitution and are unenforceable.⁷ There are no material differences in the provisions considered by the Court in these cases and Texas’s Blaine Amendments. As the Court noted in *Carson*, “[w]hile the wording of the Montana and Maine provisions is different, their effect is the same: to disqualify some private schools from funding solely because they are religious.” *Id.* at 1997 (quotation marks omitted). There can be no mistake that Texas’s Blaine Amendments have the same effect as the provisions at issue in these cases—to “expressly discriminate[] against otherwise eligible recipients by disqualifying them from a public benefit solely because of their religious character.” *Trinity Lutheran*, 137 S. Ct. at 2021. Moreover, there is no governmental interest sufficiently compelling under these Supreme Court cases to overcome this infringement on religious rights. Accordingly, any court that considers a constitutional challenge to Texas’s Blaine Amendments “must not give effect to state laws that conflict with federal law[]” and should “disregard[]” Texas’s Blaine Amendments and decide any

⁷To the extent they are inconsistent with this conclusion, we overrule the following attorney general opinions that pre-date the Supreme Court decisions relied upon herein: O-2832, O-5037, O-7128, and M-1036. *See Tex. Att’y Gen. Op. Nos. O-2832 (1940), O-5037 (1943), O-7128 (1946), M-1036 (1972).*

challenge “conformably to the [C]onstitution of the United States.” *Espinoza*, 140 S. Ct. at 2262 (quoting *Armstrong v. Exceptional Child Ctr., Inc.*, 575 U.S. 320, 324 (2015) and *Marbury v. Madison*, 5 U.S. 137 (1803)). In conclusion, Texas’s Blaine Amendments violate the First Amendment to the United States Constitution and are unenforceable, as is any state action that presumes to exclude religious schools from otherwise available public benefits based solely on religious affiliation.

The Establishment Clause does not prohibit a neutral educational assistance program just because a religious institution may benefit.

You next ask whether “an ESA program that makes available education assistance payments to program participants, including for sectarian schools and tutors, violate[s] the Establishment Clause of the First Amendment to the U.S. Constitution[.]” Request Letter at 2. The Establishment Clause—the other religion clause of the First Amendment—dictates that “Congress shall make no law respecting an establishment of religion[.]” U.S. CONST. amend. I.

The United States Supreme Court acknowledges the tension between the Establishment and the Free Exercise Clauses but notes that “there is room for play in the joints.” *Locke v. Davey*, 540 U.S. 712, 718 (2004) (quoting *Walz v. Tax Comm’n of New York*, 397 U.S. 664, 669 (1970)). That play in the joints means that “there are some state actions permitted by the Establishment Clause but not required by the Free Exercise Clause”⁸ allowing for the Court’s repeated holdings that the Establishment Clause is not offended when religious observers and organizations benefit from neutral government programs. *Id.* at 719; *see also Espinoza*, 140 S. Ct. at 2254; *Trinity Lutheran*, 137 S. Ct. at 2019–20; *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 839 (1995); *Zobrest v. Catalina Foothills Sch. Dist.*, 509 U.S. 1, 8 (1993); *Bowen v. Kendrick*, 487 U.S. 589, 609 (1988) (“[T]his court has never held that religious institutions are disabled by the First Amendment from participating in publicly sponsored social welfare programs.”). Indeed, if that were the case then “a church could not be protected by the police and fire departments, or have its public sidewalk kept in repair.” *Zobrest*, 509 U.S. at 8 (quoting *Widmar*, 454 U.S. at 274–75).

With respect to the specific context of education assistance payments, the United States Supreme Court has answered your question by upholding a voucher program against an Establishment Clause challenge. *See generally Zelman v. Simmons-Harris*, 536 U.S. 639 (2002). In *Zelman*, the Court examined a state benefit program designed to help the children of Cleveland, Ohio’s failing public schools by providing tuition and tutorial aid to students to attend a public or private school, including private schools with a religious affiliation. *See id.* at 644–48. The Court stated that a voucher program does not offend the Establishment Clause if the program “is neutral with respect to religion, and provides assistance directly to a broad class of citizens who, in turn, direct government aid to religious schools wholly as a result of their own genuine and independent private choice.” *Id.* at 652. The Court evaluated Ohio’s benefit program under five factors and found: it was “part of a general and multifaceted undertaking by the State of Ohio to provide

⁸*See Kennedy v. Bremerton Sch. Dist.*, 142 S. Ct. 2407, 2426 (2022) (acknowledging tension between what is compelled by the Free Exercise Clause and what is permitted by the Establishment Clause but noting that the Clauses, along with the Free Speech Clause, “appear in the same sentence of the same Amendment” and stating that a natural reading of that sentence suggests “the Clauses have ‘complementary’ purposes, not warring ones where one Clause is always sure to prevail over the others”).

educational opportunities to the children of a failed school district”; the tuition aid went to parents, not to the schools; it covered a broad class of beneficiaries by covering all school-age students in the program area; it was neutral with respect to religion as parents were not required to enroll their student in a religiously-affiliated school; and it provided nonreligious options by virtue of the fact that public schools in adjoining districts and nonreligious private schools would accept the vouchers. *Id.* at 653, 662–63.

The United States Supreme Court has at least twice reaffirmed *Zelman*. Most recently in the *Carson v. Makin* decision, in addition to its discussion of the Maine program under the Free Exercise Clause, the Court noted that “a neutral benefit program in which public funds flow to religious organizations through the independent choices of private benefit recipients does not offend the Establishment Clause.” 142 S. Ct. at 1997. Similarly, in *Espinoza v. Montana Dep’t of Revenue*, the Court noted that, with respect to the Establishment Clause, a challenge to Montana’s scholarship program would be unavailing “because the government support makes its way to religious schools only as a result of Montanans independently choosing to spend their scholarships at such schools.” 140 S. Ct. at 2254.

Accordingly, an ESA program in Texas that satisfies the five-factor inquiry set forth in *Zelman* does not violate the Establishment Clause.

The Texas Constitution does not prohibit the Legislature from establishing an ESA program so long as it is not funded by the permanent school fund or available school fund.

You lastly ask whether “an ESA program that makes available education assistance payments to program participants in order to achieve a general diffusion of knowledge violate[s]” article VII, sections 1 or 5 of the Texas Constitution. Request Letter at 2.

Article VII, section 1 provides that “[a] general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools.”⁹ TEX. CONST. art. VII, § 1. This section speaks only to the Legislature’s duty to establish and “make suitable provision for the support and maintenance of an efficient system of *public* free schools.” *Id.* (emphasis added). It does not preclude the Legislature from enacting additional educational initiatives independent of a public school system. *Id.* The Legislature may satisfy its duty under section 1 to establish and make suitable provision for the support and maintenance of an efficient system of public free schools while also providing for an ESA program; section 1 does not render the two mutually exclusive. *See Duncan v. Gabler*, 215 S.W.2d 155, 158 (Tex. 1948) (“[E]xcept in the particulars wherein it is restrained by the Constitution of the United States, the legislative department may exercise all legislative power which is not forbidden expressly or by implication by the provisions of the Constitution of the state of Texas.” (quoting *Brown v. City of Galveston*, 75 S.W. 488, 492 (Tex. 1903))).

⁹Currently pending resolutions would amend section 1. *See* Tex. H.J.R. 76, 88th Leg., R.S. (2023); Tex. H.J.R. 182, 88th Leg., R.S. (2023).

Moreover, to the extent section 1 is implicated at all by an ESA program, the Texas Supreme Court has granted the Legislature wide deference in fulfilling the constitutional duty imposed by this section. The Court has acknowledged its “limited constitutional role” in relation to section 1 and has stated that its “settled precedent . . . frowns upon judicial second-guessing of policy choices[.]” *Morath v. Tex. Taxpayer & Student Fairness Coal.*, 490 S.W.3d 826, 845–46 (Tex. 2016) (providing that under section 1, the Legislature is required to ensure that the public school system must be adequate, suitable, and efficient). Ultimately, courts find a violation of section 1 only if the Legislature has acted arbitrarily or unreasonably. *See id.* at 846 (“At bottom, the ‘crux’ of this standard is ‘reasonableness,’ and the lens through which we view these challenges maintains a default position of deference to the Legislature—that political branch responsible for establishing a constitutionally compliant system.”); *Neeley v. W. Orange-Cove Consol. Indep. Sch. Dist.*, 176 S.W.3d 746, 784–85 (Tex. 2005).

You also point to article VII, section 5, which provides in relevant part that

[t]he available school fund shall be applied annually to the support of the public free schools. Except as provided by this section, the legislature may not enact a *law appropriating any part of the permanent school fund or available school fund to any other purpose. The permanent school fund and the available school fund may not be appropriated to or used for the support of any sectarian school.* The available school fund shall be distributed to the several counties according to their scholastic population and applied in the manner provided by law.

TEX. CONST. art. VII, § 5(c) (emphasis added). Subsection 5(c) preserves two sources of funding exclusively for public schools: the permanent school fund and the available school fund. Under subsection 5(c), an ESA program may not rely on either of these sources of funding. *Id.* (stating that “the legislature may not enact a law appropriating any part of the permanent school fund or available school fund to any other purpose”). But subsection 5(c) does not prohibit the use of *other* sources of funds for the purpose of establishing an ESA program.¹⁰ Accordingly, the Legislature may enact additional educational initiatives, such as the ESA program you describe, that are derived from other sources of funding.¹¹ To the extent the ESA program is funded from other sources, subsection 5(c) does not apply and presents no impediment to enactment of such a program.

¹⁰As previously discussed, subsection 5(c)’s prohibition against an appropriation for the support of any “sectarian” school violates the Free Exercise Clause. *See supra* at 5–6. But even if this provision were enforceable, it applies only where “[t]he permanent school fund and the available school fund [are] appropriated to or used for the support of any sectarian school.” TEX. CONST. art. VII, § 5(c).

¹¹*See, e.g.*, General Appropriations Act, 2021–22 Biennium, 87th Leg., ch. 1053, art. III, riders 69, 72, 73, and 74, 2021 Tex. Gen. Laws 217, 241.

S U M M A R Y

Texas's Blaine Amendments—article I, section 7, and article VII, subsection 5(c) of the Texas Constitution—violate the Free Exercise Clause of the First Amendment to the United States Constitution. Accordingly, any law, action, or policy implemented in accordance with their prohibitions would be unconstitutional.

An Education Savings Account program offering parents and students education assistance payments that can be directed to public and private schools, including “sectarian” schools, and that offers parents and students a genuine and independent choice to select a private religious school does not violate the Establishment Clause.

An ESA program does not violate article VII, section 1, or subsection 5(c) of the Texas Constitution to the extent the program is an additional educational initiative and is not funded from the permanent school fund or available school fund.

Very truly yours,



KEN PAXTON
Attorney General of Texas

BRENT E. WEBSTER
First Assistant Attorney General

GRANT DORFMAN
Deputy First Assistant Attorney General

LESLEY FRENCH
Chief of Staff

D. FORREST BRUMBAUGH
Deputy Attorney General for Legal Counsel

AARON F. REITZ
Deputy Attorney General for Legal Strategy

AUSTIN KINGHORN
Chair, Opinion Committee

REQUEST FOR INFORMATION

TEA PIR# 67107

From: AO Records
Sent: 16 Feb 2024 20:02:28 +0000
To: PIR
Subject: Public Information Request (TX-TEA-24-0119)
Attachments: TX-TEA-24-0119.pdf

Dear Public Information Officer,

Please find attached a request for records under Texas public records laws.

Sincerely,

Mariuxi Pintado | (she/hers)
Senior Paralegal | American Oversight
records@americanoversight.org
www.americanoversight.org | @weareoversight

Public Information Request: TX-TEA-24-0119



February 16, 2024

VIA EMAIL

Texas Education Agency
Public Information Request Office
1701 N. Congress Ave.
Austin, TX 78701
pir@tea.texas.gov

Re: Public Information Request

Dear Public Information Officer:

Pursuant to the Texas Public Information Act, as codified at Tex. Gov't Code ch. 552, American Oversight makes the following request for public records.

Requested Records

American Oversight requests that the Texas Education Agency promptly produce the following:

1. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) any of the Texas Education Agency officials listed below, and (b) any of the external entities or individuals listed below or anyone communicating on their behalf (including, but not limited to, at the listed email addresses and domains).

Texas Education Agency Officials:

- i. Mike Morath, Commissioner of Education
- ii. Von Byer, General Counsel
- iii. Jennifer Alexander, Deputy Commissioner of Special Populations
- iv. Mike Meyer, Deputy Commissioner of Finance
- v. Aaron Kinsey, Chair of State Board of Education
- vi. Pam Little, Vice Chair of State Board of Education
- vii. Keven Ellis, Member of the State Board of Education and Former Commissioner
- viii. Julie Pickren, Member of the State Board of Education
- ix. Jaime Huerta, Division Director of the Department of Grant Compliance and Administration
- x. Didi Garcia, Assistant Division Director of the Department of Grant Compliance and Administration

External Entities and Individuals:

- a. Gardner Pate (gardner.pate@gov.texas.gov)



- b. Governor Greg Abbott
- c. Madison Yandell (madison.yandell@gov.texas.gov)
- d. Office of the Texas Attorney General (oag.texas.gov)
- e. State Representative Benjamin Bumgarner
(ben.bumgarner@house.texas.gov)
- f. Gregory Cline (gregory.cline@house.texas.gov)
- g. State Senator Drew Springer (drew.springer@senate.texas.gov) or
Alex Sprague (alex.sprague@senate.texas.gov)
- h. Toby Baker (toby.baker@gov.texas.gov)

For part 1 of this request, please note that American Oversight does not seek, and that this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications responding to or forwarding such emails are responsive to this request. In other words, for example, if an official received a mass-distribution news clip email from State Senator Drew Springer, that initial email would not be responsive to this request. However, if the official forwarded that email to another listed individual with their own commentary, that subsequent message would be responsive to this request and should be produced.

- 2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by any of the Texas Education Agency officials listed above in part 1 and containing any of the key terms listed below.

Key Terms:

- a. Plyler
- b. undocumented
- c. alien
- d. nationality
- e. “unlawfully present”
- f. “Senate Bill 923”
- g. “SB 923”
- h. SB923
- i. “House Bill 4668”
- j. “HB 4668”
- k. HB4668

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited part 2 of this request to emails sent by the specified individuals. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means that both an individual’s response to an email and the initial received message are responsive to this request and should be produced.

3. Records reflecting any formal or informal directives (including informal email communications), guidance, assessments, reports, or analyses concerning the Supreme Court's decision in *Plyler v. Doe*.
4. Records reflecting any formal or informal directives (including informal email communications), guidance, assessments, reports, or analyses concerning efforts to track the citizenship status of public school students.

For all parts of this request, please provide all responsive records from May 1, 2022, through the date the search is conducted.

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the term "record" in its broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions. Our request includes any attachments to these records. **No category of material should be omitted from search, collection, and production.**

In addition, American Oversight insists that your office use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. American Oversight is available to work with you to craft appropriate search terms. **However, custodian searches are still required; governmental authorities may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

Please search all records regarding official business. **You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts.** Emails conducting government business sent or received on the personal account of a governmental authority's officer or employee constitutes a record for purposes of the Texas Public Information Act.¹

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

¹ Tex. Gov't Code § 552.002(a-2); see also *Adkisson v. Paxton*, 459 S.W.3d 761, 773 (Tex. App. 2015).

Please take appropriate steps to ensure that records responsive to this request are not deleted by your office before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your office can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

Fee Waiver Request

In accordance with Tex. Gov't Code § 552.267(a), American Oversight requests a waiver of fees associated with processing this request for records, because such a waiver “is in the public interest because providing the copy of the information primarily benefits the general public.” The requested records are directly related to the work of state officials, with the potential to shed light on whether officials have made efforts to deny state funding for the public education of undocumented students. This question is a subject of substantial public interest in Texas.² Accordingly, release of any responsive records may help the public understand the operations and activities of state officials and is therefore in the public interest.

Release of the requested records will primarily benefit the public.³ As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the requested records is not in American Oversight's financial interest, but is rather in the public interest. American Oversight is committed to transparency and makes the responses governmental authorities provide to public records requests publicly available. As noted, the subject of this request is a matter of public interest, and the public would benefit from an enhanced understanding of the government's activities through American Oversight's analysis and publication of these records. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes

² See, e.g., Josephine Lee, *Abbott Wants to deny Undocumented Kids a Public Education*, Texas Observer (Mar. 2, 2023, 10:45 AM), <https://www.texasobserver.org/abbott-wants-to-deny-undocumented-kids-a-public-education/>.

³ Tex. Gov't Code § 552.267(a).

materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.com.⁴

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through numerous substantive analyses posted to its website.⁵ Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records related to the organization’s investigations into misconduct and corruption in state governments;⁶ the posting of records related to the Trump Administration’s contacts with Ukraine and analyses of those contacts;⁷ posting records and editorial content about the federal government’s response to the Coronavirus pandemic;⁸ posting records received as part of American Oversight’s “Audit the Wall” project to gather and analyze information related to the administration’s proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;⁹ the posting of records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated regarding the Department’s process for issuing such waivers;¹⁰ and posting records and analysis of federal officials’ use of taxpayer dollars to charter private aircraft or use government planes for unofficial business.¹¹

⁴ American Oversight currently has approximately 16,000 followers on Facebook and 111,400 followers on Twitter.com. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Feb. 14, 2024); American Oversight (@weareoversight), Twitter.com, <https://twitter.com/weareoversight> (last visited Feb. 14, 2024).

⁵ *News*, American Oversight, <https://www.americanoversight.org/blog>.

⁶ *State Investigations*, American Oversight, <https://www.americanoversight.org/states>.

⁷ *Trump Administration’s Contacts with Ukraine*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-contacts-with-ukraine>.

⁸ *See generally The Trump Administration’s Response to Coronavirus*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-response-to-coronavirus>; *see, e.g., CDC Calendars from 2018 and 2019: Pandemic-Related Briefings and Meetings*, American Oversight, <https://www.americanoversight.org/cdc-calendars-from-2018-and-2019-pandemic-related-briefings-and-meetings>.

⁹ *See generally Audit the Wall*, American Oversight, <https://www.americanoversight.org/investigation/audit-the-wall>; *see, e.g., Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, American Oversight, <https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall>.

¹⁰ *DOJ Records Relating to Solicitor General Noel Francisco’s Recusal*, American Oversight, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, American Oversight, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

¹¹ *See generally Swamp Airlines: Chartered Jets at Taxpayer Expense*, American Oversight, <https://www.americanoversight.org/investigation/swamp-airlines-private-jets-taxpayer-expense>; *see, e.g., New Information on Pompeo’s 2017 Trips to His Home State*,

Accordingly, American Oversight qualifies for a fee waiver. If your office denies our request for a fee waiver, please notify American Oversight of any anticipated fees or costs in excess of \$40 prior to incurring such costs or fees.

Conclusion

We share a common mission to promote transparency in government. American Oversight looks forward to working with your office on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Elizabeth Haddix at records@americanoversight.org or 252.359.7424 ext. 1031. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

/s/ Elizabeth Haddix
Elizabeth Haddix
on behalf of
American Oversight

American Oversight, <https://www.americanoversight.org/new-information-on-pompeos-2017-trips-to-his-home-state>.

Subject: Prep

Location: Microsoft Teams Meeting

Start: Wednesday, October 18, 2023 1:30 PM EDT

End: Wednesday, October 18, 2023 2:00 PM EDT

Show Time As: Tentative

Recurrence: None

Meeting Status: Not yet responded

Organizer: Morath, Mike

Required Attendees: Harrington, Sarah <Sarah.Harrington@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Byer, Von <Von.Byer@tea.texas.gov>; madison.yandell@gov.texas.gov <madison.yandell@gov.texas.gov>

Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID:255 108 684 032

Passcode:3JrqFr

[Download Teams](#) | [Join on the web](#)

Or call in (audio only)

[+1 512-823-0733,,474819385#](#) United States, Austin

Phone Conference ID:474 819 385#

[Find a local number](#) | [Reset PIN](#)

[Learn More](#) | [Meeting options](#)

From: Angela Colmenero <Angela.Colmenero@gov.texas.gov>
Sent: Thursday, January 11, 2024 12:57 PM EST
To: Madison Yandell <madison.yandell@gov.texas.gov>; Byer, Von <Von.Byer@tea.texas.gov>
CC: Harrington, Sarah <Sarah.Harrington@tea.texas.gov>
Subject: Re: meeting

[EXTERNAL EMAIL]

Tomorrow works best for me. I'm available from 1-2 and then again beginning at 3. Thanks!

Get [Outlook for iOS](#)

From: Madison Yandell <madison.yandell@gov.texas.gov>
Sent: Thursday, January 11, 2024 10:19:56 AM
To: Byer, Von <Von.Byer@tea.texas.gov>; Angela Colmenero <Angela.Colmenero@gov.texas.gov>
Cc: Harrington, Sarah <Sarah.Harrington@tea.texas.gov>
Subject: Re: meeting

I'm free today 2-3 and 4-5 and all day tomorrow until 3:30.

Get [Outlook for iOS](#)

From: Byer, Von <Von.Byer@tea.texas.gov>
Sent: Thursday, January 11, 2024 10:17:48 AM
To: Madison Yandell <madison.yandell@gov.texas.gov>; Angela Colmenero <Angela.Colmenero@gov.texas.gov>
Cc: Harrington, Sarah <Sarah.Harrington@tea.texas.gov>
Subject: meeting

[EXTERNAL SENDER] - Do not click on links or open attachments in unexpected messages.

Hey all

Will you provide me some times when you both are available to discuss a rule issue.

Von

temporary residence to engage in or to accompany or join a parent, spouse, or guardian who engages in a fishing activity. (This provision currently applies only to Alaska.)

Migratory Agricultural Worker

Need to meet? Schedule through [my calendar](#).

In Service,



Matt Lashlee, PMP

Executive Director

Federal Compliance and Support



737-243-2230



Matt.Lashlee@TEA.Texas.gov



[Federal Program Compliance](#)

[Federal Fiscal Monitoring](#)

[Special Monitoring](#)

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From: Lashlee, Matt

Sent: Tuesday, March 28, 2023 10:49 AM

To: Green, Cory <Cory.Green@tea.texas.gov>

Subject: FW: MEP/Leg.

MEP website

<https://tea.texas.gov/finance-and-grants/grants/essa-program/title-i-part-c-education-of-migratory-children>

MEP one-pager

<https://tea.texas.gov/sites/default/files/meponepager.pdf>

This gives an overview of the program. The funding amounts need to be updated. For FY2023 that

amount was an estimate from USDE funding tables. The amount is \$22,789,662. For FY2024 it is \$23,060,028.

MEP Program Guide

<https://tea.texas.gov/sites/default/files/T1CProgramGuide.pdf>

For the undocumented language, this is from Office of Migrant Education (OME)

<https://results.ed.gov/idr-manual/article/appendix-i-legal-issues/access-to-services>

School Attendance Regardless of Civil Status (Plyler vs. Doe). The U.S. Supreme Court ruled 5-4 in the case of *Plyler vs. Doe*, 457 U.S. 202 (1982) that the State of Texas could not deny to undocumented immigrant students a free public education that other students enjoy (i.e., the Court ruled that these undocumented children have the same right to a free, public education as U.S. citizens and permanent residents). Faced with minor children who had entered the United States from Mexico illegally with their parents, the Supreme Court concluded that while Congress had the authority to act on issues involving the nation's immigration laws, it had not done so with regard to the eligibility of undocumented students to attend school. In the absence of any clear Congressional policy to the contrary, the Court therefore found that the Constitutional protections of due process and equal protection demanded that these children not be penalized because of the actions of their parents. As a result of this decision, public schools and school personnel are prohibited from adopting policies or taking actions that would deny such minor students access to education based on their immigration status. (The decision does not affect the right of school district officials to require adequate evidence that any student—including immigrant students— resides within the area that the school district serves.)

If you need explanation on any of these please let me know. The most valuable document will be the one-pager.



Didi Garcia

Assistant Division Director
State Director – MEP/SRSA/RLIS/USCO
Federal Program Compliance Division



512-463-9147



Didi.Garcia@TEA.Texas.gov



TEA.Texas.gov

From: Villarreal, Anita <Anita.Villarreal@tea.texas.gov>

Sent: Monday, March 27, 2023 5:27 PM

To: Lashlee, Matt <Matt.Lashlee@tea.texas.gov>; Garcia, Didi <Didi.Garcia@tea.texas.gov>

Subject: MEP/Leg.

Matt,

Didi, this is Matt's cell phone #737-243-2230 .

Good luck, let me know if I can be of assistance.

Thank you.
Anita



Anita Villarreal

Division Director

Federal Program Compliance Division



512-463-9244



Anita.Villarreal@TEA.Texas.gov



TEA.Texas.gov

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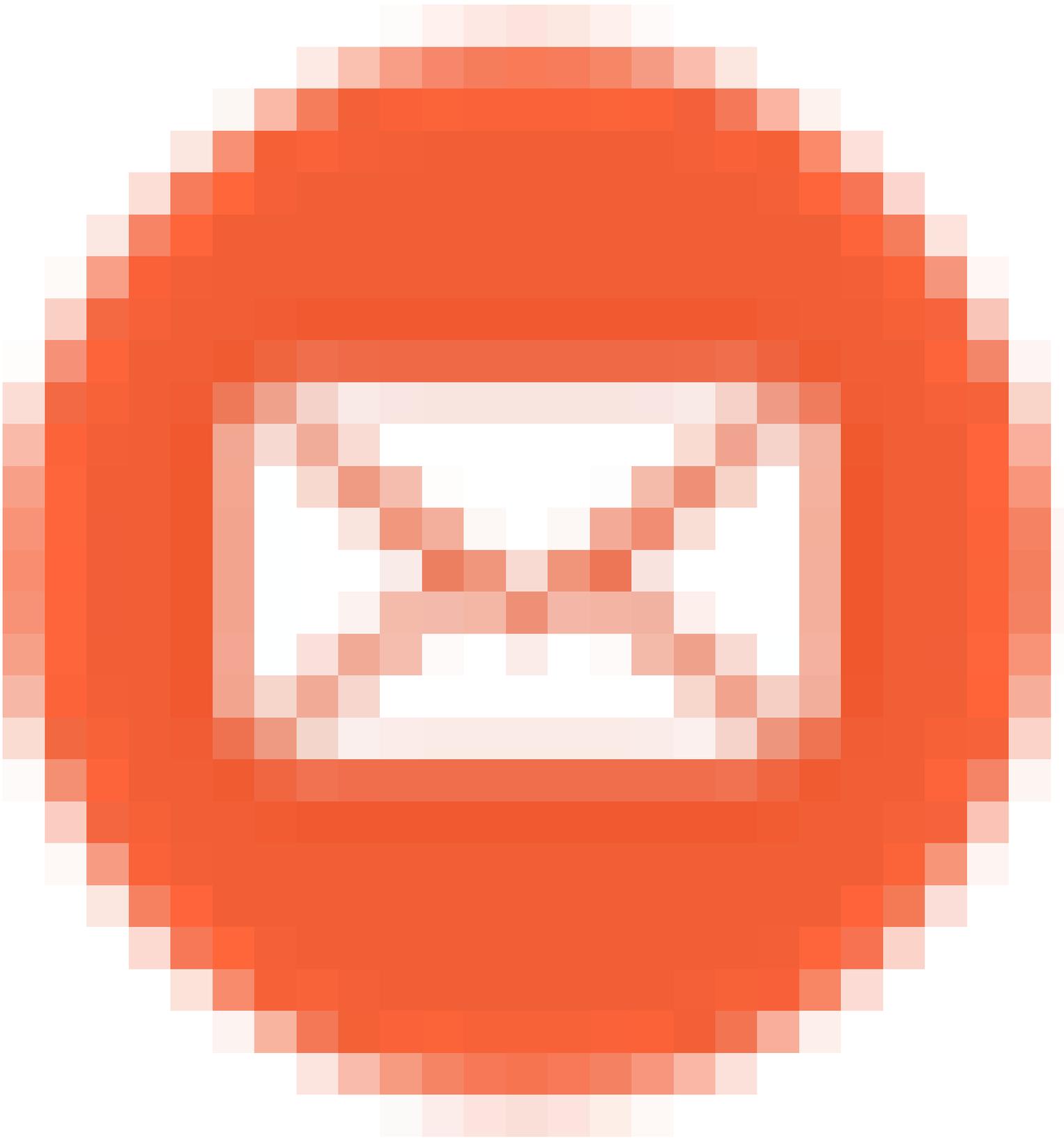














From: [IDRA](#)
To: [Green, Cory](#)
Subject: School Opening Alert - Immigrant Students' Rights to Attend Public Schools
Date: Thursday, August 10, 2023 12:07:07 PM

[EXTERNAL EMAIL]

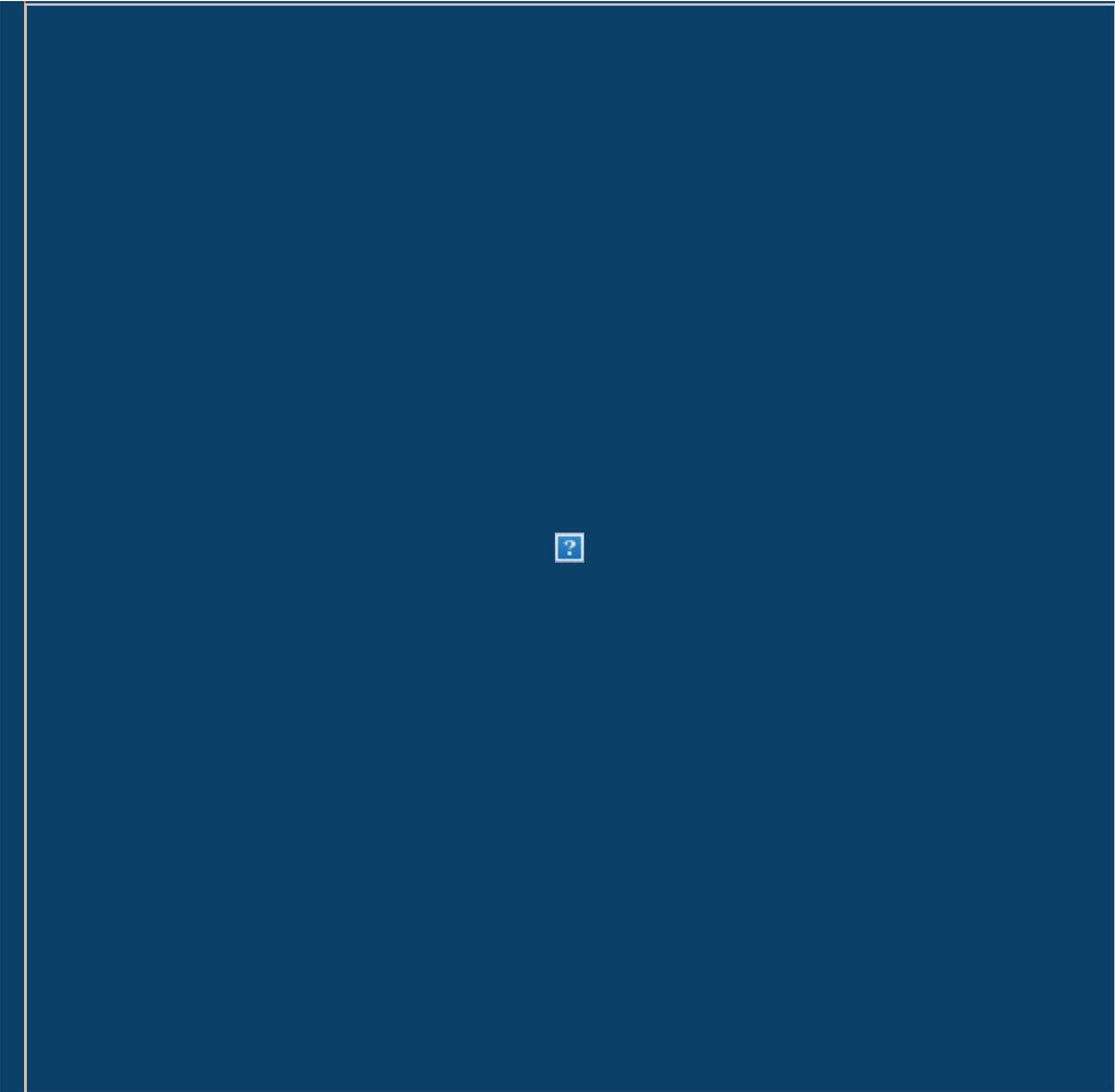
[View as Webpage](#) • August 10, 2023

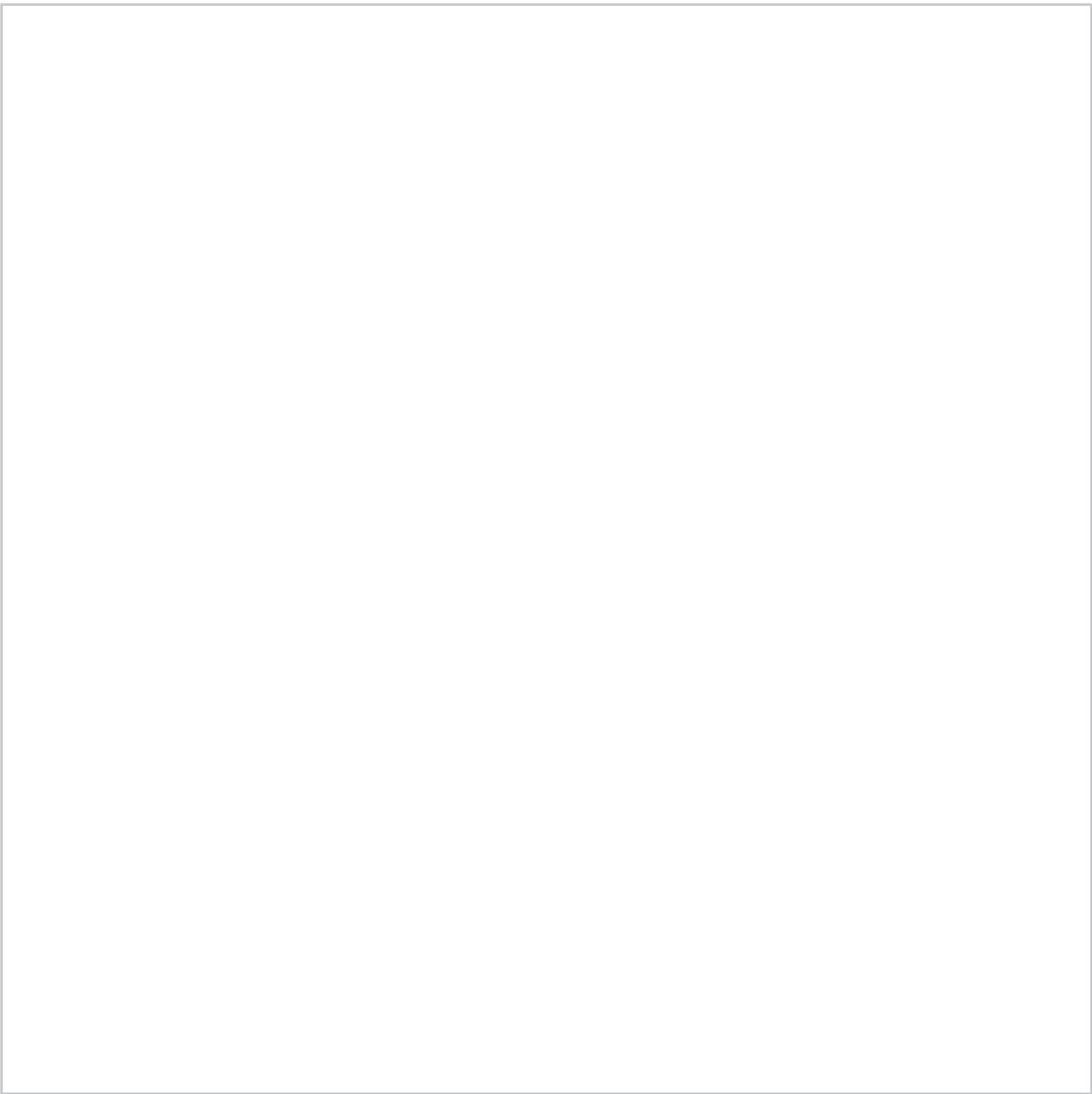




Immigrant Students' Rights to Attend Public Schools

School Opening Alert and Resources

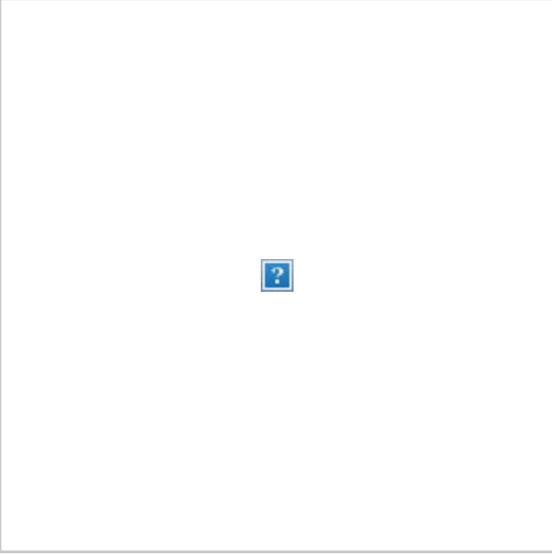




As this new school year begins, this alert is a reminder that public schools, by law, must serve all children.

See IDRA's [bilingual infographic: Welcoming Immigrant Students in School](#), which is also available as a poster. Other [free resources and tools](#) are available online.

Education of undocumented students is guaranteed by the *Plyler vs. Doe* decision, and certain procedures must be followed when registering immigrant children in school to avoid violation of their civil rights.



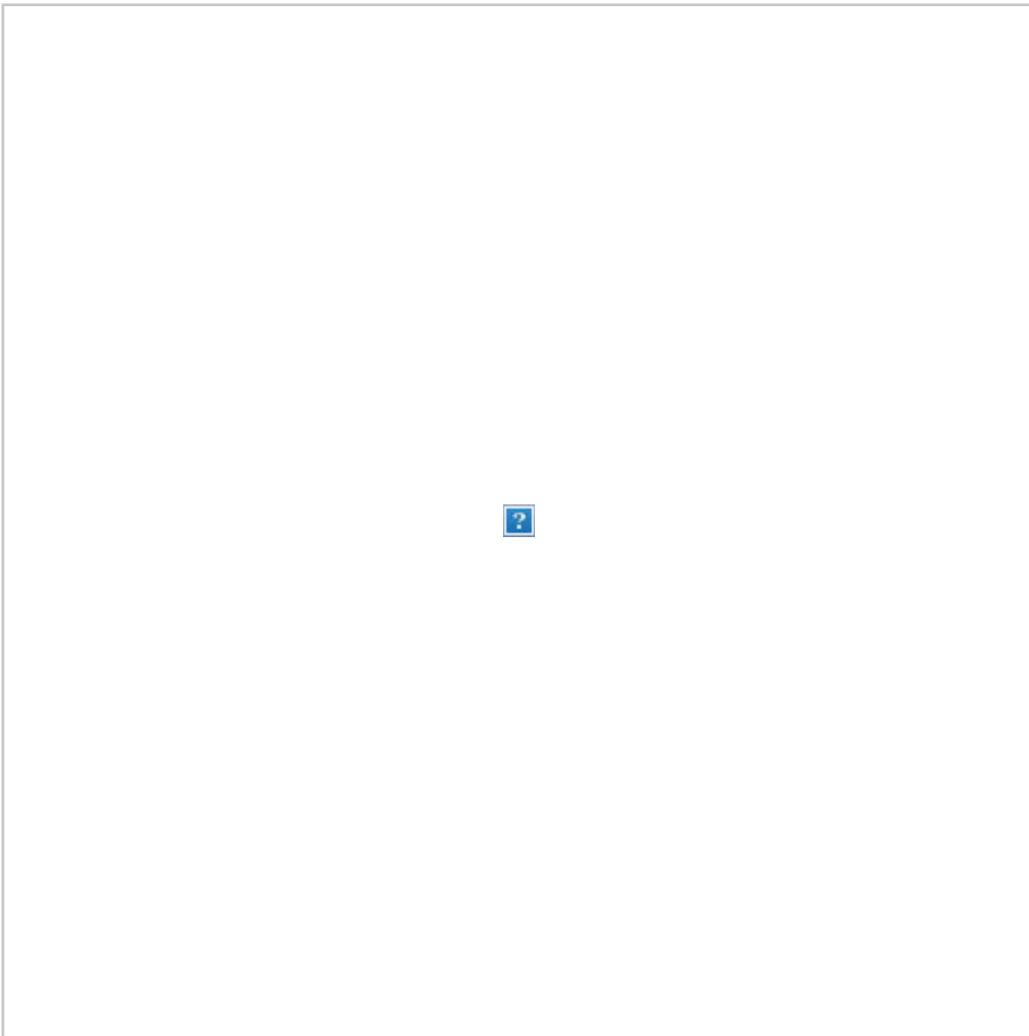
In *Plyler vs. Doe*, the U.S. Supreme Court ruled that children of undocumented workers and children who themselves are undocumented have the same right to attend public primary and secondary schools as do U.S. citizens and permanent residents. Like other students, children of undocumented workers in fact are required under state laws to attend school until they reach a mandated age.

School personnel - especially principals and those involved with student registration and enrollment - should be aware that they have no legal obligation to enforce U.S. immigration laws.

This decision is vital because practices that deny or discourage immigrant children and families from public schooling hurt children and families.

- Public schools may not deny admission to a student during initial enrollment or at any other time on the basis of undocumented status.
- Schools cannot treat a student differently to determine residency.
- Schools cannot engage in any practices to “chill” the right of access to school.
- Schools cannot require students or parents to disclose or document their immigration status.
- Schools cannot make inquiries of students or parents intended to expose their undocumented status.
- And schools cannot require social security numbers from all students, as this may expose undocumented status.

[Learn More About Plyler v Doe](#)



In June 2022, IDRA honored the 40th anniversary of the *Plyler v Doe* decision with a set of tools, including a video featuring Dr. Albert Cortez, who testified in one of the cases in Texas. He sat down with IDRA chief legal analyst, Paige Duggins-Clay, J.D., to discuss the history of the case, the plaintiffs, the arguments, and the impact of the U.S. Supreme Court ruling.

See 40th
Anniversary
Alert

Listen to
Podcast
Interview

Visit Our
Plyler v Doe
Webpage

Key Details for Schools

Schools should not use Social Security numbers for identification or registration purposes. For those schools that

do, it should be clear from the beginning that students who do not present a Social Security number will be assigned a number generated by the school.

While schools may request a birth certificate, they may not bar students from enrolling if they do not have a birth certificate. Adults without Social Security numbers who are applying for a free lunch and/or breakfast

program for a student need only state on the application that they do not have a Social Security number.

The *Family Education Rights and Privacy Act* **prohibits schools from providing any outside agency (including the U.S. Immigration and Customs Enforcement agency) with any information from a child's school file that would expose the student's undocumented status.** The only exception is if an agency gets a court order (subpoena) that parents can then challenge. Schools should note that even requesting such permission from parents might act to “chill” a student's *Plyler* rights.

The U.S. Department of Justice and the U.S. Department of Education in 2014 clarified the intent of the *Plyler* ruling in a letter advising school officials that **activities that deny or discourage students to attend school are unlawful.** The letter begins, “Under federal law, state and local educational agencies are required to provide all children with equal access to public education at the elementary and secondary level.”

At IDRA, we are working to strengthen schools to work for all children, families and communities. Help us make this goal a reality for every child; we simply cannot afford the alternatives. **Denying children of undocumented workers access to an education is unconstitutional and against the law.**

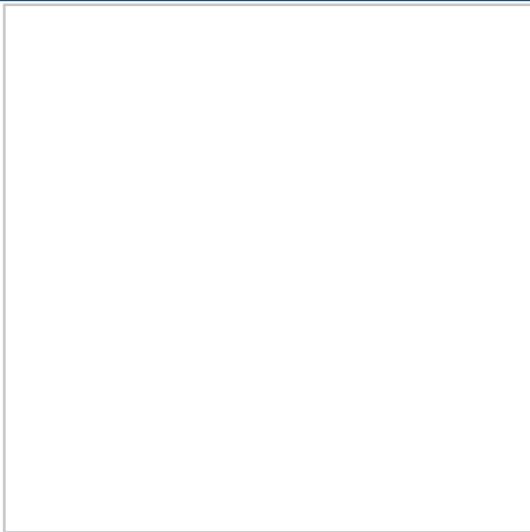
Visit IDRA's **Education of Immigrant Children webpage** for resources, including a copy of the letter from the U.S. Department of Justice and the U.S. Department of Education and state-level information on student enrollment in the U.S.

South.

Infographic

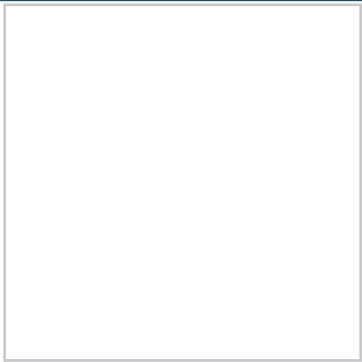


Useful Tools



See our updated eBook on Supporting Immigrant Students' Rights to Attend Public Schools with resources for schools and communities (English-Spanish).

[eBook](#)



Print our infographic on Welcoming Immigrant Students in School
- **available in poster size!**

[Infographic](#)

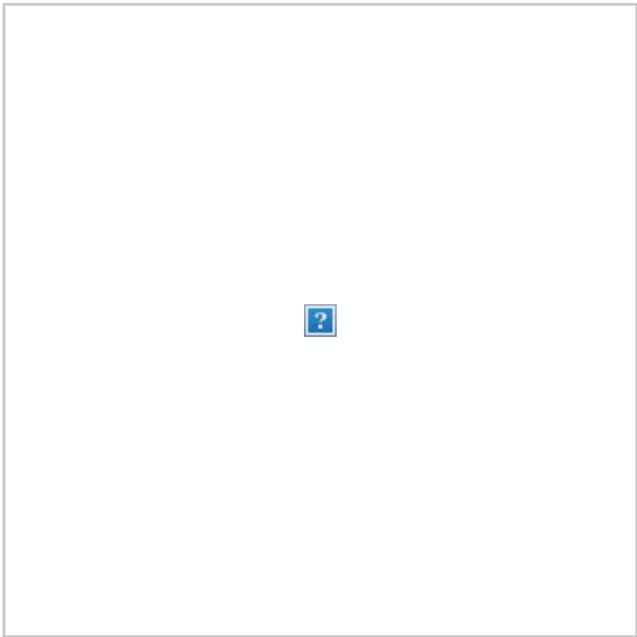
Free Webinars on Education for Immigrant Families

IDRA and the Consulate General of Mexico in San Antonio have been partnering to help Mexican and Mexican American families navigate the U.S. education system and learn about important educational opportunities in both countries.

IDRA's Ventanilla de Orientación Educativa (VOE) in San Antonio launched a portal with bilingual materials and videos for families.

Topics

* Rights of Immigrant Students



(PreK-12)

- * Navigating the U.S. K-12 Education System
- * College Financial Aid Opportunities for Immigrant Students
- * Adult & Community Education Opportunities in Spanish
- * Educational Opportunities in Mexico for Nationals Living in Both Countries

Watch VOE videos

Learn more about VOE

Follow the VOE - San Antonio on social media!



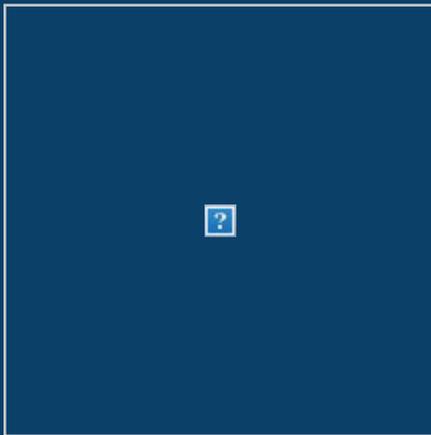
Services

Research

Pressroom

About Us

Website



Our mission is to achieve equal educational opportunity for every child through strong public schools that prepare all students to access and succeed in college.

Reach Out To Us



IDRA | 5815 Callaghan Road, Suite 101, San Antonio, TX 78228

[Unsubscribe cory.green@tea.texas.gov](mailto:cory.green@tea.texas.gov)

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Subject: TEA Monthly Superintendent's Briefing

Location: Zoom link below

Start: Thursday, March 23, 2023 4:00 PM EDT

End: Thursday, March 23, 2023 5:00 PM EDT

Show Time As: Tentative

Recurrence: None

Meeting Status: Not yet responded

Organizer: Morath, Mike

Required Attendees: Christman, Cari <Cari.Christman@tea.texas.gov>; Straub, Brooks <Brooks.Straub@tea.texas.gov>; Winkler, Andrea <Andrea.Winkler@tea.texas.gov>; Delgado, Alejandro <Alejandro.Delgado@tea.texas.gov>; LegeRequest <LegeRequest@tea.texas.gov>; Byer, Von <Von.Byer@tea.texas.gov>; Marin, Eric <Eric.Marin@tea.texas.gov>; Ramos, Andres <Andres.Ramos@tea.texas.gov>; Hodge, Andrew <Andrew.Hodge@tea.texas.gov>; Sydney.Mitchell@gov.texas.gov <Sydni.Mitchell@gov.texas.gov>; Hoyle, Damon <Damon.Hoyle@tea.texas.gov>; Hyatt, Laura <Laura.Hyatt@tea.texas.gov>; Chidsey, Jennifer <Jennifer.Chidsey@tea.texas.gov>; Young, Tracy <Tracy.Young@tea.texas.gov>; Scott, John <John.Scott@tea.texas.gov>; Lecholop, Steve <Steve.Lecholop@tea.texas.gov>

Optional Attendees: jeff.homan@instructionpartners.org <jeff.homan@instructionpartners.org>; Kansra, Megha <Megha.Kansra@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Harrington, Sarah <Sarah.Harrington@tea.texas.gov>; Bethany, Torrie <Torrie.Bethany@tea.texas.gov>; Kobersky, Jake <Jake.Kobersky@tea.texas.gov>; Fudge, Barney <William.Fudge@tea.texas.gov>; Oeser, Kelvey <Kelvey.Oeser@tea.texas.gov>; Schutte, Marian <Marian.Schutte@tea.texas.gov>; Denman, Lindsay <Lindsay.Denman@tea.texas.gov>; DeWitt, Christopher <Christopher.DeWitt@tea.texas.gov>; Barba, Michael <Michael.Barba@tea.texas.gov> <Michael.Barba@tea.texas.gov>; Martinez-Prather, Kathy E <km60@txstate.edu> <km60@txstate.edu>; john.hryhorchuk@texas2036.org <john.hryhorchuk@texas2036.org>; Parrish, Melody <Melody.Parrish@tea.texas.gov>; Hanson, Terri <Terri.Hanson@tea.texas.gov>; Simons, Leanne <Leanne.Simons@tea.texas.gov>; Franks, Brady <Brady.Franks@tea.texas.gov>; Jernigan, Ashley <Ashley.Jernigan@tea.texas.gov>; 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